



Town Council Meeting

September 26, 2023

6:30 p.m.

Council Chambers, Town Hall

359 Main Street

Agenda

Call to Order

1. Approval of Agenda

2. Approval of Minutes

- a. Town Council Meeting, July 18, 2023
- b. Town Council In Camera Meeting, July 18, 2023

3. Comments from the Mayor

4. Public Input / Question Period

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for 1 minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair
- Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.

5. Motions/Recommendations from Committee of the Whole, September 12, 2023:

- a. RFD 041-2023: In Wolfville – EDI Approach



- b. RFD 044-2023: Operating Line of Credit
- c. RFD 045-2023: Valley Waste Resource Management – Debt Guarantees for 2023/24 Capital Program
- d. RFD 043-2023: WBDC Citizen Member Appointment

6. New Business

- a. RFD 034-2023: Nuisance Party Bylaw
- b. RFD 046-2023: Fleet Acquisition Program Budget Overage
- c. RFD 040-2023: Housing Accelerator Fund

7. Adjournment to In-Camera under the Municipal Government Act Section 22(2)(c):

- a. Personnel

8. Adjournment of In-Camera

9. Regular Meeting Reconvenes

10. Regular Meeting Adjourned

REQUEST FOR DECISION 041-2023

Title: IN Wolfville – an EDI approach

Date: 2023-08014

Department: Office of the CAO



SUMMARY

IN WOLFVILLE – EDI APPROACH

Last December, Council tasked staff with a challenge to develop recommendations for an equity, diversity and inclusion approach. An engagement cycle was launched in January and the community gave feedback and suggestions to help the Town make strides in the journey to recognize and celebrate diversity, to be creative with actions that create equity and to emphasize the importance of creating more feelings of inclusion.

Some funds were earmarked for events, which to date have been used to support Wolfville's Pride Picnic, including covering the cost of sign language at the family-focused event but there was also \$10,000 in the budget for the first steps of an equity, diversity and inclusion approach.

IN Wolfville is proposed to Council as the Town's intentional approach to recognizing and acknowledging the diversity of our community members while developing new barrier-free programs to help residents build more meaningful connections. The result of this program will be increased feelings of inclusion, increased awareness of barriers, and an increase in the creation of meaningful connections within our Town.

This proposed program comprised of three distinct segments and is built in a way that honours feedback provided by the community during our initial exploration of equity, diversity and inclusion that was presented to Council in early 2023.

DRAFT MOTION:

That Council supports the development and launch of the *IN Wolfville* program as the first steps of our Town's equity, diversity, and inclusion approach.

REQUEST FOR DECISION 041-2023

Title: IN Wolfville – an EDI approach

Date: 2023-08014

Department: Office of the CAO



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

While it has not happened yet, the Town is waiting to be named as a prescribed body under the Dismantling Racism and Hate Act.

[Dismantling Racism and Hate Act](#), Province of Nova Scotia

[Equity and Anti-Racism Strategy](#) Province of Nova Scotia

3) STAFF RECOMMENDATION

Staff recommend support of this program.

4) REFERENCES AND ATTACHMENTS

IR 008-2023 EDI Final Report and Recommendations

5) DISCUSSION

After a community engagement cycle and conversations with stakeholders and professionals, the following program is being proposed.

The *IN Wolfville* program is built from three distinct, yet connected pieces:

1. **Internal assessment and support** – Town of Wolfville Council and senior management team

The senior management and Council will be offered the opportunity to complete individual cultural competency assessments to help each of us understand our current readiness to navigate with awareness of diversity. Assessments will be de-briefed in private consultations with a consultant and based on results, targeted workshops will be offered each quarter.

Cost \$2,000

2. **Host Family Program** – Town of Wolfville with Strategic Support from the Wong Centre

Each year, just under 1,000 international students make Wolfville their new home. These students can feel isolated and face additional barriers as they try to navigate life in a new

REQUEST FOR DECISION 041-2023

Title: IN Wolfville – an EDI approach

Date: 2023-08014

Department: Office of the CAO



Country, and a new Town, all while managing their academic careers and living away from family.

Once developed and launched, the Host Family program will connect volunteer support persons with international students, building social connections, informal supports and providing an opportunity to build life-long relationships.

To develop this program, an international student will be hired to research and map to programmatic details, determine resources required, raise awareness, scope roles, and complete a plan to operationalise and launch the program. The programmatic details will include the intake, screening, and training of community volunteers plus goals and objectives of the program.

Staff believe this program should be ready to launch in early 2024, once the initial development has been done. The cost noted below only includes the development work on the Host Family Program. Any additional program funding needs to be considered from the 24/25 budget year.

Cost: \$3,000

3. The Wolfville SOUP Program

The SOUP Program is a new offering from the Wolfville Farmers' Market in partnership with a number of community organizations. This new program will launch in Fall 2023 as a monthly event and as capacity increases, will run as a weekly, pay what you can, drop-in evening meal providing diverse foods, activities, and opportunities to build new connections. A successful pilot was run in spring 2023 that indicates a need and feasibility of operating this program in the community. The Wolfville Farmers' Market has hired a part-time staff person to oversee this new offering.

The SOUP program is designed to combat food insecurity while offering an abundant, nutritious local meal, and providing dignified access to food for all people in our community.

The Town has been asked to provide financial resources as a supporting partner but also to assist with promotion of the meal and as an ambassador to the program, making sure that all members of the community know about this community meal.

The SOUP program also creates an engagement space for listening sessions and learning opportunities to be offered offered by the Town.

The SOUP program also provides a neutral place for host families to gather and connect.

REQUEST FOR DECISION 041-2023

Title: IN Wolfville – an EDI approach

Date: 2023-08014

Department: Office of the CAO



Cost: \$5,000

In addition to these three key pieces, the Town will continue to promote the use of plain language, to use Wolfville Blooms to increase access and awareness of key Town projects and all departments will be encouraged to find meaningful ways to increase feelings of inclusion within our workplace.

6) FINANCIAL IMPLICATIONS

\$10,000 was included in the 23/24 budget

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

- Social Equity can only be improved when we fully recognize the diverse needs of individuals in our community. With training, our team will be more equipped to do this. In addition, by supporting newcomers through the Host Family program, we propose to share important community information through the development of social supports and relationships. With the SOUP program, equity comes in the form of the on-going pay what you can access to a dignified, healthy community food celebration each week.
- Community Wellness improves when people feel seen and heard and have unique, creative supports provided without having to ask, people feel included. When you build feelings of inclusion you increase the health of a community which leads to increases in economic prosperity and reductions in crime.

8) COMMUNICATION REQUIREMENTS

Information on this initiative will be shared on the Town's website and through social media as appropriate. Communication will also happen through our community partners at the Market and the Wong Centre at Acadia University.

