

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.2.2**  
**Halifax Regional Council**  
**June 16, 2015**

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

Original Signed

**SUBMITTED BY:** Councillor Steve Craig, Chair, North West Community Council

**DATE:** June 9, 2015

**SUBJECT:** Uniform Charge for Frame Subdivision Homeowners' Association

## ORIGIN

May 25, 2015 meeting of North West Community Council, Item No. 10.1.1

## LEGISLATIVE AUTHORITY

Section 25(c) of the Halifax Regional Municipality Charter sets out the powers and duties of Community Council to include "recommending to the Council appropriate by-laws, regulations, controls and development standards for the community

## RECOMMENDATION

It is recommended by North West Community Council that Halifax Regional Council authorize the approval of an annual uniform charge of \$45.00 to be applied against each of the residential properties within the mapped area depicted in Appendix A of the staff report dated May 12, 2015 commencing with the 2015-16 fiscal year for the purpose of funding neighbourhood improvement programs, recreation development, and social activities in the Frame Subdivision Homeowners' Association.

### **BACKGROUND**

A staff report dated May 12, 2015 pertaining to a proposed uniform charge for the Frame Subdivision Homeowners' Association for the purpose of funding neighborhood improvement programs, recreation development, and social activities was before North West Community Council at its meeting held on May 25, 2015.

For further information, please refer to the attached staff report dated May 12, 2015.

### **DISCUSSION**

North West Community Council reviewed this matter at its meeting held on May 25, 2015 and forwarded the recommendation for the consideration of Regional Council as outlined in this report.

### **FINANCIAL IMPLICATIONS**

As outlined in the staff report dated May 12, 2015

### **COMMUNITY ENGAGEMENT**

All meetings of North West Community Council are open to the public. The agenda and reports are provided online in advance of the meeting.

### **ENVIRONMENTAL IMPLICATIONS**

Not applicable.

### **ALTERNATIVES**

North West Community Council did not discuss alternatives.

### **ATTACHMENTS**

1. Staff report dated May 12, 2015

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Liam MacSween, Legislative Assistant, 902.490.6521

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**Attachment 1**  
**North West Community Council**  
**May 25, 2015**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:**

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Greg Keefe, Director of Finance & ICT/CFO

**DATE:** May 12, 2015

**SUBJECT:** Uniform Charge for Frame Subdivision Homeowners' Association

**ORIGIN**

Interim Area Rate Guidelines were adopted by Council in January 2000 to create a process to assist communities establish new area rates or uniform charges, and to ensure that all taxpayers have an opportunity to participate in setting a rate. The Guidelines are also intended to ensure that rates are set only for valid municipal purposes and not for services already covered by the general tax rate.

On November 18, 2014, Regional Council approved three new taxation classifications for recreation and community facilities. These classifications will be used to determine if a proposed new area rate or uniform charge is appropriate based on whether or not the new service or facility would otherwise be provided by the municipality, and the extent to which the public would have access to it.

The purpose of this report is to determine if the proposed area rate is in compliance with the taxation classifications for recreation and community facilities and, if so, verify that the Interim Area Rate Guidelines have been satisfied thus far with regard to a proposed new uniform charge for the Frame Subdivision Homeowners' Association.

**LEGISLATIVE AUTHORITY**

- Charter section 96 (1) The Council may spend money in an area, or for the benefit of an area, for any purpose for which the Municipality may expend funds or borrow.
- Charter section 96 (4) The Council may, in lieu of levying an area rate, levy a uniform charge on each (a) taxable property assessment; (b) dwelling unit, in the area.

**RECOMMENDATION**

It is recommended that North West Community Council recommend to Regional Council that:

An annual uniform charge of \$45.00 be approved to be applied against each of the residential properties within the mapped area depicted in Appendix A of this report commencing with the 2015-16 fiscal year for the purpose of funding neighbourhood improvement programs, recreation development, and social activities in the Frame Subdivision Homeowners' Association.

