

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL MINUTES JANUARY 7, 2003

PRESENT:

Mayor Peter J. Kelly
Deputy Mayor McInroy
Councillors: Stephen Streach
Gary Hines
Keith Colwell
Ron Cooper
Condo Sarto
Bruce Hetherington
Jim Smith
John Cunningham
Dawn Sloane
Sue Uteck
Sheila Fougere
Russell Walker
Diana Whalen
Linda Mosher
Stephen D. Adams
Brad Johns
Robert P. Harvey
Len Goucher
Reg Rankin
Gary Meade

**ABSENT
WITH REGRETS:**

Councillors: Brian Warshick
Jerry Blumenthal

STAFF MEMBERS:

Mr. George McLellan, Chief Administrative Officer
Mr. Wayne Anstey, Municipal Solicitor
Ms. Jan Gibson, Deputy Municipal Clerk
Ms. Sherryll Murphy, Legislative Assistant

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1. **INVOCATION**

The meeting was called to order at 6:00 p.m. with Councillor Colwell leading the Invocation.

Following brief comments by Councillor Rankin, a moment of silence was observed in memory of former Deputy Mayor Larry Uteck.

Deputy Mayor McInroy reviewed the contributions made to this community, by Edmund Morris, former Mayor of Halifax, on a federal, provincial and municipal level. Council observed a moment of silence in memory of Mr. Morris.

Referring to the recent passing of Ches Hines, the taxi driver who had returned a digital camera to an American couple, Councillor Adams requested that a letter of condolence be forwarded from the Mayor's office to the family of Mr. Hines.

SPECIAL PRESENTATION - J.L. Ilsley High School Students

- (i) **Elias Fares**
- (ii) **James Beaton - Johnson**
- (iii) **Amy Trottier**

Councillor Adams, indicating his pleasure, invited Elias Fares, James Beaton-Johnson, and Amy Trottier, students of J. L. Ilsley High School, to come forward to receive their certificates.

Dr. George Iwana, Director General of the National Research Council, Institute for the Marine Biosciences, addressed Council briefly indicating his pleasure at being present this evening with these students and congratulating them on their innovative research project.

Mayor Peter Kelly and Councillor Stephen Adams presented a certificate of congratulations to Elias Fares, James Beaton-Johnson, Amy Trottier, on their research relating to the use of scallop shells to neutralize pollution.

2. **APPROVAL OF MINUTES - December 10 & 17, 2002**

Councillor Whalen, referring to the results of the vote on Item 8.1, Second Reading - By-law P-1000, Respecting On-Street Parking Policy, of December 10, 2002, noted that the minutes indicated that the vote was unanimous. Councillor Whalen advised that she had not voted in favour of the motion and requested that the minutes reflect the vote was not unanimous.

MOVED by Councillor McInroy, seconded by Councillor Sloane that minutes of Halifax Regional Council for December 10, 2002, as amended, and the December 17, 2002, as distributed, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

3. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

At the request of Councillor Adams, agenda item 10.3.1, Councillor Adams - Savings from School Closures, was moved up immediately following Motions of Rescission.

4. **BUSINESS ARISING OUT OF THE MINUTES** - NONE

5. **MOTIONS OF RECONSIDERATION** - NONE

6. **MOTIONS OF RESCISSION** - NONE

10.1 **MEMBERS OF COUNCIL**

10.1.1 **Councillor Adams - Savings from School Closures**

- It was agreed that this matter be dealt with at this time during the setting of the agenda.

MOVED by Councillor Adams, seconded by Councillor Hetherington that the School Board be requested to provide a report outlining the projected and the realized savings related to school closings which have occurred over the last five years.

MOTION PUT AND PASSED UNANIMOUSLY.

7. **CONSIDERATION OF DEFERRED BUSINESS**

7.1 **Motion - Councillor Fougere - Amendment to Administrative Order Number 15, to set permit fees relating to By-Law P-1000, Respecting On Street Parking**

- This matter was last considered by Council at the December 17, 2002 meeting of Regional Council at which time consideration of the matter was deferred to this meeting.
- A staff report dated December 16, 2002 prepared for George McLellan, Chief Administrative Officer, was before Council for consideration.

