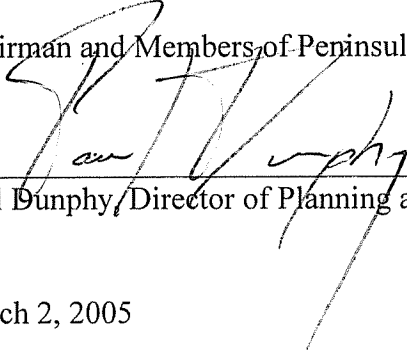


**Peninsula Community Council
March 6, 2006**

TO: Chairman and Members of Peninsula Community Council

SUBMITTED BY:



Paul Dunphy, Director of Planning and Development Services

DATE: March 2, 2005

SUBJECT: Petition regarding the "Canine Casbah" dog day care and in-home pet boarding business located at 6430 Oak Street in Halifax

INFORMATION REPORT

ORIGIN

This report is submitted in response to Status Sheet Item 9.2 which originates from a request at the regular Peninsula Community Council meeting on February 13, 2006.

BACKGROUND

At the regular meeting Peninsula Community Council on February 13, 2006, Council received a petition indicating support for the continued operation of a dog "day care" and in-home pet boarding business located at 6430 Oak Street in Halifax. This business is known as the "Canine Casbah". The petition also indicated support for an amendment to the Home Occupation provisions of the Land Use Bylaw to allow similar businesses to be operated in the Halifax Peninsula. The petition contained 234 signatures.

Council requested staff provide a report outlining the history of HRM's involvement with the existing business on this property.

DISCUSSION

Enforcement staff received a complaint about the operation of the business in question. The property is zoned R-2 General Residential Zone. Commercial activity on the property is only permitted pursuant to the Home Occupation provisions of the Halifax Peninsula Land Use By-law. Section 16B(11) of the by-law contains the following restriction:

“Without restricting the generality of the foregoing, the preparation and sale of food, the keeping of animals, adult entertainment uses, and taxi stands, shall be deemed not to be home occupations;”

The subsequent investigation into this complaint resulted in HRM issuing instructions to the property owner to cease the business at that location. Staff were flexible in establishing a deadline for compliance and the business activity was to have stopped by January 31, 2006. The business has continued to operate beyond this deadline and formal legal charges may now be filed against the property owner.

Upon being advised of the violation in the fall of 2005, the owner was informed that the only option to legalize the activity would be to change the zoning regulations. This process is initiated by either an application to the Planning and Development Department by the property owner, or through a resolution from Peninsula Council instructing staff to prepare the amendment. To date, an application has not been received from the owner and Council has not directed staff to undertake the process. Staff note that, as recently as February 13, 2006, the property owner indicated that it is her intent to apply for the amendment to the zoning by-law. Any amendment to the Home Occupation provisions of the by-law would not be specific to the property in question but would apply equally to all residential properties on the Peninsula.

The petition received by Council has been recorded and will be taken into account during the consideration of any future applications to amend the by-law.

BUDGET IMPLICATIONS

There are no implications on the Capital Budget associated with this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

- 1) Peninsula Community Council could instruct staff to prepare options for amending the by-law and present them for Council's consideration and direction;
- 2) Peninsula Community Council could instruct staff to amend the by-law to remove the prohibition against the keeping of animals as permitted home occupations; or
- 3) Staff will not initiate the process to amend the Home Occupation provisions of the by-law until a complete application is received from the property owner. This is the recommended alternative.

ATTACHMENTS

None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Steven Higgins - Planning and Development Coordinator (490-4422)