



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

## Item No. 6

**Halifax Regional Council**  
**October 28, 2008**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** M.E. Donovan  
M.E. Donovan, Director Legal Services & Risk Management

**DATE:** October 24, 2008

**SUBJECT:** **Legislative Approval Update**  
**Provincial and Municipal Land Transactions**

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### INFORMATION REPORT

#### ORIGIN

Halifax Regional Council's June 24, 2008 request for an amendment to the *Municipal Government Act* granting Council the *discretion* to convey a portion of the Halifax Common to the Province of Nova Scotia with the request to be forwarded to the Province of Nova Scotia for consideration for the Fall 2008 sitting of the House of Assembly.

## **BACKGROUND**

At the June 24, 2008 meeting of Regional Council, Council passed a motion requesting an amendment to the *MUNICIPAL GOVERNMENT ACT* that would permit HRM to convey that part of the Commons currently occupied by the Queen Elizabeth High School to the Province of Nova Scotia.

The legislation request made by Council addressed three specific issues:

1. It granted Council the ability to convey the property to the Province “upon such terms and conditions as the Council may determine”;
2. It required that the property be used for a hospital to which the *Hospitals Act* applies, and stipulated that should it no longer be used for that purpose, it was to revert to the Municipality; and
3. It granted Council the ability to determine what portion of the property would be conveyed, and the amount, if any, that would be paid therefor.

This legislative request was conveyed to the Minister of Service Nova Scotia and Municipal Relations by letter from the Mayor, dated June 25, 2008. A reply was received on July 10, 2008, that the Province was amenable to similar legislation that would reflect the intent of the agreement between Council and the Province for the land transaction, but that the language would not be identical.

## **DISCUSSION**

Staff has received a draft of the legislation now being proposed by the Province. This would not be an amendment to the *MUNICIPAL GOVERNMENT ACT*, but would be a government bill. The draft legislation grants Council the ability to convey the property to the Province “upon such terms and conditions as the Council of the Municipality may determine”.

This legislation will apply to Municipally-owned lands situated in Halifax in the block bordered by Robie Street, Bell Road, Summer Street and Veterans Memorial Lane.

While the draft legislation does not mirror the request originally made by Council, it does give Council the discretion to negotiate any terms and conditions on the sale of the property that it feels are necessary. Concerns regarding usage and reversion of the property may be dealt with in any subsequent Agreement.

It is staff’s opinion that the draft legislation will allow Council to meet its objectives with respect to this property.

## **BUDGET IMPLICATIONS**

None at this time.

## **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.

## **ATTACHMENTS**

N/A

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : M.E. Donovan, Director, Legal Services & Risk Management, 490-4226



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