



Item No. 10.1.2
Halifax Regional Council
February 12, 2013

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: January 29, 2013

SUBJECT: **Road Maintenance Fee for South West Grand Lake Property Owners Association**

ORIGIN

On January 26, 2010, Regional Council approved amending Administrative Order 45 by adding Schedule 4 to permit the implementation of private road maintenance fees to be collected on the tax billings of all properties which must be accessed via Kings Road in Wellington.

On November 23, 2012, staff received notification from the South West Grand Lake Property Owners Association that some properties now met the criteria for a different fee within the existing fee schedule.

LEGISLATIVE AUTHORITY

- Charter section 104 (1) The Council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for (g) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred (i) by the Municipality, or (ii) under an agreement between the Municipality and a person;
- By-Law P-1100 Respecting Charges for Private Road Maintenance
- Administrative Order 45 Respecting Private Road Maintenance

RECOMMENDATION

It is recommended that Halifax Regional Council approve amending Schedule 4 of Administrative Order 45 as indicated in Appendix A of this report and approve the revised Schedule 4 included in Appendix C.

BACKGROUND

On January 16, 2007, Regional Council approved the Private Road Maintenance Costs Recovery Policy. The purpose of this Policy is to provide owners of property accessed by private roads with the use of area rates or uniform charges to collect the funds required to maintain private roads.

Kings Road is located just off of Hwy #2 in the community of Wellington in District 1. Kings Road and other private roads which branch off from Kings Road are maintained by the South West Grand Lake Property Owners Association (SWGLPOA). The private roads maintained by the Association are: Kings Road, Alben Lane, Twilight Lane, Sleepy Cove Road, and Turtle Cove Road. Canal Cays Drive and Keegan Lane also branch off of Kings Road but are not maintained by the Association. However, the owners of property on those two roads are required to pay a fee for the maintenance of Kings Road as they must travel it to access their properties.

The Association funds road maintenance expenses through annual fees collected from the owners of each of the 113 properties which must be accessed via Kings Road. The fees vary from \$0 to \$1,020 depending on which road the property is located, whether the property is vacant or has a residence on it, whether the property is occupied on a seasonal or year-round basis, or whether a property owner owns a second property which is vacant. For example, if a property owner owns a property with a residence, and a second property which is vacant, no fee is charged on the second property. The schedule of fees was developed over a number of years as the result of discussions between the property owners. HRM staff were not involved in the development of the fee schedule. A Schedule of Annual Uniform Charges with criteria to determine which fee amount applies to a property is included as Appendix B to this report.

On January 26, 2010, Regional Council approved amending Administrative Order 45 by adding Schedule 4 to permit implementation of the Schedule of Annual Uniform Charges to collect private road maintenance fees on the tax billings of all properties which must be accessed via Kings Road in Wellington.

DISCUSSION

On November 23, 2012, staff received e-mail notification from the Association that, effective 2013-14, some properties should be switched to a different fee within the Schedule of Annual Uniform Charges because they now met different criteria within the Schedule. This is permitted as per the following sentence under Section 2 of Schedule 4 of Administrative Order 45 which states "If the criteria applicable to a property changes such that another Area is indicated for the property other than the Area it is included in, then that property will become part of the Area for which it meets the criteria, and the appropriate Flat Area Rate Charge will apply." The e-mail from the Association is not attached with this report because it includes the names of individual property owners. The following table indicates by PID# number and address which properties are being moved from one fee area to another.

PID#	Address	Current Area	New Area
41294000	86 Sleepy Cove	Area 1 (\$1.00)	Area 9 (\$395.00)
41211491	321 Kings Rd	Area 1 (\$1.00)	Area 6 (\$300.00)
00503797	9 Alben Lane	Area 2 (\$125.00)	Area 10 (\$400.00)
41266974	381 Kings Rd	Area 1 (\$1.00)	Area 4 (\$175.00)
00503565	41 Alben Lane	Area 7 (\$325.00)	Area 10 (\$400.00)
41125923	Lot #12, Kings Rd	Area 4 (\$175.00)	Area 1 (\$1.00)
00503680	Kings Road	Area 5 (\$285.00)	Area 1 (\$1.00)
00568766	Grand Lake, Lot TC-1	Area 1 (\$1.00)	Area 5 (\$285.00)
41078213	Alben Lane, Lot 1-B	Area 1 (\$1.00)	Area 2 (\$125.00)

Appendix A indicates the proposed changes to Schedule 4 of Administrative Order 45. Revised Schedule 4 is attached as Appendix C.

