



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10.1.5**  
**Halifax Regional Council**  
**March 31, 2009**

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

**SUBMITTED BY:**

A handwritten signature in dark ink, appearing to read "Dan English".

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Dan English, Chief Administrative Officer

A handwritten signature in dark ink, appearing to read "Wayne Anstey".

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Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** March 6, 2009

**SUBJECT:** **Sanitary Sewer Line Upgrade (Local Improvement Charge):**  
**2046-2068 Brunswick St., Halifax**

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**ORIGIN**

Request from property owners.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Approve in principle and begin the process for the adoption of Local Improvement By-law L-129 attached hereto as Attachment 1, to set the charges for an upgrade and subsequent take-over by Halifax Water of a sanitary sewer line located at 2046 to 2068 Brunswick St., Halifax, attached hereto as Attachment 1, and set a date for a Public Hearing;
2. Subject to the approval of By-law L-129, authorize Halifax Water to be the contracting agency for required upgrades of the system prior to take-over by Halifax Water.
3. Approve in principle the Project Budget for the upgrade and take-over of the sanitary sewer line at 2046 to 2068 Brunswick St., Halifax, in the amount of \$205,000 gross, including net HST, to be funded from a Local Improvement Charge.

## **BACKGROUND**

Residential properties known as the “Twelve Apostles” located at 2046 to 2068 Brunswick St., Halifax are row housing built in the early 1900s, each with individual ownership but with a common private sanitary sewer line located in the rear yards of the properties. The common sewer line is likely outdated clay tile pipe and there is evidence that it has partially collapsed in places, causing problems with drains and toilets inside some of the houses. There is, however, no indication of a public health risk.

As a private sewer line, responsibility for correcting these problems rests with the property owners. However, the owners approached HRM and Halifax Water to explore whether an alternative solution is available. It was proposed to have Halifax Water upgrade (including replacing) the sewer line and take over its ownership and future maintenance. The cost of the upgrade, about \$205,000, would be borne by property owners and financed through a Local Improvement Charge (LIC). Halifax Water has indicated that if the project proceeds, it will also install new water lines in order to improve service to the 12 properties, at no charge to the owners.

It is Halifax Water policy to have piped storm drainage systems installed as part of sanitary sewer extension projects. However, upon review of the specifics of this project, Halifax Water determined that a local piped storm drainage system is not required as the Twelve Apostles building does not have subsurface foundation drainage and its roof drains are discharged to the ground surface.

## **DISCUSSION**

The proposal to upgrade the sanitary sewer line was discussed at a neighbourhood meeting held Sept 17, 2008 where 10 of the 12 properties were represented. There was consensus at that meeting that this approach should be followed and that the cost should be shared on a per lot basis. Further analysis of the configuration of piped services for these properties resulted in Halifax Water offering to install a new water line while the sewer upgrade project was underway, to improve service to its customers and take advantage of open trenching. This additional information was communicated to the owners, both at a meeting and in a survey. The survey results are presented in Table 1. A large majority of the property owners were in favour of the upgrade proposal.

**Table 1 Summary of Survey of Property Owners 2048 to 2064 Brunswick St.**

	Total	Yes	No	No Response
By Parcel	12	8 ( 67%)	1 (8%)	3 (25%)
By Owner*	9	6 (67%)	1 (11%)	2 (22%)

\*Note: Some property owners own more than one property.

The entire sewer line proposed to be upgraded is currently located on private property and typically, the LIC process is used for public systems. However, the request is to have Halifax Water undertake the upgrade and subsequently assume ownership and future maintenance of the sewer line. The line would then effectively become part of the public system. The LIC process provides owners with a mechanism to finance the project, and also ensures all parties participate in the project. Without an LIC By-law amendment, it may be more difficult for the property owners to negotiate a solution among themselves. While not usual, the LIC process is an appropriate way to resolve the sewer problems experienced here.

### **Implications for property owners**

To undertake this project, easements will need to be acquired across all 12 properties as well as an abutting property. The project costs are estimated under the assumption that easements from the 12 Apostles property owners will be available at nominal cost. All property owners would share in any additional costs arising from negotiating easements. Halifax Water will be responsible for this component of the project.

### **Planning and Heritage Implications**

These properties are already serviced with piped sewer and water lines and therefore the upgrade will not, in itself, change their use or development potential. Therefore, there are no planning implications of the proposal. The Twelve Apostles are registered as municipal heritage properties. Upgrading of the sewer line will not change the physical appearance of the buildings and therefore will affect the heritage value of these properties.