9) ALTERNATIVES

The Town could wait to be prescribed under the Dismantling Racism and Hate Act.

REQUEST FOR DECISION 044-2023

Title: Annual Operating Line of Credit

Date: 2023-09-05

Department: Finance



SUMMARY

Annual Operating Line of Credit

Each year Council approves **maximum limits** for any potential use of operating lines of credit. This is separate from the Temporary Borrowing Resolutions (TBR's) approved earlier in the fiscal year for capital project funding. This is also separate from the operating line of credit Council approved for purposes of the PACE Program (i.e. Switch). Both the capital borrowing and PACE borrowing required TBR's ultimately authorized by the Minister of Municipal Affairs and Housing for funds that will flow through the Municipal Finance Corporation/Province of NS Department of Finance.

With regard the operating line of credit (this RFD), it is established to ensure adequate cash flow is available to meet expenditure requirements during the year. Timing of cash flow receipts does not always match the timing of required payments. The approval of annual operating lines of credit *provides flexibility* for staff to carry out the approved budget plans of Council in an effective and efficient manner.

In 2020 Council approved an increase to the Town's Operating Fund limit, taking into account the uncertainty created by the COVID-19 pandemic and subsequent economic impacts with supply chains and interest rate hikes. This year's RFD recommends remaining at that level. A change is recommended to the Water Utility operating line which takes into account continued use of Accumulated Surplus dollars to help fund capital projects, and demand on cash flows as the Water Utility awaits benefits of updated rates assuming approval by the Utility and Review Board (UARB).

DRAFT MOTION:

That Committee of the Whole forward the following motion to Council; That Council approves the following lines of credit with the Bank of Montreal, effective October 1, 2023 to September 30, 2024:

- | | |
|---|---|
| 1. Town Operating Fund, bank account | \$700,000 maximum credit |
| 2. Water Utility Operating Fund, bank account | \$285,000 maximum credit |
| 3. Corporate Credit Cards | \$ 50,000 maximum credit (all cards combined) |

REQUEST FOR DECISION 044-2023

Title: Annual Operating Line of Credit

Date: 2023-09-05

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA), Section 84

3) STAFF RECOMMENDATION

That Council approve the recommended maximums for the lines of credit related to Town Operating, & Water Operating bank accounts, and the maximum credit card limit for the organization.

4) REFERENCES AND ATTACHMENTS

- Bank Credit Card Policy #140-002
- Approved 2023/24 Operations Plan/Budget
- Consolidated and Non-Consolidated March 31, 2023 Financial Statements

5) DISCUSSION

This RFD provides Council with information to assist in the **annual decision** to establish lines of credit for the Town's **operating** fund bank accounts and corporate credit cards. Capital funding requirements have previously been approved by Council by way of Temporary Borrowing Resolutions (TBR).

The Town's borrowing for the PACE Program (Switch) is an operating line of credit, but it has been dealt with by Council under a separate TBR requiring ministerial approval. This funding process involves the Federation of Canadian Municipalities (FCM) and the Municipal Finance Corporation (MFC)/Province of Nova Scotia Finance Department. Refer to Note 9 to the year end audited Consolidated Financial Statements (page 15 of that document).

The Town's operating lines of credit are renewed with the Bank of Montreal once a year, with the current agreement expiring in October.

Up until 2020, this report had been a housekeeping matter required to keep our agreement with the Bank of Montreal up to date. The financial impact of the COVID pandemic and the lingering effects of the pandemic have created unanticipated results, notably in the area of supply chain issues, spike in inflationary costs and rising interest rates over the last year and half. For the Town, these impacts have become very real. Key equipment has had delivery times of over a year. As noted in last year's RFD, some costs of infrastructure costs have risen by at least 20% from a couple of years ago.

Noted last year (RFD 049-2022), cash inflows have shown periodic signs of weakness. This trend has continued through 2023. A couple of larger tax accounts have been slower paying, often well after due

REQUEST FOR DECISION 044-2023

Title: Annual Operating Line of Credit
Date: 2023-09-05
Department: Finance



date. Although ultimately the accounts have been brought up to date, the delay has negatively impacted timing of cash inflows. Tax Arrears at March 31st year end were \$614,800 this year, almost \$200,000 higher than March 31/22 (refer to Note 6 to March 31st Consolidated Financial Statements).

The Water Utility has, by design, continued to draw down it's level of Accumulated Surplus to help fund capital projects and absorb deficits. It is probable that the Utility will experience another deficit for the 2023/24 fiscal year. The Utility is awaiting approval of revised water rates by the UARB. Given the time of year, it is likely the new rates (if approved) will not take effect until the third quarter billing cycle meaning the full revenue benefit will not be realized until fiscal 2024/25.

- Over the last two fiscal years, the Accumulated Surplus of the Utility has dropped from \$674,000 to \$345,780 (at March 31/23). Refer to 31 of Consolidated Financial Statements.
- For the first time in at least a decade, the Water Utility effectively had no operating cash on hand at March 31st year end once capital reserve separated from net cash position. Refer to page 32 of Consolidated Financial Statements showing year end operating indebtedness of \$127,153.
- As part of the Water Utility's response to questions from the UARB (re: Rate Hearing in August), staff indicated a goal for Accumulated Surplus of approximately \$300,000 (or at least 25% of annual budgeted revenues). This helps to maintain overall positive cash flow where revenues are realized via quarterly billings.
 - Having the authorized maximum line of credit set at a level close to the desired surplus position helps ensure cash flows can be managed between quarterly revenue billings/cash receipts. The recommended amount this year is \$285,000.

At the end of the day, having a line of credit in place is a proactive way to ensure the Town can manage it's annual budget efficiently.

MGA Section 84 allows municipalities to utilize temporary borrowings to cover current expenditures

Borrowing limits

84 A municipality may borrow to cover the annual current expenditure of the municipality that has been authorized by the council, but the borrowing shall not exceed fifty per cent of the combined total of the taxes levied by the municipality for the previous fiscal year and the amounts received, or to be received, by the municipality from Her Majesty in right of Canada or in right of the Province or from an agency of Her Majesty. 1998, c. 18, s. 84.

Note the limit per MGA 84 is 50% of previous years tax levy. For Wolfville that equates to over \$4 million. This upper level permitted by the MGA is a level that the Town does not need to look at, it is noted as reference only, i.e. what is permitted under legislation.

REQUEST FOR DECISION 044-2023

Title: Annual Operating Line of Credit
Date: 2023-09-05
Department: Finance



As reflected in amounts authorized by Council over the years, the Town has not required a line of credit anywhere near the maximum permitted. It is still relevant to consider factors noted in past reports, including:

- It has been a number of years since the Town experienced any timing issues with cash flow, and when they had occurred it tended to be in April and May, prior to the due date of interim tax bills. The annual agreement with the bank (Oct to following Sept) covers this period of time.
- The bank requires an approved resolution in order to facilitate any temporary borrowings.