## **BACKGROUND**

Frame subdivision is located in the community of Waverley in District 1. The Frame Subdivision Homeowners' Association (FSHA) is a non-profit neighbourhood volunteer group which has been incorporated under the Societies Act and registered with the Registry of Joint Stock Companies since February 1979. The Association is engaged in neighbourhood improvement programs, recreation development, and social activities for all residents of Frame subdivision to enjoy.

It is proposed that the uniform charge of \$45.00 per residential property would commence in 2015-16 and be on-going.

## **DISCUSSION**

### **Recreation & Community Facilities Taxation Classification**

On November 18, 2014, Regional Council approved three new taxation categories for recreation and community facilities.

1. Municipal Recreational Facilities are those that support recreational services that would otherwise be provided by the municipality. Such organizations are accountable to Halifax for their municipal outcomes and must be fully accessible to the public. *Tax Status:* Facility, lease and operating costs for the building and property shall be funded through the general tax rate. Where the facility is owned by the Municipality, the general tax rate will pay for all debt and capital costs for the property including repairs and maintenance.

2. Community Facilities and Services are those that support the community but would not otherwise be provided by the municipality. *Tax Status:* These are not general rated but may be area rated if (a) not in competition with municipal services, and (b) fully accessible to the public.

3. Private Infrastructure are facilities and infrastructure that support private organizations or interests, including payment of what would otherwise be membership fees, and are unavailable to the public that are outside the immediate area. *Tax Status:* These shall not be general or area rated. Area rates that currently exist for such organizations may continue.

The proposed community amenities and activities of the FSHA would not be in competition with similar HRM facilities or services. Also, access to the public will not be restricted. Therefore, it would qualify as a Community Facility and Service and be eligible for consideration of an area rate or uniform charge.

### **Interim Area Rate Guidelines**

The current status of this proposed uniform charge in terms of the Interim Area Rate Guidelines is as follows:

1. *Area rates can only be used for the provision of services within the municipal mandate; services traditionally provided by the municipality.*

Section 79(1) of the Charter states that a Council may expend money required by the municipality for (k) recreational programs and (ah) playgrounds, trails, bicycle paths, swimming pools, ice arenas and other recreational facilities. The Halifax Regional Municipality and its predecessor municipal units have traditionally funded, either entirely or partially through partnerships, recreational programming and the construction and ongoing operating costs of recreation facilities. The FSHA intends to use the area rate funds for recreational and social activities, and for the upkeep and maintenance of a park and waterfront infrastructure including a dock, floating dock, moorings, etc.

2. *Area rates are not to be used to provide different levels of a municipal service within urban and suburban areas where said service is covered by the general tax rate.*

The community to which the uniform charge would be applied is entirely within the suburban area of HRM. However, the FSHA is not duplicating any services provided directly by HRM to the Frame subdivision.

- 3. In order for a proposed new area rate to move to the process as outlined in #4 below, it must have the support of the area's Councillor(s).*

The catchment area for this uniform charge falls entirely within District 1. The Councillor for the District, Barry Dalrymple, has indicated his support for the uniform charge if there is support from a majority of the community for it. The results of the vote are indicated below. Having determined that sufficient support exists, staff has prepared this report in compliance with Step 5 of the Interim Area Rate Guidelines for consideration at the next meeting of the North West Community Council.

- 4. Proposals for new area rates must be advertised publicly, clearly identifying affected areas, the purpose for the rate, rate information and the duration the rate is expected to be charged. A public meeting will be held and those attending the meeting will be informed of the rationale for the rate and consulted on its appropriateness.*

On September 12, 2014, an information package including a ballot was mailed to the owners of 76 of the taxable residential properties identified within the proposed catchment area. A copy of the information package is provided in Appendix B of this report. The information package included details of the purpose and amount of the uniform charge, and the date, time and location of a public information meeting which was held on Thursday, September 25 at the Waverley Museum, 2463 Rocky Lake Drive, in Waverley.