MOVED by Councillor Fougere, seconded by Councillor Goucher that Administrative Order 15 be amended to provide for the setting of permit fees relating to By-Law P-1000, Respecting On Street Parking.

Councillor Fougere addressed the motion indicating the intent of this motion is not to charge all commuters for parking on the street. Permit fees are an option in the Residential Parking By-law and the intent is to allow for a balance between those requiring on street parking and residents of the urban core of HRM.

A brief questioning of staff ensued.

Councillor Mosher, noting that she did not agree with the policy, suggested that this move would establish a two tiered system, one for residents and one for commuters. All members of the public have access to the streets and this should not change. The Councillor went on to express concern that a \$30 annual permit fee for residents was not enough, while the \$100 monthly permit fee for commuters was exorbitant.

MOVED by Councillor Mosher, seconded by Councillor Whalen that the annual permit fee for residents be \$120 and the monthly permit fee for non-residents be \$10.

After a further brief debate, it was **MOVED by Councillor Streach, seconded by Councillor Walker that consideration of this matter be referred to Committee of the Whole Council to allow for further discussion.**

A brief discussion ensued with Councillor Uteck, referring to the cost of off street parking at the hospitals and universities and to Councillor Mosher's amendment, requesting that staff address an equitable fee structure when this matter is next discussed by Council. The Councillor went on to indicate that she believed redefinition of some of the streets lines would be required in Area A and noted that she would be willing to work with staff in this regard.

Councillor Sarto requested that staff have available a map delineating Area C and D of the former City of Dartmouth for the Committee of the Whole Council.

The **MOTION TO REFER WAS PUT AND PASSED.** (Councillors Cooper, Hetherington and Harvey voted against the motion)

At this point Councillor Adams retired from the meeting.

8. PUBLIC HEARING

8.1 Second Reading - By-Law M-100, Standards for Residential Occupancies

- By-law M-100, Standards for Residential Occupancies was given First Reading at the December 17, 2002 meeting of Regional Council and was before Council for Second Reading. A staff report dated December 11, 2002 relating to this matter was previously circulated to members of Council. Correspondence dated January 6, 2003 from Elizabeth Publicover was distributed to Council.

Mr. Paul Dunphy, Director of Planning and Development Services, presented the proposed By-law to Council outlining the following key points:

- This By-law represents a harmonization of existing regulations
- Scope of the By-law - Applies to all residential buildings, owner occupied and rental, but does not apply to Commercial or Industrial Buildings
- Standards to which residential buildings must be maintained
- Unique standards for rooming houses
- License required to operate a rooming house
- Authority for HRM to carry out work to bring to minimum standard

Mr. Dunphy went on to note that enforcement will be complaint driven and that only in an imminent life safety/health risk will staff require immediate vacancy of the building. Mr. Dunphy went on to explain that a process presently exists with Provincial Social Services to place displaced residents in emergency housing.

Referring to the next steps, Mr. Dunphy noted that Administrative Orders relating to fee structure for the licensing of rooming houses and an amendment to the Dangerous and Unsightly Premises Committee mandate would be required.

A copy of Mr. Dunphy's presentation is on file.

Mr. Dunphy then responded to questions from members of Council. Councillors made the following points relative to the By-law:

- Ratio of one bathroom to every four persons required in a rooming house should be increased (one to five or six)
- Definition of waterproof finish appears restrictive and should be broadened
- Section 15.1 needs to be clarified to refer specifically to the main heating source
- Question of whether cottages/camps are to be subject to the By-law

Mr. Michael Burke, 2583 Poplar Street

Mr. Burke addressed Council indicating he was the Director of Hope Cottage and the Parochial Administrator at St. Patrick's Parish on Brunswick Street. He congratulated staff and Council on bringing this By-law forward and indicated that it was a good By-law. Addressing concerns relative to the By-law, Mr. Burke referred to Section 7.2.2 noting that 30 days to meet the requirement of an Order for such things as no heat or a plugged toilet was excessive. Referring to Section 30.3 (b) regarding vacating a building, Mr. Burke suggested that the onus be placed on the landlord to obtain alternative housing for displaced persons.