With regard to the limit required for the Town credit cards, the maximum overall credit has been set at \$50,000. This remains unchanged. This coincided with changes to the Credit Card Policy (140-002) which reduced the number of cards from maximum of 20 down to 3. The suggested limit has been set at a level that would provide flexibility ***if*** required during the fiscal year.

- There have been no issues during the past twelve months with the limit of \$50,000. Note the Town Policy has a per-card limit of \$5,000, unless otherwise required and temporarily increased by the Director of Financial Services.

6) FINANCIAL IMPLICATIONS

Nothing specific noted. This RFD deals with source of payments not an increase in spending.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

No specific references provided.

8) COMMUNICATION REQUIREMENTS

The lines of credit are a matter of routine operation; therefore, the only communication required is with the Bank of Montreal to ensure renewed credit facilities are in place by October 2023.

9) ALTERNATIVES

Council has the option to amend the upper limits for line of credits to anything from nil to the upper legislated limit of over \$4 million. Staff have recommended a level that considers the ongoing operational needs of the Town while keeping the limit low enough to ensure senior management take due diligence to manage the Town's financial resources.

REQUEST FOR DECISION 045-2023

Title: VWRM – Debt Guarantees '23/24 Capital Program

Date: 2023-09-12

Department: Finance



SUMMARY

Valley Waste Resource Management – Debt Guarantees for 2023/24 Capital Program

Annually the Town is involved in the budget process for Valley Waste Resource Management (VWRM), including any debt guarantees that may be required in relation to the VWRM capital budget.

The request before Council with this report relates to the current year 2023/24 Capital program, for which VWRM would expect to participate in a future NS Finance Department’s provincial debenture issue. Essentially this is the same process the Town of Wolfville follows for its capital program. The VWRM Board approved their Temporary Borrowing Resolution (TBR) at their August 15th meeting. The next step in the process is for each of the Inter-Municipal Agreement Service Partners to guarantee their proportionate share of the debt. The documents before Council with this report represent that guarantee for Wolfville.

DRAFT MOTION:

That Committee of the Whole forward to Council the following motion:

That Council guarantees a share of the Valley Waste Resource Management Authority’s TBR Capital FY 2023/24 (in the amount of \$553,000), with Wolfville’s share being 9.85% or \$54,471 as per attached partner guarantee resolution form.

REQUEST FOR DECISION 045-2023

Title: VWRM – Debt Guarantees '23/24 Capital Program

Date: 2023-09-12

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendation of staff.

2) LEGISLATIVE AUTHORITY

- Municipal Government Act - Sections 60 & 88
- VWRM Intermunicipal Service Agreement (IMSA)

3) STAFF RECOMMENDATION

That Council approve the loan guarantee requested by VWRM to address their 2023/24 capital program requirements.

4) REFERENCES AND ATTACHMENTS

- Standard loan guarantee resolution provided by VWRM (attached)
- VWRM TBR 23/24 Capital Program, including schedule A showing breakdown of guarantees, and schedule B noting the Capital Budget items being funded by way of debt (attached)
- VWRM 2023/24 approved budget (refer to Town RFD 013-2023, April Committee of the Whole and Council agenda)

5) DISCUSSION

Similar to the Town, VWRM must go through the process required to access debenture funding for its capital program. As one of the IMSA parties, Wolfville must guarantee its share of any long-term borrowings of VWRM. This paperwork deals with the documentation needed to ensure their TBR can be approved by the Minister.

The breakdown of guarantees by the IMSA group is:

MUNICIPAL PARTNER	GUARANTEE PERCENTAGE	GUARANTEE AMOUNT
Municipality of the County of Kings	73.4%	405,902
Town of Kentville	10.33%	57,125
Town of Wolfville	9.85%	54,471
Town of Berwick	3.08%	17,032
Town of Middleton	2.03%	11,226
Town of Annapolis Royal	1.31%	7,244
Total Capital Requirements for Borrowing Resolution	100%	553,000

REQUEST FOR DECISION 045-2023

Title: VWRM – Debt Guarantees '23/24 Capital Program

Date: 2023-09-12

Department: Finance



6) FINANCIAL IMPLICATIONS

There is no immediate budget impact to the Town as the VWRM capital program was already considered as part of the approval of for the VWRM 2023/24 Budget. The long-term debt contemplated will require increased Town contributions in future years once the debenture is in place and repayments become part of the annual VWRM budget.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

None Provided at this time.

8) COMMUNICATION REQUIREMENTS

Once approved the guarantee will be signed, and the Town will advise VWRM staff of Councils decision and forward duly signed copies of the guarantee documents.

9) ALTERNATIVES

In theory, Council could not provide the guarantee. This option would require VWRM to seek a different mechanism to fund its 2023/24 capital budget. Since Council has already approved their budget, not providing the guarantee would be an impractical option. The approval process is an annual housekeeping matter to finalize details around VWRM Board and Town Council decisions made earlier in the year.

REQUEST FOR DECISION 043-2023

Title: Citizen Appointment to WBDC
Date: 2023-09-12
Department: Office of the CAO



SUMMARY

Citizen Appointment to WBDC

The purpose of this RFD is to assist Council with approving a citizen representative for the WBDC. This vacancy has come about due to the previous citizen member becoming a business owner in the Town which therefore negates their ability to remain as the citizen representative.

This position will run from now until December 2026.

As per Town policy, applications were invited by public advertisement. The posting went out on July 28th on our website and social media platforms. It was also advertised by the WBDC. We have received six (6) applications for Council to consider.

If a recommendation is made to appoint one of these applicants, the appointment would commence in October 2023.

DRAFT MOTION:

That Council approves the appointment of **Sarah Burton** as a member at large on the WBDC to serve from October 2023 until December 2026.

REQUEST FOR DECISION 043-2023

Title: Citizen Appointment to WBDC

Date: 2023-09-12

Department: Office of the CAO



1) CAO COMMENTS

Staff do not make a recommendation but have provided the six applications to Council for consideration.

2) LEGISLATIVE AUTHORITY

[Nova Scotia Municipal Government Act](#)

3) STAFF RECOMMENDATIONS

After an unexpected vacancy occurred on WBDC, the position was initially advertised early summer with minimal response. A second posting was advertised by the Town and WBDC at the end of July 2023 and six (6) applications were received. Council to determine whether one of these applicants is a good fit for the position or if further work is required to find more applicants.

4) REFERENCES AND ATTACHMENTS

- Applications received (*attached*).

5) DISCUSSION

The initial posting for this vacancy in June 2023 resulted in minimal response which Council did not wish to proceed with. Further discussions took place with WBDC where it was agreed both the Town and the WBDC would make further attempts to promote the vacancy. This position was advertised on our website July 28th, and six (6) applications were received. Council is asked to consider all applications and decide whether there is a suitable candidate. If not, Council can direct staff to do further outreach.