At the public information meeting, it was suggested that there were 7 other properties which were a part of Frame subdivision but which had not been mailed an information package including a ballot. These properties were missed because they abut Waverley Road which is part of the provincial highway system (Route 318) and therefore not a subdivision street. However all these properties were part of the same original parcel which now includes all of Frame subdivision, and the 7 properties abutting Waverley Road were granted deeded access to Lake William as were all the properties in the subdivision. An owner of one of the properties on Waverley Road indicated at the meeting that he believed his property was part of the subdivision, and other attendees also confirmed that was their understanding.

Following confirmation of which properties abutting Waverley Road had deeded lake access, an information package including a ballot was mailed on October 23, 2014 to the owners of the 7 properties abutting Waverley Road. They were invited to attend a public information meeting which was held on Monday, November 3 at the Waverley Museum. A copy of the information package is attached as Appendix C to this report.

Following are the results of the original ballot which did not include the 7 properties abutting Waverley Road:

Total in Favour of Uniform Charge:	23	% Respondents voting For:	74.2 %
Total Against Uniform Charge:	8	% Respondents voting Against:	25.8 %
Total Ballots Distributed:	76	Response Rate:	40.8 %
Total Ballots Returned:	31		

The results of the final balloting which includes the 7 properties abutting Waverley Road is shown below.

#### Balloting Results

Total in Favour of Uniform Charge:	26	% Respondents voting For:	76.5 %
Total Against Uniform Charge:	8	% Respondents voting Against:	23.5 %
Total Ballots Distributed:	83	Response Rate:	41.0 %
Total Ballots Returned:	34		

Therefore, the simple majority in favour of the uniform charge would be obtained whether or not the 7 properties abutting Waverley Road are included in the results.

5. *With the concurrence of the Councillor, the request is forwarded to the Community Council for review and a recommendation to Halifax Regional Council. Where a Community Council does not exist, the request will go directly to Halifax Regional Council.*

The purpose of this report is to provide the North West Community Council with the necessary information required to consider making a recommendation to Halifax Regional Council for initiating this uniform charge within the proposed catchment area. The implications to the Municipality are identified under the Financial Implications section which follows.

6. *Any proposed new area rates recommended by a Community Council (or, in the absence of a Community Council, the Councillor for the area) will be submitted to Halifax Regional Council through a staff report with a recommendation from the Chief Administrative Officer. The staff report will identify the implications to the Municipality along with the results of any public meeting.*
7. *Halifax Regional Council is responsible for approving all area rates.*

Completion of steps 6 and 7 are contingent on the North West Community Council approving the Recommendation contained in this report.

### **FINANCIAL IMPLICATIONS**

The uniform charge would take effect in the 2015-16 fiscal year. As all funding is from the uniform charge (i.e. no transfers from the general tax rate), there would be no impact on the HRM General Operating Budget. There is also no impact on the Capital or Reserve Budgets.

The uniform charge of \$45 per property is based on an operating budget of \$3,735, divided by the number of properties in the catchment area, which is 83. Details of the proposed operating budget is provided in Appendix C.

### **COMMUNITY ENGAGEMENT**

In accordance with the Interim Area Rate Guidelines, the public consultation process included public information meetings, and the mailing of information and a ballot to each property owner in the affected area. Details of the public consultation process are provided in the Discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

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

### **ALTERNATIVES**

North West Community Council could decide not to recommend the uniform charge to Regional Council, or could request changes to the amount or catchment area, or could request additional information prior to approval.