Schedule 4 indicates which fee applies to which property. Properties are identified by PID number. Therefore, Schedule 4 must be changed in order to switch properties from one fee area to another. While changes to an Administrative Order Schedule require Council approval, a public hearing is not required. Notice of Motion is required at least 7 days in advance of Council approval.

Section 2(6) of By-law P-1100 states that "Area Rates or Uniform Charges imposed pursuant to the provisions of this by-law may be adjusted by Council upon application from the Property Owner's Association". Therefore, a formal vote of the homeowners is not required.

FINANCIAL IMPLICATIONS

The uniform charges would take effect in the 2013-14 fiscal year. As all funding is from the uniform charges (ie. no transfers from the general tax rate), there would be no impact on the HRM General Operating Budget at any time in the future.

COMMUNITY ENGAGEMENT

As explained in the Discussion section of this report, public consultation (including a public hearing) is not required. The Association will be communicating the changes in writing to the individual property owners affected.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the Recommendation in this report.

ALTERNATIVES

Council could decide not to approve the requested changes to Schedule 4 of Administrative Order 45. This is not recommended because it would result in an inequitable situation whereby

properties meeting the same criteria pay different fees.

ATTACHMENTS

Appendix A: Proposed Changes to Schedule 4 of Administrative Order 45

Appendix B: Schedule of Annual Uniform Charges

Appendix C: Amended Schedule 4 of Administrative Order 45

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: Gordon Roussel, Senior Financial Consultant, Finance & ICT, 490-6468

Report Approved by: _____
Bruce Fisher, Manager, Financial Policy & Planning, 490-4493

Financial & Report Approval by: _____
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

**Appendix A
(Amending Administrative Order 45)**

**Halifax Regional Municipality
ADMINISTRATIVE ORDER NUMBER 45
Respecting Private Road Maintenance**

BE IT ENACTED by the Council of the Halifax Regional Municipality that Administrative Order 45, Respecting Private Road Maintenance, is further amended as follows:

1. Area 1 of section 1 of Schedule 4 is amended by:
 - (a) striking out the “568766,” after the number “503789,” and before the number “569103,”;
 - (b) striking out the number “41078213” after number “4102694” and before the number “41142159”;
 - (c) striking out the number “41211491” after the number “41142159” and before the number “41266966”;
 - (d) striking out the number “41266974” after the word “and” and before the period;
 - (e) adding the number “41125923,” after the number “41142159” and before the number “41266966”;
 - (f) adding the number “503680,” after the word “numbers” and before the number “503755”;
 - (g) striking the word and comma “, and” after the number “41266966” and before the period; and
 - (h) adding the word “and” after the struck number 41211491 and before the number “41266966,”.

2. Area 2 of section 1 of Schedule 4 is amended by:
 - (a) striking out the number “503797,” after the word “numbers” and before the word “and”; and
 - (b) adding the number “41078213,” after the word “numbers” and before the word “and”.

3. Area 4 of section 1 of Schedule 4 is amended by:
 - (a) striking out the number “41125923,” after the word “and” and before the period; and
 - (b) adding the number “41266974” after the word “and” and before the period

4. Area 5 of section 1 of Schedule 4 is amended by:
 - (a) striking out the number “503680,” after the word “numbers” and before the number “569251”; and

- (b) adding the numbers "568766," after the word "numbers" and before the number "569251".
5. Area 6 is amended by adding the number "41211491," after the number "41037052," and before the word "and" and the number "41211509".
 6. Area 7 of section 1 of Schedule 4 is amended by striking out the number "503565," after the word "numbers" and before the number "503656,".
 7. Area 9 is amended by adding the number "41294000," after the number "40480055," and before the word "and".
 8. Area 10 is amended by adding the numbers "00503565, 00503797," after the number "40872046," and before the word "and".