6) FINANCIAL IMPLICATIONS

Not Applicable

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Not Applicable.

REQUEST FOR DECISION 043-2023

Title: Citizen Appointment to WBDC
Date: 2023-09-12
Department: Office of the CAO



8) COMMUNICATIONS REQUIREMENTS

Once appointed, a letter acknowledging the appointment will be drafted for Mayoral signature to the new member and the membership updated on the Committees page on the Town of Wolfville website.

9) ALTERNATIVES

Not Applicable – Council is required to appoint a replacement to this committee.

REQUEST FOR DECISION 034-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-07-04

Department: Office of the CAO



SUMMARY

NUISANCE PARTY BYLAW AMENDMENTS

The Nuisance Party Bylaw has been in place for a few years, with numerous tickets being issued for both individual and landlord infractions. Staff have identified that while the Bylaw section related to individual infractions is clear and straightforward, that additional clarity is required in the section related to landlords. Additionally, staff have received feedback from landlords over the past few years with respect to the Bylaw noting that automatic charges for subsequent Nuisance Party Bylaw offenses are not necessarily considered fair when landlords have taken numerous steps with their tenants to prevent Nuisance Parties.

The purpose of this RFD is to present recommended changes to the Bylaw to ensure clarity related to landlord infractions and provide a mechanism for landlords that are diligent in managing their properties to avoid automatic charges under the Bylaw for subsequent offenses that occur within a two-year time frame. As part of the recommended changes, several housekeeping changes throughout the Bylaw are also being proposed.

DRAFT MOTION:

That Council **direct staff to remove Sections 7.4 and 7.5 of the draft Nuisance Party Bylaw and come back in October for First Reading.**

REQUEST FOR DECISION 034-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-07-04

Department: Office of the CAO



1) CAO COMMENTS

Since First Reading was given by Council in July, staff have conducted engagement on this issue both through in person sessions and on Wolfville Blooms. A summary of the Engagement Report is included in this package and staff will present the key findings to Council..

It is very clear from the feedback received by participating landlords that the proposed bylaw amendments do not go far enough, and the preference is to have Sections 7.4 and 7.5 removed entirely. Those that identified as tenants and residents provided mixed comments.

See the staff recommendation for the CAO recommendation.

2) LEGISLATIVE AUTHORITY

Municipal Government Act, Section 172(1).

3) STAFF RECOMMENDATION

After reviewing the feedback from the engagement between First and Second Readings, staff are recommending that sections 7.4 and 7.5 be removed and that a revised report come back to Council in October for First Reading and an opportunity for further engagement. It is further recommended that the RCMP and Community Safety Pilot Project (Dr. Schneider) be engaged to discuss other innovative solutions to address any gaps that may arise in removing these clauses and to better support landlords, tenants and community members in preventing and managing nuisance party events. It is still strongly recommended by staff that the Nuisance Party Bylaw remain in effect to address individual infractions.

4) REFERENCES AND ATTACHMENTS

1. Proposed Amended Bylaw Ch. 97 – Nuisance Party Bylaw
2. List of Reasonable Steps for Landlords to Prevent Nuisance Parties
3. Engagement Report – Nuisance Party Bylaw

5) DISCUSSION

Staff have been administering the Nuisance Party Bylaw for a number of years now, with charges being laid for individual and landlord infractions under the Bylaw. While the charges for individuals seem to be straightforward and clear in the existing Bylaw, staff have noted that the section related to landlord charges requires additional clarity in wording. Furthermore, when looking at other Nuisance Party Bylaws, in particular the City of Kingston, and considering the concerns with the current Bylaw that have been expressed to Council and staff in the past from landlords that are actively trying to manage their properties to prevent Nuisance Parties, staff have identified that some changes are likely warranted.

REQUEST FOR DECISION 034-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-07-04

Department: Office of the CAO



The main change is that the proposed amended Bylaw now allows landlords the opportunity to show they are not guilty if they have taken reasonable steps to prevent a nuisance party. A non-exhaustive list of potential reasonable steps for landlords to take is attached to this RFD and may be amended from time to time by municipal Compliance staff. Each landlord infraction may be different, with one or multiple steps required for Compliance staff to deem the landlord not guilty. This change would make the Town more consistent with other communities that have Nuisance Party Bylaws, such as the City of Kingston, and allows landlords that are doing their due diligence to avoid automatic charges after a first Nuisance Party infraction. It continues to allow the Compliance team to charge landlords that are “absentee” or who have not taken reasonable steps to prevent Nuisance Parties on their properties.

Other changes to the Bylaw include:

- Clarity that an order to discontinue a Nuisance Party takes effect immediately
- Clarity that an Officer includes a Police Officer or Bylaw Enforcement Officer
- Clarity that the notice to the landlord must include the date and time the notice to discontinue the Nuisance Party was issued
- Clarity on what constitutes a subsequent Nuisance Party – this happens if there is a second Nuisance Party at a property within two years after a notice to discontinue a Nuisance Party is made, regardless of whether there was a ticket issued in relation to the previous Nuisance Party

6) FINANCIAL IMPLICATIONS

There are minimal financial implications to these amendments. Potentially fewer landlord tickets will be issued due to the ability for landlords to show they have done due diligence with their properties, however this loss in revenue is minor.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Reference the appropriate strategic directions from the 2021-2025 Strategic Plan:

- Community Wellness

8) COMMUNICATION REQUIREMENTS

The Bylaw amendments will be advertised before Second Reading. Additionally, Compliance Staff will meet with the newly-formed landlord group to review the proposed changes and receive feedback. Second reading would not happen until the Council meeting in September, giving ample time for feedback and discussion.

9) ALTERNATIVES

REQUEST FOR DECISION 034-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-07-04

Department: Office of the CAO



1. Keep the Bylaw as it currently is.
2. Clarify language in the Bylaw and continue to automatically find a property owner guilty of an offense if there is a subsequent nuisance party at a property, regardless of circumstances.
3. Amend the Bylaw and delete the provisions regarding owners/landlords entirely and leave the rest of the Bylaw in place.
4. Repeal the Bylaw completely.



1. Title:

This Bylaw shall be titled and referred to as the “Nuisance Party Bylaw”.

2. Background:

The Nova Scotia Municipal Government Act (NS MGA), Section 172 gives Council the specific authority to establish Bylaws. Sections 172(1) of the NS MGA authorizes Council to establish bylaws for municipal purposes respecting (a) the health, well-being, safety and protection of persons; (b) the safety and protection of property; (c) persons, activities and things, in, on or near a public place or place that is open to the public; (d) nuisances, activities and things that maybe or may cause nuisances.