### **ATTACHMENTS**

- Appendix A: Map of catchment area for proposed area rate for Frame Subdivision Homeowners' Association
- Appendix B: Copy of Ballot and Information Package mailed to 76 Property Owners on September 12, 2014, including budget for 2015-16

Appendix C: Copy of Ballot and Information Package mailed to 7 Property Owners on October 23, 2014, including revised budget for 2015-16

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A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Gordon Roussel, Senior Financial Consultant, 902.490.2500

Original Signed

Report Approved by: \_\_\_\_\_  
Bruce Fisher, Manager, Financial Policy and Planning, Finance/ICT 902.490.4493

Original Signed

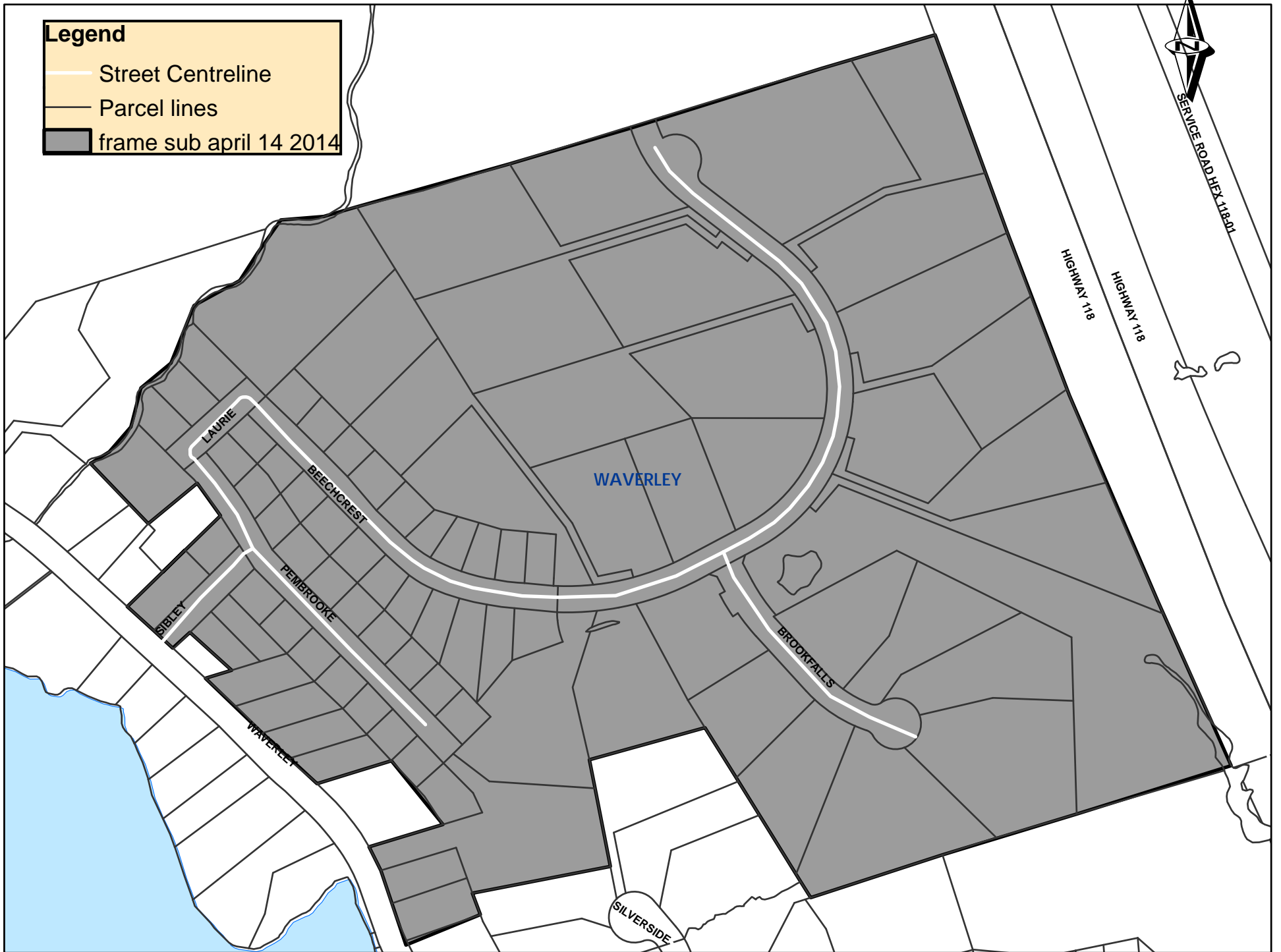
Financial Approval by: \_\_\_\_\_  
Greg Keefe, Director of Finance & ICT/CFO, 902.490.6308