Mr. Burke went on to suggest that an anonymity provision be put in place to protect tenants who make complaints against their landlord. In conclusion, Mr. Burke thanked Council for the opportunity to present this evening and offered support and encouragement to Council to implement the proposed By-law. A copy of Mr. Burke's presentation is on file.

Ms. Patricia Richards, Community Co-ordinator, Community Action on Homelessness

Ms. Richards addressed Council thanking Council and staff for bringing forward By-law M-100. She went on to point out that those persons living in sub-standard or overcrowded conditions are considered to be homeless. Ms. Richards went on to indicate that this By-law is a welcome response to improving living conditions and the quality of life in HRM.

Ms. Richards' presentation included the following points:

- The definition of rooming/boarding house requires more clarity to address situations where a single family dwelling is used as a rooming/boarding house
- Suggestion that consideration be given to using a recently created research position as a 'housing worker' as is done in other jurisdictions
- Emphasis on the importance of all the stakeholders working together to resolve issues around displaced persons
- Concern regarding the complaint driven enforcement of the By-law, with a suggestion that this is not always the best method of enforcement
- Suggestion that not for profit agencies be given a mandate by HRM to administer affordable housing. HRM to purchase sub-standard or run down rooming houses and bring them up to standard
- HRM consider a 'Harm Reduction Model' and assist in providing a more effective method of housing people who are vulnerable in our community.

Concluding her presentation, Ms. Richards indicated that this By-law is a step toward improving housing conditions and quality of life in HRM. A copy of Ms. Richards presentation is on file.

Mr. Chris Crowell

Mr. Crowell distributed a written presentation to members of Council including pictures.

Mr. Crowell addressed Council noting that he was owner and manager of apartment building and rooming houses. Referring to the pictures contained within his written presentation, Mr. Crowell illustrated the type of improvements he has made to his rooming houses. He went on to indicate that if he could make these type of improvements, all landlords could. These improvements were made without rental increases that would bar those in need from having such a home.

Mr. Crowell went on to express concern with regard to the ratio of bathrooms to tenant required in rooming houses under the By-law. He noted that increasing the number of bathrooms would be costly and this cost would be translated to tenants in terms of the rental costs. Mr. Crowell noted that overall the By-law would require certain landlords to expend a great deal of money, which would result in increased costs to tenants who cannot afford increases. Mr. Crowell indicated that he was pleased that minimum standards would be enforced on a level playing field across HRM, however, he felt that additional time must be taken to consider the impact of the By-law. A copy of Mr. Crowell's presentation is on file.

Mr. Paul O'Hara, North End Community Health Centre

Mr. O'Hara addressed Council making the following points:

- The By-law does not appear to address the issue of the single family dwelling being used as a rooming/boarding house
- Speaking from a quality of life position, Mr. O'Hara encouraged Council to adopt a Harm Reduction policy
- The need for enforcement of the By-law is great and must happen
- HRM, as a community, has a responsibility to ensure that those that need housing have housing

Mr. Michael Keith, Halifax Anti Poverty Initiative

Mr. Keith addressed Council indicating that he believed, in essence, the By-law was a good By-law, however he believed it had not been completely thought through. Mr. Keith went on to pose the following questions:

- How many individual apartments and/or rooming/boarding houses would be impacted?
- How many people are estimated to be evicted or displaced?
- What course of action does HRM see for these displaced persons given the inadequate resources available?
- How does HRM plan to adapt to this increased demand?

Ms. Valerie Zinc, Halifax Anti Poverty Initiative

Ms. Zinc addressed Council asking what effort had been made to involve youth, one of the groups which will be impacted by this By-law, in the writing and planning of the By-law. She went on to point out that the implementation of the By-law will implicitly or explicitly threaten residents now living in slum conditions.

Ms. Cassandra Birch, Halifax Anti Poverty Initiative

Ms. Birch addressed Council indicating that she fundamentally agreed with the By-law. However, using her own experience, she noted that she presently lives in sub-standard housing and would be unable to afford the increase in rent which would result if the property were brought up to the minimum standards proposed. Ms. Birch indicated that rent controls must be put in place if the By-law is to be approved.