The purpose of this Bylaw is to create a duty upon those hosting a social gathering or party to control the participants’ behavior and to give enforcement personnel a mechanism to disperse persons at a gathering that’s become a public nuisance, bridging a gap between existing Bylaws and the Criminal Code.

3. Definitions:

In this Bylaw;

“**Building**” means any permanent structure consisting of a roof supported by walls that is used or intended to be used for the shelter, accommodation of persons, animals, goods, chattels or equipment;

“**Bylaw Enforcement Officer**” means a person appointed by the Chief Administrative Officer who is a Special Constable or Bylaw officer pursuant to the Nova Scotia Police Act or similar legislation and empowered by such appointment to enforce this bylaw;

“**Dwelling**” means a Building containing one or more units for human habitation;

“**Town**” means the Town of Wolfville;

“**Highway**” includes public highway, street, lane, road, alley, sidewalk, parking lot, driveway, park, beach, or place including bridges, any part of which is intended for or used by the general public for the passage of vehicles or persons, and includes private property that is designed to be and is accessible to the general public for the pedestrian and motor vehicle use;

“**Municipality**” means the land within the geographic limit of the Town of Wolfville;

“**Nuisance Party**” means a gathering on Property which, by reason of the conduct of any one or more of the Person(s) in attendance, is characterized by any one or more of the following elements:

- (a) public intoxication;
- (b) the unlawful sale, furnishing, or distribution of alcoholic beverages or



- controlled substances;
- (c) the unauthorized deposit of litter on public or private property;
 - (d) damage to public or private property;
 - (e) the obstruction of vehicular or pedestrian traffic, or interference with the ability to provide emergency services;
 - (f) sound that is unusual or excessive, or that is likely to be unwanted by or disturbing to persons, as described in the Prevention of Excessive Noise Bylaw;
 - (g) unauthorized open burning as described in the Open Fires Bylaw;
 - (h) public disturbance, including confrontations and violence;
 - (i) outdoor public urination or defecation;
 - (j) use of or entry upon a roof not intended for such occupancy.

“Officer” means a Police Officer or any Bylaw Enforcement Officer, assigned to administering or enforcing this bylaw;

“Police Officer” means a member of the Royal Canadian Mounted Police or municipal police service authorized to provide police services to the Municipality;

“Person” means a corporation as well as an individual;

“Public Place” means a Highway, public park, parking lot or other lands to which the public has access as of right or by invitation and includes private property that is exposed to public view;

“Property” means any public or private place in the Municipality, including but not limited to Highways, parks, parking lots, yards appurtenant to a Building or Dwelling, or vacant lands.

4. Bylaw Offences:

4.1 No person shall sponsor, conduct, continue, host, create or attend a Nuisance Party.

4.2 No person who, individually or jointly with others, is an owner, occupant, tenant, or who otherwise has rightful possession of or possessory control of any Property, shall allow, cause or permit a Nuisance Party on the Property under their possession or control.

4.3 No person, not residing at the Property, shall fail to leave the Property after having been directed to leave by an order to discontinue activity under this bylaw.

4.4 No person shall urinate or defecate in a Public Place.

4.5 No person shall stand, sit upon or otherwise occupy any roof of any Building unless carrying out legitimate maintenance or construction.

4.6 No person shall fail to comply with an order pursuant to Section 5.1 of this bylaw.



4.7 No person shall willfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, rights, functions, powers or authority under this bylaw.

5. Order to Discontinue Activity:

5.1 Upon an order of an Officer to discontinue a Nuisance Party, the Nuisance Party shall immediately cease and all persons who do not, not residing on the Property, shall immediately leave the Property where it is occurring.

Commented [CT1]: Make it clear that an order to discontinue a Nuisance Party takes effect immediately.

5.2 The order under this section shall identify:

- (a) the location of the Property of the Nuisance Party occurrence;
- (b) the elements in determining the Nuisance Party;
- ~~(c) the date and time by which there must be compliance with the order.~~

Commented [CT2]: Remove this clause, since all orders to discontinue Nuisance Parties take effect and must be complied with immediately.

5.3 An order issued under this bylaw, as outlined in Section 5.1 and 5.2, may be given immediately verbally or may be served personally on the person to whom it is directed. If the order is given by regular mail to the last known address of that person, and if given by registered mail, it shall be deemed to have been given on the third day after it is mailed. Service on a corporation can be carried out by registered mail to the corporate mailing address.

5.4 A Police Officer may temporarily close any Highway or portion thereof to public travel where a Nuisance Party is occurring adjacent to the Highway to ensure public safety.

5.5 Where a Highway or portion of a Highway has been closed, the common law right of passage by the public over the Highway and the common law right of access to the Highway by an owner of land abutting the Highway are restricted as directed by a Police Officer.

5.6 No person shall use a Highway or portion of a Highway that has been temporarily closed under this bylaw except with lawful authority or in accordance with direction of a Police Officer.

6. Enforcement and Inspection:

6.1 The provisions of this bylaw may be enforced by an Officer ~~of the Municipality.~~

Commented [CT3]: Delete - not necessary (and potentially confusing) given the definition of "Officer" as a Police Officer or Bylaw Enforcement Officer assigned to administering or enforcing the bylaw

6.2 Any Officer may enter upon Property for the purpose of investigation and enforcement of this bylaw.

6.3 Each Officer is hereby authorized to inform any person of the provisions of this bylaw and to request compliance.

6.4 When an Officer believes on reasonable grounds that an offence under this bylaw has been committed by a person, the Officer may require the name, address, proof of the identity of that person, and that person shall supply the required information.

6.5 Every person who contravenes or who causes or permits a contravention of any provisions of this bylaw is guilty of an offence.

**Town of Wolfville
Bylaw Ch. 97
Nuisance Party Bylaw**



6.6 Every director or officer of a corporation who knowingly concurs in the convention of any provision of this bylaw by the corporation is guilty of an offence.

6.7 Any Officer who believes on reasonable grounds that there has been a violation of this bylaw may issue a summary offence ticket to that person.

7. Ownership Provision:

7.1 As soon as practicable following the order to discontinue a Nuisance Party pursuant to Section 5.1 of this bylaw, a notice of the order shall be sent to the owner(s) of the property at which the Nuisance Party was discontinued.;

7.2 The notice of the order to the owner will include all the information outlined in Section 5.2 of this bylaw and include the date and approximate time that the order was made.;

7.3 The notice of the order will be deemed delivered as outlined in Section 5.3 of this bylaw.;

7.4 A subsequent Nuisance Party at a Property occurs when:

(a) there is a Nuisance Party at that Property; and

(b) within the preceding two (2) years, an order was issued under Section 5.1 of this bylaw to discontinue a Nuisance Property at the Property, regardless of whether any person was charged with or convicted of an offence in relation to that Nuisance Party, is determined when a Nuisance party that re-occurs within two (2) years after an initial order to discontinue a Nuisance Party at the property is identified in an order, pursuant to Section 5.1 of this bylaw;

7.5 No A person, who individually or jointly with others, is an owner or otherwise has rightful possession of or possessory control of any Property at which a subsequent Nuisance Party occurs is guilty of an offence, unless the person proves they took reasonable steps to prevent the subsequent Nuisance Party. shall allow, cause, permit a subsequent Nuisance party on the said Property identified in the order.