Appendix B

Schedule of Annual Uniform Charges

Annual Fee	Criteria
\$1.00	Vacant land where the owner is paying a fee on another property under this fee schedule, or has a legal exemption.
\$125.00	Vacant or seasonal use property from and including 54 Kings Rd up to but not including 112 Kings Rd., or vacant land on Alben Lane or Canal Cays Drive.
\$150.00	Year round use property on Canal Cays Drive, or from and including 54 Kings Rd up to but not including 112 Kings Rd., with the exception of the property located at 81 Kings Rd (this property is a two unit apartment building).
\$175.00	Vacant or seasonal use property located on Keegan Lane, or from and including 112 Kings Rd up to but not including 515 Kings Rd .
\$285.00	Property located at 515 or 521 Kings Rd which is used seasonally with winter access, or vacant land located beyond 521 Kings Rd to the end of Kings Rd, or on Sleepy Cove Road, Turtle Cove Road, or Twilight Lane.
\$300.00	Year round use property located on Keegan Lane, 81 Kings Rd (this property is a two unit apartment building), or from and including 112 Kings Rd up to but not including 515 Kings Rd.
\$325.00	Seasonal use property located on Alben Lane.
\$375.00	Seasonal use property with winter access located on Alben Lane.
\$395.00	Seasonal use property located beyond 521 Kings Rd to the end of Kings Rd, or on Sleepy Cove Road, Turtle Cove Road, or Twilight Lane.
\$400.00	Year round use property on Alben Lane.
\$895.00	Seasonal use property with winter access located beyond 521 Kings Rd to the end of Kings Rd, or on Sleepy Cove Road, Turtle Cove Road, or Twilight Lane.
\$1,020.00	Year round use property located beyond 521 Kings Rd to the end of Kings Rd, or on Sleepy Cove Road, Turtle Cove Road, or Twilight Lane.

This Schedule is a summary of Section 2 of Schedule 4 of Administrative Order 45 and is only provided for ease of reference. Where there is a discrepancy between this Schedule and Administrative Order 45, the latter shall prevail.

Appendix C
(Incorporating proposed changes)

Halifax Regional Municipality
ADMINISTRATIVE ORDER NUMBER 45
Respecting Private Road Maintenance

Schedule 4

1. Area Rate charges for properties located on Kings Road, Wellington, or located on private roads in Wellington accessed from Kings Road, shall be as identified in the following areas:

Area 1. A Flat Area Rate Charge of no more than \$1.00 annually shall be applied to the following properties in Area 1 which must be accessed by Kings Road, Wellington: PID numbers 503680, 503755, 503789, 569103, 40574394, 40621807, 40621815, 40669798, 40695132, 40699803, 40800088, 40813438, 40818692, 40818734, 41026956, 41026964, 41142159, 41125923, and 41266966.

Area 2. A Flat Area Rate Charge of no more than \$125.00 annually shall be applied to the following properties in Area 2 which must be accessed by Kings Road, Wellington: PID numbers 41078213 and 40551178.

Area 3. A Flat Area Rate Charge of no more than \$150.00 annually shall be applied to the following properties in Area 3 which must be accessed by Kings Road, Wellington: PID numbers 503524, 503573, 503631, 503664, 503771, 40383630, 40383648, 40392623, 40392631, 40392649, 40392656, 40607269, 40695603, and 40852089.

Area 4. A Flat Area Rate Charge of no more than \$175.00 annually shall be applied to the following properties in Area 4 which must be accessed by Kings Road, Wellington: PID numbers 503581, 569194, 40301434, 40304289, 40377228, 40455123, 40784795, 40885337 and 41266974.

Area 5. A Flat Area Rate Charge of no more than \$285.00 annually shall be applied to the following properties in Area 5 which must be accessed by Kings Road, Wellington: PID numbers 568766, 569251, 40364036, 40480063, 40704165, 40766347, and 40766370.

Area 6. A Flat Area Rate Charge of no more than \$300.00 annually shall be applied to the following properties in Area 6 which must be accessed by Kings Road, Wellington: PID numbers 503599, 503607, 503615, 503698, 503847, 503870, 568790, 568865, 568931, 569087, 40151334, 40301251, 40304271, 40304297, 40304305, 40304313, 40304321, 40455115, 40455149, 40455156, 40533275, 40576001, 40608523, 40620296, 40688285, 40695553, 40705089,

40742785, 40761421, 40784787, 40800625, 40852071, 40885345, 41037052, 41211491, and 41211509.

Area 7. A Flat Area Rate Charge of no more than \$325.00 annually shall be applied to the following properties in Area 7 which must be accessed by Kings Road, Wellington: PID numbers 503656, and 503706.

Area 8. A Flat Area Rate Charge of no more than \$375.00 annually shall be applied to the following property in Area 8 which must be accessed by Kings Road, Wellington: PID number 40589178.

Area 9. A Flat Area Rate Charge of no more than \$395.00 annually shall be applied to the following properties in Area 9 which must be accessed by Kings Road, Wellington: PID numbers 40068348, 40068355, 40068371, 40068389, 40255150, 40480055, 41294000, and 40585523.