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# FRAME SUBDIVISION - WAVERLEY

**Legend**

- Street Centreline
- Parcel lines
- frame sub april 14 2014





Appendix B



AREA TAX RATE BALLOT

September 12, 2014

OWNER1  
OWNER2  
ADDRESS  
CITY/POSTAL CODE

Assessment # AAN  
Civic#/STNAME/STTYPE/Community/ Lot#

Dear Property Owner:

The Frame Subdivision Homeowners' Association (FSHA) was incorporated under the Societies Act with the Registry of Joint Stock Companies in February 1979. The Association is a not-for-profit, volunteer-led group of local citizens, who are engaged in neighbourhood improvement programs, recreation development, and social activities for all residents of Frame Subdivision to enjoy.

Please find enclosed in this mailing the following:

1. Letter from the FSHA to residents providing details of the goals/plans of the Association.
2. On the reverse side of this letter, the Proposed Annual Budget of the Association for April 1, 2015 to March 31, 2016

In accordance with the Halifax Regional Municipality's procedure for implementing area rates, the property owners in the community must be consulted with regard to whether they wish to pay the \$45.00 annual fee to contribute to the projects and activities proposed by the FSHA. Each residential property is provided with one ballot and one vote. If a simple majority (50% + 1) of ballots returned vote in favour of the area rate, it will be applied to all 76 residential properties within the subdivision commencing in 2015.

For more information, please plan to attend the meeting scheduled for **Thursday September 25 at 7:00 pm at the Waverley Museum, 2463 Rocky Lake Drive, Waverley**. Representatives of HRM will be in attendance along with members of the Association's Executive to help answer your questions.

As the owner of the property identified above, you are entitled to one vote. Please complete the ballot below and either drop it off at the meeting, fax it to 490-5622, or return it in the enclosed self-addressed envelope. Completed ballots may also be scanned and e-mailed to: rousseg@halifax.ca.

If you lose your ballot, or have any questions specific to the balloting process, please contact Gordon Rousel at 490-2500. For questions regarding the activities of the Association, please contact Carolyn Nobes (860-1991) or Danielle Wilkin (860-0888).

**Please note that all Ballots must be received by Friday, October 3, 2014 (Sorry, but we cannot make any exceptions).** If you are mailing your ballot in, please allow adequate time for delivery.

- 
- YES**, I am in favour of paying an area rate of \$45.00 per year to fund the activities of the Frame Subdivision Homeowners' Association.
  - NO**, I am not in favour of paying an area rate of \$45.00 per year to fund the activities of the Frame Subdivision Homeowners' Association.

Assessment # AAN

**NOTE:** Only one vote per assessment number will be counted. Ballots with written-in, typed-in, or altered assessment numbers will not be accepted.