8. Penalty:

8.1 Every person who contravenes or fails to comply with any provisions of this bylaw shall be liable to a penalty of not less than four hundred dollars (\$400.00) for a first offence, not less than six hundred dollars (\$600.00) for the second offence, and not less than nine hundred dollars (\$900.00) for a third and any subsequent offences.

Commented [CT4]: Add this requirement to make it clear that the notice to the landlord has to include the date and time the notice to discontinue the Nuisance Party was issued.

Commented [CT5]: Revised definition of what constitutes a "subsequent Nuisance Party". This revised definition makes it clear that a subsequent Nuisance Party happens if there is a 2nd Nuisance Party at a property within 2 years after a notice to discontinue a Nuisance Party is made, regardless of whether there was a ticket issued in relation to the previous Nuisance Party.

Commented [CT6]: Revision to make an owner of a property liable if a subsequent Nuisance Party is held at a property, unless the owner proves they took reasonable steps to prevent the subsequent Nuisance Party. A list of examples of reasonable steps will be included in an information document circulated and available to landlords and other members of the public.

July 4, 2023

Reasonable Steps for Landlords to Prevent Nuisance Parties

The following list will be used by the Town of Wolfville Compliance staff when determining whether to charge a property owner under Section 7.5 of the Nuisance Party Bylaw. Compliance staff can use one or more of the following considerations, which is not exhaustive, in making this determination. This list can be modified from time to time by Compliance staff as other reasonable steps become identified.

1. Obtained references from prospective tenants;
2. Included a provision in the tenancy agreement requiring tenants to comply with the Nuisance Party Bylaw;
3. Provided tenants with a copy of the Nuisance Party Bylaw;
4. Sent email or written communications to tenants educating them on their responsibilities and obligations under the Nuisance Party Bylaw;
5. Monitored the property on a regular basis, including on nights and weekends, particularly during times and events when nuisance parties are more likely, such as the first week of Acadia classes in September, Acadia Homecoming, St. Patrick's Day and Cheaton Cup;
6. Took action after the initial nuisance party to prevent any further nuisance parties, and to address complaints regarding social gatherings at the property in a timely fashion;
7. Where one or more of the tenants is a student at Acadia University, sent email or written communications to tenants advising that a violation of the Nuisance Party Bylaw can be considered a breach of the Acadia Non-Academic Judicial Student Code of Conduct, leading to sanctions by Acadia;
8. Where the landlord does not live in or near Wolfville and is therefore not able to monitor the property or address complaints regarding social gatherings at the property in a timely fashion, employed a property manager or hired a property management service to monitor the property and address complaints;
9. Attempted action in accordance with the Residential Tenancies Act to evict tenants who have engaged in one or more previous nuisance parties

INFORMATION REPORT

Title: Nuisance Party Bylaw Amendment – Engagement Report
Date: 2023-09-08
Department: Office of the CAO



Nuisance Party Bylaw Amendment Engagement Report

The Nuisance Party Bylaw has been in place in Wolfville for a few years. Numerous tickets have been issued for both individual and landlord infractions.

In the section that relates to landlords, staff have identified a need to improve clarity.

Feedback from landlords over the past few years suggests that automatic charges for subsequent Nuisance Party Bylaw offenses are not considered fair when landlords have worked with tenants to take steps to prevent Nuisance Parties.

Council gave first reading to the proposed amendments on July 18 through RFD 034-2023. At that time, staff was asked to do additional engagement, to be completed and presented by the second reading, scheduled for September 26.

Virtual engagement was launched on July 21 on the Wolfville Blooms platform and two in-person sessions were hosted at Town Hall, on August 24 and on September 6. Promotion was done on Facebook and the Town website, Wolfville.ca.

Wolfville Blooms:

From July 21 through to September 9, 159 individuals spent time on the Wolfville Blooms project area. 37 individuals downloaded the bylaw, the proposed amendments, and the Request for Decision report. There were 26 individuals who responded to a brief survey, that asked for feedback on the amendment. The survey also asked what the relationship of the respondent was to the bylaw, for example, was the survey participant a landlord, a Wolfville resident, a tenant or someone who has previously interacted with the bylaw. Virtual responses were anonymous.

Responses were varied but most respondents wanted the bylaw changed, removing landlords from the bylaw. Many suggested that landlords do not have control over tenants, that landlords should not be assumed to be guilty and further suggesting that landlords are being unfairly targeted through the bylaw.

Virtual responses – landlords:

“Too often landlords are being vilified in the media when most of them are good, honest people that provide housing for others. The automatic charging for a repeat offence assumes guilt and ill will on the part of the landlord.”

INFORMATION REPORT

Title: Nuisance Party Bylaw Amendment – Engagement Report
Date: 2023-09-08
Department: Office of the CAO



“Residential rentals is the largest revenue source the town has. All you are doing is chasing the landlords that live in town and care about the town out and people from away that don't really care about the town are buying. Very sad and disappointing.”

“Landlords are not allowed to enter an apartment without 24-hour notice. How do you expect landlords to control what tenants do?”

“How can landlords be held responsible for what tenants do? If someone is murdered in an apartment, do you charge the landlord. Why does this town government continue to punish landlords? Without landlords there would be no place for people to live. Residential rental property funds this town. Largest revenue generator for the town.”

“Wolfville council should work closer with landlords as we're both working towards the same objective - no parties - but our approaches differ which is unfortunate.”

Those who identified as tenants were mostly in favour of the amendment and cited a need to improve community livability:

“We need to shut down drunks yelling off balconies partying till 3am.”

“Landlords must ultimately be responsible as they are property owners and taxpayers in this community as are actual residents. Actions have consequences.”

“Landlords should be ticketed at some point. My landlord is quick to act. Three letters and you're out (unless it's illegal activity, which is automatic). He would unlikely receive a ticket because there is almost always someone on site to act. Of course they think the tickets are unfair! Why would you give in to pressure from them? Speak to landlords who haven't received tickets.”

“Personally, I live in a section of town that is known for parties, and since this bylaw it has made a significant impact and I think it would be silly to get rid of it or amend it to favor the residents who landlords claim they are 'dealing with it.'”

Those who identified as residents – neither landlords nor tenants, responded as well:

“Kids are kids and should be allowed to have some fun. I don't agree with destruction of property and unsafe behaviour, but if you are going to live in a university town, be prepared for some noise. Those in the student areas, should be given some leeway with the level of noise.”