### **Conclusion**

Owners of the Twelve Apostles requested that Halifax Water upgrade a sanitary sewer line serving these properties, with financing provided by a Local Improvement Charge. A subsequent survey confirms that the majority of owners are in favour of the proposal. While the line is now private, once the project is completed it will be taken over and maintained by Halifax Water. It is therefore appropriate to use an LIC process to finance this project.

### **BUDGET IMPLICATIONS**

As the cost of the sanitary sewer upgrades would be borne entirely by the property owners, there are no budget implications resulting from this project.

### **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**

Regional Council could refuse to adopt a Local Improvement Charge to finance the upgrade of the sewer line. This would leave resolution of the sewer servicing problem to the property owners involved. This alternative is not recommended.

**ATTACHMENTS**

Map 1: 2046 - 2068 Brunswick St

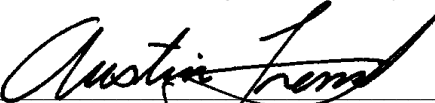
Attachment 1 - LIC By-Law L-129

Attachment 2 - Letter to Owners, Nov. 21, 2008

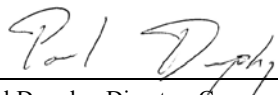
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Fred Wendt, Planner, Regional/Community Planning, Community Development, 490-3971


Report Approved by:

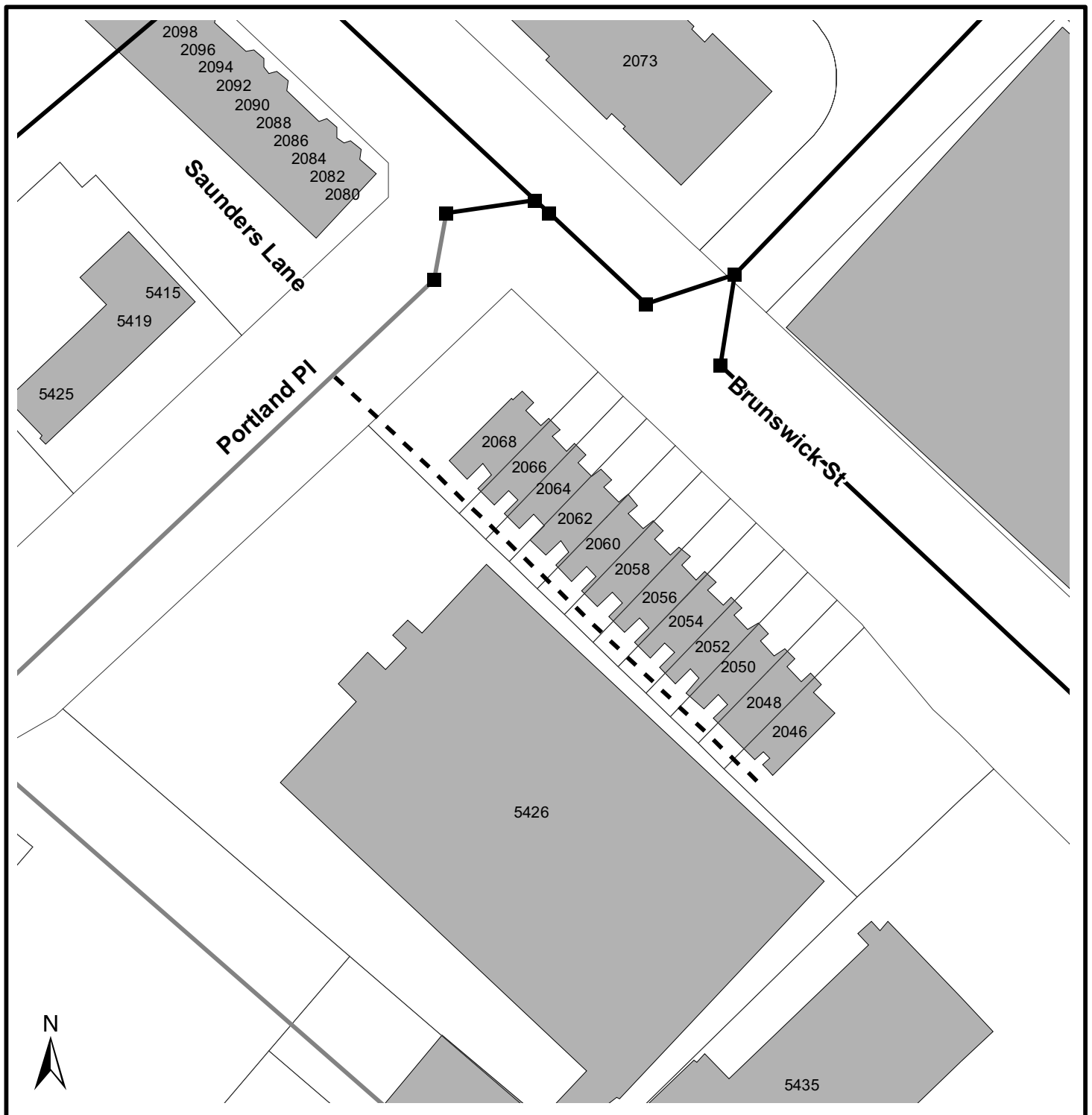
  
Austin French, Manager, Planning Services, Community Development, 490-6717

Report Approved by:

  
Paul Dunphy, Director, Community Development

Report Approved by:

  
Catherine Sanderson, Sr. Manager, Financial Services, 490-1562



## Sewer Upgrade 2046-2068 Brunswick Street

**HALIFAX**  
REGIONAL MUNICIPALITY  
COMMUNITY DEVELOPMENT  
PLANNING SERVICES

- Sanitary Manhole
- Building
- Combined Sewer Pipe
- - - Sanitary Sewer Pipe

- - - - Proposed Sanitary  
Sewer Upgrade

0 12.5 25 50 75 100  
Feet

This map is an unofficial reproduction of a portion of the Halifax Main Plan area.

HRM does not guarantee the accuracy of any representation on this plan.

Halifax Main Plan Areas

February 12, 2009

file: /work/planning/Holly/External\_Requests/Brunswick\_St.pdf

## Attachment 1

HALIFAX REGIONAL MUNICIPALITY  
BY-LAW NUMBER L-129  
RESPECTING CHARGES FOR LOCAL IMPROVEMENT PROJECTS

Be It Enacted that Council for the Halifax Regional Municipality that the By-Law L-100, the Local Improvement By-Law, be amended as follows:

1. Schedule "A" of By-Law L-100 is amended by adding the following:
  - (a) The Twelve Apostles Sewer Upgrade is a project to undertake upgrading and replacement of an existing private sewer line located at 2046 to 2068 Brunswick Street, Halifax.
  - (b) The estimated cost for the Upgrade is \$205,000.00 and will be funded by a Local Improvement Charges levied on the 12 properties located at 2046 to 2068 Brunswick St. for a interim charge of \$17,083.33 per lot.
  - (c) Final lot charge will be calculated following completion of the work, based on the actual cost of the project.

Done and passed by Council on this                      day of                      , 2009.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

I, Julia Horncastle, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on                      , 2009.

\_\_\_\_\_  
Julia Horncastle, Municipal Clerk

November 21, 2008

«Owner1»  
«Street»  
«City» «Prov» «PC»

Dear Property Owner:

**Re: Property «PID\_Number»**

Halifax Regional Municipality (HRM) and Halifax Regional Water Commission (Halifax Water) have been approached by the owners at **2046 - 2068 Brunswick Street** to explore solutions to sanitary sewer servicing problems being experienced at some of these properties. Staff from Halifax Water and HRM met with tenants and owners on September 17, 2008 to discuss available options, and again on November 5 to review additional information. The purpose of this letter is to ask you whether you are in favour of the proposal to upgrade the common sanitary sewer line along the rear of these properties.

Although property owners could correct the problem on their own, it was proposed that Halifax Water would upgrade or replace the existing common sanitary sewer line and take over ownership and maintenance of the line. Halifax Water's involvement would be contingent upon all property owners agreeing to provide the necessary easement at nominal cost. The cost of this undertaking is estimated at \$205,000 or about \$17,084 per property. This cost would be recovered from property owners through a Local Improvement Charge (LIC) which forms a lien on the property. Local Improvement Projects for Sewer are payable over a 20-year period, with the first instalment due 90 days after the billing date. Instalments are due on the anniversary date of the original billing. The outstanding balance may also be paid in full at any time if the owner so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's Bankers Prime Rate of Interest at the time the project is approved by Halifax Regional Council. (A sample schedule of payments showing the principle and interest payment over 20 years is attached. If you require further information regarding this, please contact Rose Preston at 490-4197.) If the project proceeds as an LIC project, Halifax Water have indicated it will install, at its own expense, a water line and meter to each property deemed to require a new service.