Mr. Rob Parker, Halifax Anti Poverty Initiative

Mr. Parker addressed Council noting that he lived in a rooming house which would not meet the proposed standards. He went on to indicate that the improvements required would cause a dramatic increase in the rent which he could not afford. He went on to urge that HRM look at a means of providing affordable housing. Mr. Parker expressed concern regarding what would happen to displaced tenants as a result of this By-law and noted that the shelters are struggling to handle those needing shelter today. Mr. Parker went on to suggest that there needs to be some flexibility around certain of the standards (i.e. size of cupboard). In conclusion, Mr. Parker expressed concern regarding the lack of definition for "health risk" as it appeared in the By-law.

Ms. Anna Hunter, Halifax Anti Poverty Initiative

Ms. Hunter, noting that on a fundamental level she agreed with the By-law, expressed concern with what would happen to those people displaced as a result of enforcement of the By-law. She went on to propose the following amendment:

Where the Municipality chooses to terminate a residence in accordance with By-law M-100 or changes made to a given residence lead to a significant increase in rent, resulting in the eviction or displacement of lower income tenants, HRM will secure suitable housing for those persons displaced by By-law M-100 by committing financially to supported housing managed by community organizations working in the area of housing and homelessness in the HRM.

Ms. Hunter indicated that shelters and hotels were not the answer and that the community groups working within HRM would be very pleased to work with HRM to provide long term, affordable and decent housing.

Mr. Benjamin Shannon, Halifax Anti Poverty Initiative

Mr. Shannon suggested that the By-law may create a conundrum for HRM whereby requiring housing meet a certain standard, they force the very people they are attempting to help, to the street. Mr. Shannon suggested that further research and discussion of this issue must be undertaken before the By-law is approved. He went on to urge Council to put pressure on the Provincial Government to put in place a plan to address the provision of affordable housing.

His Worship called three times for additional speakers. Hearing none it was **MOVED by Councillor Hetherington, seconded by Councillor Sloane that the public hearing close. MOTION PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Sloane, seconded by Councillor Hetherington that Halifax Regional Council adopt By-law M - 100 as set out in the December 1, 2002 staff report and further repeal the provisions of existing Municipal By-laws which deal with minimum standards and rooming/lodging houses.

Councillor Smith rose to recognize Ms. Maureen MacDonald, MLA and Mr. Howard Epstein, MLA seated in the gallery this evening.

Referring to the comments made by the presenters this evening, Councillor Streach suggested that it would be irresponsible for Council to approve this By-law at this time.

MOVED by Councillor Streach, seconded by Deputy Mayor McInroy that this matter be referred back to staff to re-evaluate the implications of the By-law and further that they consult with the people who spoke at the public hearing regarding their comments.

A debate with regard to the referral ensued, with Councillors making the following points in favour of referral:

- A number of valid questions had been posed this evening and more information is required
- It appears there is a desire for a rooming house By-law, however, the proposed By-law seems to be an overly intrusive regulation dealing with all residential uses
- An action plan for displaced persons is required

Councillors made the following points against the referral:

- This By-law has been a long time coming and it is time to act
- Although HRM recognizes the issues around availability of affordable housing, its mandate is to ensure that homes meet minimum requirements

His Worship called for the vote on the motion to refer with the following results:

In favour: Deputy Mayor McInroy and Councillors Streach, Hines, Sarto, Cunningham, Uteck, Fougere, Whalen, Mosher, and Johns. (10)

Against: Deputy Mayor McInroy and Councillors Colwell, Cooper, Hetherington, Smith, Sloane, Walker, Harvey, Goucher, Rankin, and Meade. (11)

The MOTION TO REFER WAS PUT AND DEFEATED.

At this point in the meeting Council recessed for a short break.

Council reconvened with all the same members being present.

A debate regarding the main motion ensued and it was **MOVED by Councillor Streach, seconded by Councillor Sloane that the definition of Residential Occupancy be amended to include the words “but does not include hunting camps, cottages or other similar seasonal residences”.** **MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.**

MOVED by Councillor Smith, seconded by Councillor Sloane that Section 7 (5) be amended to read:

Where an owner fails to comply with the requirements of an Order within thirty (30) days after service, the Inspector shall enter upon the property and carry out the work specified in the Order within thirty (30) days. Extensions beyond 60 days may be granted by the Dangerous and Unsightly Premises Committee.