“I feel that if a landlord has taken steps to prevent nuisance parties, but the parties continue, then the landlord has not taken enough steps and needs to be incentivized to take more effective steps. I am in favour of continuing automatic fines if nuisance parties persist at a property.”

INFORMATION REPORT

Title: Nuisance Party Bylaw Amendment – Engagement Report

Date: 2023-09-08

Department: Office of the CAO



“The definition of a ‘nuisance party’ should be refined to mean large gatherings that spill out into the streets and noise violations after 10PM. House parties are a normal (and necessary) part of the student experience and targeting students simply for socializing in groups seems capricious. I think it's also governance by a vocal minority, who account for the majority of complaints (80/20 rule, where 80% of complains come from 20% of residents?), rather than recognition that we live in a university town where ‘student life’ is an essential part of what makes Wolfville special.”

“If landlords want to derive financial benefits from their units, then they must bear the onus of upholding the Town's existing by-laws. If they cannot do this, then they should be willing to sell their units to those respected landlords in this town who do work diligently to protect neighbourhoods from unwanted noise, disruptions, violence and property damage.”

From the virtual responses, it was clear that landlords who responded did not want their tenants to violate the bylaw, but they note a lack of effective ways to mitigate this beyond education. Landlords note the strength of the tenancy act and refer to how hard it is to evict a tenant, even if the tenant violates Town bylaws.

In person engagement – August 24 – seven landlords and tenants in attendance

The first in-person session provided an opportunity for landlords to share the challenges they face in a group discussion. From on-going property damage to harassment from the parents of student tenants, landlords shared the challenges of their work. Both the landlords and others attending the session noted that the best way to keep nuisance parties out of residential homes would be to provide more events on campus and at locations around the Town. Both noted Acadia needs to be part of the solution and both agreed that RCMP responses need to be both consistent and firm. All noted the lack of support offered from Acadia university regarding provision of alternative activities, on campus, for the young adults in the community.

Landlords in attendance noted they were already using numerous techniques to communicate about the bylaw with tenants – current and prospective. They also noted that no one wants a party at a property due to damage and community impact. The landlords did agree that the letters from the Town, advising of tickets issued was very helpful and provided opportunity for some communication and possible intervention.

The landlords all expressed frustration with the current rules and tenancy regulations, which are outside of the Town’s jurisdiction.

All landlords in attendance shared frustration with the historic (perceived) vilification of landlords.

The landlords, in the first session, were supportive of the proposed amendment. The tenants in attendance still wanted landlords written into the nuisance party bylaw.

INFORMATION REPORT

Title: Nuisance Party Bylaw Amendment – Engagement Report

Date: 2023-09-08

Department: Office of the CAO



In person engagement – September 6 – landlord group – six landlords in attendance

The second session was attended by those who identify as belonging to a landlord’s group. This group was adamant saying landlords should not be named in the by-law. Each noted frustration with being blamed for actions of tenants, and additionally, that none of them had the ability to control the behaviour of their tenants. The landlords also noted the restrictions of the tenancy act and that this prevented them doing some of the things noted in the amendment.

Specifically, numerous landlords in attendance suggested they were close to selling Town properties due to taxes, corrosive water, and unrealistic bylaws. This group also noted a lack of support from RCMP, and a lack of willingness by Acadia to provide activities and events for students to participate in.

Members of the group suggested if landlords were being held responsible for actions in their units that the Town should be fined when parties stop traffic and clog streets. It was also suggested that if the Town wants landlords to attend the property when there is a party that the Town needs to pay their medical bills.

Landlords suggested the Town needs to do more fire inspections and that the Town should be working with landlords on these issues, not against them. Concerns were also raised because engagement was happening after the first reading.

As with many of the other voices providing feedback, the landlords suggested no one wants a big party in their property and that all residents need to expect noise in the close to campus neighbourhood.

The landlord group expressed a desire to meet with Council to share their concerns, saying they are upset and frustrated at being villainized and blamed for these issues when they spend time fixing-up all the old houses in town.

REQUEST FOR DECISION 046-2023

Title: Fleet Acquisition Program Budget Overage

Date: 2023-09-18

Department: Engineering & Public Works



SUMMARY

Fleet Acquisition Program Budget Overage

Staff tendered the procurement of a new 5-ton plow truck as planned and approved in the 2023/24 CIP, however the tender process resulted in only one bid, which was compliant with the Town's specifications, but was over the \$300,000 approved budget. Staff recommend Council review and approve an amendment to the budget as presented in this document, allowing staff to award the tender.

DRAFT MOTION:

That Council approve an additional \$107,000 towards the purchase of a new 5-ton plow truck for Public Works, bringing the total approved expenditure up from \$300,000 to \$407,000, with funding to come from Unrestricted Capital Reserve Fund.

REQUEST FOR DECISION 046-2023

Title: Fleet Acquisition Program Budget Overage

Date: 2023-09-18

Department: Engineering & Public Works



1) CAO COMMENTS

The CAO supports staff recommendation, noting that the variance from budget is relatively large but the piece of equipment is required for core services within the Public Works Department (eg. snow removal). The results from the tender process, lack of competitive bids, tender specifications and significant price escalation, will be reviewed further and used to inform the 2024/25 budget process and how the Town seeks equipment pricing (beyond traditional public tenders).

2) LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) Section 65 and 65A

3) STAFF RECOMMENDATION

Proceed with awarding the tender with amendments to the budget as discussed below.

4) REFERENCES AND ATTACHMENTS

1. Approved 2023/24 Capital Investment Plan (CIP) – Year 1 projects
2. Project Charter – PW & Parks Fleet Acquisition Program (refer to January 19/23 Special COW Budget Meeting agenda information)
3. WOL008-2023 Tender Submission
4. Procurement Policy 140-001

5) DISCUSSION

The 2023/24 CIP – Year 1 approved capital budget included \$300,000 for the replacement of Vehicle #25 (Public Works 5-ton Plow Truck) – A replacement vehicle with specifications similar to our current unit was tendered publicly under contract # WOL008-2023. The department received one bid, and one request for extension on the day of closing (past the deadline for such a request). The bid received was for \$386,000 before HST from Nova Truck Centres, and was reviewed to the satisfaction of fleet technician Peter Schofield. Expected delivery time is up to one calendar year.

Our Procurement Policy has provisions that relate to this tendered item. First, is the requirement for public tender which has taken place. Coming out of that process, given that only one bid was received in accordance with tender terms, is the possibility of alternative procurement options. Refer to Policy 140-001, Appendix 1, item #4 (absence of tender responses/competitive bidding). The Director of Engineering and Public Works and staff looked into possible options that fit within the Procurement Policy, and there do not appear to be viable options at this time. A review of suppliers, including major Atlantic equipment auction sites did not yield any probable supply at the moment, nor recently.