Proposed Annual Budget for the  
Frame Subdivision Homeowners' Association  
April 1, 2015 to March 31, 2016

**Expenses:**

Annual land taxes	\$250
Annual Registry of Joint Stock Fees	50
Transition Costs of Land Title-lawyer fee	300
2 Annual Community Socials- Hall rental	200
Decorations/Supplies for 2 socials	150
Village Green Profile on new light poles (wreaths, Baskets)	150
Publicity (yard sale, events, website)	100
Signage (waterfront, parking area, park)	200
Capital Improvements/maintenance- park (trimming, gardens)	300
Capital Improvements/maintenance-waterfront (wood, rock, moorings)	300
Cranes to annually move dock & floating dock	700
Flower pots/ Garden beds	100
Participation Parade/ Gold Rush (floats, booth)	300
One-Time Fee from HRM	200
Contingencies	120

**Total Proposed Budget:**

\$3,420

Total Taxable Properties:

76

Flat Annual Charge per Property:

**\$45.00**

# Frame Subdivision Homeowners Association

During the past year and a half, the Frame Subdivision Homeowners Association was reactivated after a decade of inactivity. Many residents expressed interest and concern for continued neighborhood improvements, safe recreational resources and social activities. Our goal is to support residents with these interests and issues.

**Recreational Activities-** Following consultation with many residents, we learned that many residents are interested in preserving recreational activities such as the walking trails and improving access to waterfront activities for safe, recreational options for all. This summer we received a grant from the Cobequid Community Health Board for materials so our community volunteers could repair, renovate and improve the Frame Recreational Resources on the Lake William Waterfront. With the support of a lawyer hired by FSHA, we now have deeded access to the waterfront. This waterfront now belongs to all of us and will enhance our property values. A second request is now before our Councillor, Barry Dalrymple for more material support to expand the waterfront resources to include a floating dock to again be built by our community volunteers. Additionally, we are working with our councillor and Halifax Water Commission to provide safer access to the waterfront by parking on the adjacent HW land.

**Neighborhood Improvements and Expansion-** Presently, there are approximately 80 homes in this subdivision. There are another 130 acres adjacent to this area under development. New single and multidimensional housing are planned for this acreage. With this new development, we face increased stress on our streets, safety and infrastructure issues. We also face a loss of access to walking trails. We have met with the developer and will continue to work with him and HRM to minimize the impact of this growth and improve our natural resources.

**Social-** A social event was held at the Gazebo by the pond last fall and another one is in the planning for this fall. Lots of holiday fun took place at the Fire Hall last Christmas and more is anticipated for this year.

All these efforts help build a better neighborhood with a closer community spirit but they require time, money and volunteers. We're proud of what we have in Frame and we'd like to preserve or improve it. We're pleased to continue lobbying, seeking grants, organizing, maintaining and improving our subdivision but we need financial support to do so. If we are to continue to support the residents with these imitative, we need an annual budget to do so. We need your support. Please vote YES on the enclosed ballot and return it by October3rd.

Thank you for your consideration and interest.

Carolyn Nobes and Danielle Wilkin

Appendix C



AREA TAX RATE BALLOT

October 23, 2014

OWNER1  
OWNER2  
ADDRESS  
CITY/POSTAL CODE

Assessment # AAN  
Civic#/STNAME/STTYPE/Community/ Lot#

Dear Property Owner:

The Frame Subdivision Homeowners' Association (FSHA) was incorporated under the Societies Act with the Registry of Joint Stock Companies in February 1979. The Association is a not-for-profit, volunteer-led group of local citizens, who are engaged in neighbourhood improvement programs, recreation development, and social activities for all residents of Frame Subdivision to enjoy.

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For more information, please plan to attend the meeting scheduled for **Monday November 3 at 7:00 pm at the Waverley Museum, 2463 Rocky Lake Drive, Waverley**. Representatives of HRM will be in attendance along with members of the Association's Executive to help answer your questions.

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- 
- YES**, I am in favour of paying an area rate of \$45.00 per year to fund the activities of the Frame Subdivision Homeowners' Association.
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Flower pots/ Garden beds	100
Participation Parade/ Gold Rush (floats, booth)	300
One-Time Fee from HRM	200
Contingencies	435

**Total Proposed Budget:**

\$3,735

Total Taxable Properties:

83

Flat Annual Charge per Property:

**\$45.00**

# Frame Subdivision Homeowners Association

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Carolyn Nobes and Danielle Wilkin