A short debate ensued and the **MOTION TO AMEND WAS PUT AND DEFEATED**. (Deputy Mayor McInroy and Councillors Hines, Smith, Cunningham and Sloane voted in favour of the Motion. Councillor Johns was not present for the vote.)

MOVED by Councillor Uteck, seconded by Councillor Sloane that Section 21 (e) be amended as follows: “*provide at least one bathroom for every six occupants or less*”.

MOTION TO AMEND WAS PUT AND PASSED UNANIMOUSLY.

MOVED by Councillor Sloane, seconded by Councillor Streach that the motion be amended by deleting subsections b and c of Section 26 (1).

Following a brief explanation by staff, this **MOTION TO AMEND WAS WITHDRAWN**.

MOVED by Councillor Cunningham, seconded by Councillor Johns that the motion be amended to provide that By-law M-100 not apply to owner occupied R-1 and R-2 residences. **MOTION TO AMEND WAS PUT AND DEFEATED**. (Councillors Cunningham and Johns voted in favour of the motion.)

MOVED by Councillor Hetherington, seconded by Councillor Sloane that the definition of Waterproof Finish be amended as follows: “*Waterproof Finish*” means *ceramic, plastic, sheet vinyl, laminated linoleum or other material rendering a surface material impermeable to water*”. **MOTION PUT AND PASSED UNANIMOUSLY.**

His Worship called for the vote on the main motion, as amended. The **MOTION, AS AMENDED, WAS PUT AND PASSED**. (Councillors Cunningham and Johns voted against the motion).

9. CORRESPONDENCE, PETITIONS & DELEGATIONS

9.1 Correspondence - None

9.2 Petitions - None

9.3 Presentation

9.3.1 Halifax Regional Water Commission Annual Report

- The Sixth Annual Report, March 31, 2002 of the Halifax Water Commission was before Council for consideration.

Following introductory comments by Ms. Cheryl Newcombe, Chair of the Halifax Regional Water Commission Board, Mr. Carl Yates, General Manager, gave a brief presentation of the Annual Report including the following key points:

- Financial Position of Halifax Regional Water Commission
- Multiple Barrier Approach to Water Quality
- The Year in Review
- Future Direction

A copy of Mr. Yates presentation is on file.

MOVED by Councillor Streach, seconded by Councillor Sloane that this report be forwarded to staff for review and comment.

After a brief discussion, the **MOTION PUT AND PASSED UNANIMOUSLY.**

14. ADJOURNMENT

As it was 10:00 p.m., the Chair asked if Council wished to extend the meeting.

MOVED by Councillor Sloane, seconded by Councillor Cunningham that the meeting be extended by fifteen (15) minutes.

The Mayor called for the question with the following results:

In Favour: Mayor Peter Kelly and Councillors Smith, Cunningham, Sloane, Uteck, Fougere, Mosher, Johns, Harvey, and Goucher (10)

Against: Councillors Streach, Hines, Colwell, Cooper, McInroy, Hetherington, Whalen, Rankin and Meade. (9)

MOTION PUT AND PASSED.

Noting that a two thirds majority of Council was required to extend the meeting, the Mayor declared the meeting adjourned.

Consideration of the following items was deferred to the January 14, 2003 meeting of Regional Council:

10.1.1 The Barrens, Bedford

10.2.1 Permanent Encroachment - Building Permit Application #037214

11.1 Councillor Harvey

“To adopt as a policy pursuant to the Municipal Government Act Administrative Order Number 31, the Corporate Records and Information Management Administrative Order, the purpose of which is to establish a record classification and retention system for Halifax Regional Municipality and to establish best practices and procedures for dealing with the entire life-cycle of municipal records.”

11.2 Councillor Cooper

“To adopt as a policy pursuant to the Municipal Government Act, Administrative Order Number 32, the By-Law Development Administrative Order, the purpose of which is to establish a procedure to be followed by HRM staff in the development of new and the consolidation and amending of current by-laws.”

11.3 Councillor Smith

“To introduce a motion to amend By-Law P-1000 Respecting On Street Parking to provide for a fee exemption of the residential parking exemption fee to those residents who have existing exemption permits in Areas C and D.”

12. **ADDED ITEMS** - None

13. **NOTICES OF MOTION** - None

Deputy Municipal Clerk