Area 10. A Flat Area Rate Charge of no more than \$400.00 annually shall be applied to the following properties in Area 10 which must be accessed by Kings Road, Wellington: PID numbers 503722, 503805, 40607277, 40872046, 00503565, 00503797, and 41078205.

Area 11. A Flat Area Rate Charge of no more than \$895.00 annually shall be applied to the following properties in Area 11 which must be accessed by Kings Road, Wellington: PID numbers 40364028, and 40574386.

Area 12. A Flat Area Rate Charge of no more than \$1,020.00 annually shall be applied to the following properties in Area 12 which must be accessed by Kings Road, Wellington: PID numbers 568410, 40068363, 40068397, 40068405, 40068413, and 40480071.

2. The Area and therefore the Flat Area Rate Charge applicable to a property will be determined in accordance with the following criteria:

If the property is vacant, and the owner owns property in any of the other Areas, or if the property is otherwise legally exempt from a Flat Area Rate Charge, then it will be included in Area 1 and the applicable Flat Area Rate Charge will be no more than \$1.00 annually;

If the property is vacant or is used on a seasonal basis and located from and including civic number 54 up to but not including 112 on Kings Road, or is vacant property on Alben Lane or Canal Cays Drive, then it will be included in Area 2 and the applicable Flat Area Rate Charge will be no more than \$125.00 annually;

If the property is used year round and located on Canal Cays Drive, or from and including civic number 54 up to but not including 112 on Kings Road, then, with the exception of the property located at civic number 81 on Kings Road, it will be

included in Area 3 and the applicable Flat Area Rate Charge will be no more than \$150.00 annually;

If the property is vacant or is used on a seasonal basis and located on Keegan Lane or from and including civic number 112 up to but not including 515 on Kings Road, then it will be included in Area 4 and the applicable Flat Area Rate Charge will be no more than \$175.00 annually;

If the property is located at 515 or 521 Kings Road and is used seasonally with winter access, or if the property is vacant and located beyond civic number 521 on Kings Road to the end of Kings Road, or on Sleepy Cove Road, Turtle Cove Road, or Twilight Lane, then it will be included in Area 5 and the applicable Flat Area Rate Charge will be no more than \$285.00 annually;

If the property is used year round and located on Keegan Lane or from and including civic number 112 up to but not including 515 on Kings Road, or at civic number 81 on Kings Road, then it will be included in Area 6 and the applicable Flat Area Rate Charge will be no more than \$300.00 annually;

If the property is located on Alben Lane and used on a seasonal basis, then it will be included in Area 7 and the applicable Flat Area Rate Charge will be no more than \$325.00 annually;

If the property is located on Alben Lane and used on a seasonal basis with winter access, then it will be included in Area 8 and the applicable Flat Area Rate Charge will be no more than \$375.00 annually;

If the property is used on a seasonal basis and is located beyond civic number 521 on Kings Road to the end of Kings Road, or on Sleepy Cove Road, Turtle Cove Road, or Twilight Lane, then it will be included in Area 9 and the applicable Flat Area Rate Charge will be no more than \$395.00 annually;

If the property is located on Alben Lane and used on a year round basis, then it will be included in Area 10 and the applicable Flat Area Rate Charge will be no more than \$400.00 annually;

If the property is used seasonally with winter access and is located beyond civic number 521 on Kings Road to the end of Kings Road, or on Sleepy Cove Road, Turtle Cove Road or Twilight Lane, then it will be included in Area 11 and the applicable Flat Area Rate Charge will be no more than \$895.00 annually;

If the property is used year round and is located beyond civic number 521 on Kings Road to the end of Kings Road, or on Sleepy Cove Road, Turtle Cove Road or Twilight Lane, then it will be included in Area 12 and the applicable Flat Area Rate Charge will be no more than \$1,020.00 annually.

These criteria will apply to any existing and new properties which become subject to a Flat Area Rate Charge under this Schedule. If the criteria applicable to a property changes such that another Area is indicated for the property other than the Area it is included in, then that property will become part of the Area for which it meets the criteria, and the appropriate Flat Area Rate Charge will apply.

The Charges collected under this By-Law shall be used by the South West Grand Lake Property Owners Association for the maintenance of the following private roads located within Wellington: Kings Road, Alben Lane, Twilight Lane, Sleepy Cove Road, and Turtle Cove Road, and shall include culverts, retaining walls, sidewalks, curbs and gutters that are associated with the roads. Road maintenance includes all work required to maintain the road in a serviceable condition year round and may include snow removal, grading, ditch and culvert and bridge repair and brush clearing.