To help Regional Council determine whether it should proceed with this project, please complete the enclosed survey to indicate your preference. Once I receive the responses, I will prepare a report to Regional Council regarding the results of the survey. If Council approves the

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November 21, 2008

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project, HRM will start the formal process for adopting the By-Law to set an interim rate of \$17,084 per property for the sewer project. Halifax Water will prepare a tender call for construction work when the By-Law is approved. The final LIC rate will be based on the actual cost of the project. If you need any information or have any questions relating to this project, please do not hesitate to contact me.

Yours truly




Fred Wendt, Planner  
Regional and Community Planning

cb/FW

Enc. Sample Payment Schedule  
LIC Survey

cc Councillor Dawn Sloane  
David Ellis, Halifax Water



No.	PID Number	Owner1	Street	City	Prov	PC
1	00154039			Halifax	NS	
2	00154047; 00154088; 00154104			Halifax	NS	
3	00154054			Dartmouth	NS	
4	00154062			Abbotsford	BC	
5	00154070; 00154112			Halifax	NS	
6	00154096			Halifax	NS	
7	00154120			Halifax	NS	
8	00154138			Halifax	NS	
9	00154146			Halifax	NS	

### **Sewer servicing project: 2046 to 2068 Brunswick St, Halifax**

Halifax Regional Municipality (HRM) and Halifax Regional Water Commission (Halifax Water) were approached by property owners from 2046-2068 Brunswick St to investigate a solution to sanitary sewer servicing problems being experienced at some of these properties.

It is proposed that Halifax Water replace the existing sewer line with a new sanitary sewer and take over ownership and maintenance of these services through an appropriate easement over each property. The entire cost of the sanitary sewer upgrade, estimated to be approximately \$205,000.00, would be charged in equal portions to each property through a Local Improvement Charge (LIC). The LIC requires a Bylaw amendment to be approved by Regional Council which sets the charge in the form of a lien on each property. The estimated price is contingent upon property owners agreeing to provide an easement at nominal cost. The LIC Bylaw would establish an interim charge of \$17,084 per property with the final cost to property owners determined once the project is completed. If the sanitary sewer upgrade proceeds as an LIC project, Halifax Water has indicated it will, at its own expense, install water lines and meters to properties where required.

Are you in favour of this proposal?

Yes                      No                      (Circle one)

Name of Property Owner(s) \_\_\_\_\_

Civic Address of Property(s) owned \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please return by December 8, 2008 to:**

Fred Wendt, Planner

By Mail: Regional and Community Planning, Halifax Regional Municipality, PO Box 1749,  
Halifax, NS B3J 3A5

By Hand: Regional and Community Planning, 2<sup>nd</sup> Floor, 40 Alderney Dr., Dartmouth, NS

By Fax: (902) 490-3976

By email: [wendtf@halifax.ca](mailto:wendtf@halifax.ca)

# Local Improvement Charge Sample Payment Schedule Nov 20, 2008

**Project Name:** 12 Apostles Sanitary Sewer

**Principal:** \$205,000 (ESTIMATED - Final Cost to be determined upon project completion)

**Interest Rate (Prime +2%):** 8.00% (ESTIMATED - Interest rate will be determined upon project completion)

**Number of Properties:** 12

Installment #	Year	Per Property Charge		
		Principal	Interest	Total
1	2009	\$854.17	\$0.00	\$854.17
2	2010	\$854.17	\$1,298.33	\$2,152.50
3	2011	\$854.17	\$1,230.00	\$2,084.17
4	2012	\$854.17	\$1,161.67	\$2,015.83
5	2013	\$854.17	\$1,093.33	\$1,947.50
6	2014	\$854.17	\$1,025.00	\$1,879.17
7	2015	\$854.17	\$956.67	\$1,810.83
8	2016	\$854.17	\$888.33	\$1,742.50
9	2017	\$854.17	\$820.00	\$1,674.17
10	2018	\$854.17	\$751.67	\$1,605.83
11	2019	\$854.17	\$683.33	\$1,537.50
12	2020	\$854.17	\$615.00	\$1,469.17
13	2021	\$854.17	\$546.67	\$1,400.83
14	2022	\$854.17	\$478.33	\$1,332.50
15	2023	\$854.17	\$410.00	\$1,264.17
16	2024	\$854.17	\$341.67	\$1,195.83
17	2025	\$854.17	\$273.33	\$1,127.50
18	2026	\$854.17	\$205.00	\$1,059.17
19	2027	\$854.17	\$136.67	\$990.83
20	2028	\$854.17	\$68.33	\$922.50
Totals:		\$17,083.33	\$12,983.33	\$30,066.67
Average Annual:		\$854.17	\$649.17	\$1,503.33