REQUEST FOR DECISION 046-2023

Title: Fleet Acquisition Program Budget Overage

Date: 2023-09-18

Department: Engineering & Public Works



As a point of reference with rising prices over the last 2-3 of years, the Town's existing 5 ton was purchased in 2016/17 at a cost just under \$200,000.

Upon receiving, the new vehicle will be fit-up and given a new unit number. The existing 5-ton plow truck will remain in the fleet as a backup until disposal.

6) FINANCIAL IMPLICATIONS

Decision to accept this tender will require an amendment of this item's budget from \$300,000 to \$407,000 (\$386,000 + \$4,000 allowance for livery, lighting, and radio fit up + \$16,714.29 net HST, rounded up to the nearest thousand).

In terms of budget, this equipment was to be funded by way of reserves and a small allowance for trade-in of the old truck. Note that the intention is now to retain the current 5 ton to be both a back up and possible resource to increase snow removeable apparatus on an as needed basis.

- Approved Budget (March)
 - Capital Reserves \$255,000
 - Trade in value \$45,000
 - \$300,000

- Revised Funding per this RFD \$407,000

At this point in the year, it is not yet known whether the overall capital projects completed this year will come in on or under budget to help offset the cost overrun above. Tender results for Fairfield St Project and East End Culvert project are at, or under budget. More than offsetting this is Highland Avenue (completed this year), Water Transmission Main Replacement, and the Public Art Project. Further information can be found in Information Report #017-2023 First Quarter Financial Update (Sept 15 Audit Committee agenda and upcoming October COW agenda).

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

COUNCIL'S STRATEGIC PLAN

Council's Strategic Plan establishes three (3) strategic directions and six (6) strategic principles. The acquisition will meet the strategic directions and principals of Council by:

REQUEST FOR DECISION 046-2023

Title: Fleet Acquisition Program Budget Overage

Date: 2023-09-18

Department: Engineering & Public Works



Council Strategic Principles:

1. **Affordability** - Developing and keeping a schedule for fleet replacements ensures that the replacement costs are manageable for the Town. It also ensures staff has reliable equipment needed to complete work assigned, and safely deliver the levels of service committed to by Council.
2. **Transparency** - All capital projects and acquisitions are discussed and approved publicly as part of the budget process. All documents, including this one, are available to the public.
3. **Community Capacity Building** - N/A
4. **Discipline to Stay the Course** - N/A
5. **United Front** - N/A
6. **Environmental Sustainability** – Assessing market options and availability for battery-electric alternatives ensures replacements are evaluated through a lens of environmental sustainability.

8) COMMUNICATION REQUIREMENTS

N/A

9) ALTERNATIVES

- **Do not approve budget amendment.** Direct staff to defer to next FY with a higher budget. (This alternative may result in even higher costs at that time). This option will defer the decision for any acquisition for a year, and with delivery delays could mean a new truck would not be available until late in 2025.

Prepared by: Alexander J. de Sousa, P.Eng., Director of Engineering & Public Works

Date Prepared: September 19, 2023

SUMMARY

Housing Accelerator Fund Application

In response to high housing need and low supply across the country, the Canadian Mortgage and Housing Corporation (CMHC) has announced a \$4 billion federal housing accelerator fund to speed up supply. The goal of the fund is to lead to the approval of 100,000 permitted housing units nationally, in addition to those that would be approved without the fund. This funding will be provided directly to local authorities. More information on the fund can found [here](#).

The purpose of this report is for Council to consider the PAC recommendation regarding the Town's application to the Housing Accelerator Fund:

PAC Motion (September 14, 2023):

MOTION:

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION FOR THE TOWN TO SUBMIT AN APPLICATION TO THE HOUSING ACCELERATOR FUND.

CARRIED.

Staff have been exploring the HAF for the past few months. We seem to have found a path forward to submit an application. This report had to be submitted for the agenda, however additional info may be brought direct to the meeting after further discussion with CMHC.

DRAFT MOTION:

THAT WOLFVILLE TOWN COUNCIL RECOMMEND THAT STAFF PROCEED WITH SUBMITTING AN APPLICATION TO THE HOUSING ACCELERATOR FUND.



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Municipal Government Act.

Housing Accelerator Fund Guidelines.

3) STAFF RECOMMENDATION

Staff are recommending that Council support the application to the HAF.

4) REFERENCES AND ATTACHMENTS

- Housing Accelerator Fund (CMHC) - [here](#)
- Reference: September 14, 2023 PAC Report – found [here](#)
- Attachment 1: Housing Action Plan

5) DISCUSSION

Town Staff have been working with CMHC staff to refine an application to the Housing Accelerator Fund in an effort to improve the local housing situation by accelerating the supply of housing in the short and long term and increasing staff capacity to carry out related work. Feedback from CMHC staff has resulted in some edits to the action plan as stated in the September 14, 2023, PAC report. Further feedback on the latest revisions will be received on Friday, September 22nd. This feedback will not be captured in this report; however, it will be brought to Council through the staff presentation on September 26th.

A minimum of 5 initiatives that result in systemic changes to housing are required. Staff have selected 12 initiatives that centre around zoning, policy and process changes or improvements, studies and working groups, and public engagement. The initiatives are intended to increase housing supply within the 3-year program period, as well as in the long term. Further refinement of these initiatives may result from discussion with CMHC staff.

If the application is successful, Staff anticipate using the fund to support any or all of the following:

- a new staff position to increase capacity,
- consultants to carry out studies and provide recommendations, and
- a grant program to offer financial support related to affordable and/or net zero dwelling units.

The application is due September 29, 2023. This is the only application stream for this funding program.



The next steps in this process include a motion from Council to submit an application, as well as an attestation from the Director of Finance/CAO.

FINANCIAL IMPLICATIONS

Staff are working with CMHC to refine the total value we would be applying for and how the funds can be allocated beyond what is outlined above (e.g. community/capital infrastructure contribution).

At the time of submitting this report, Staff are working with submitting an application that hinges on 45 additional units over 3 years beyond our typical 75 over 3 years. 20 of the new units are anticipated to be “affordable”. This scenario leads to approximately \$1.5 million in HAF funding to improve our housing situation.

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

The Town recently received a Housing Needs Assessment that has been shared with Council. This document will soon be released for public consumption and highlights have been provided in the attached slide deck (Attachment 1).

7) COMMUNICATION REQUIREMENTS

8) ALTERNATIVES

1. Council directs staff to not proceed with submitting an application to the Housing Accelerator Fund.



Housing Accelerator Fund

Housing Accelerator Fund



- \$4 billion Federal funding initiative to accelerate housing across Canada
- Small (rural) stream
- Amended application due September 29 – sober second thought...



Sign In or Register [FRANÇAIS](#)

What can we help you find?



MENU

[Home](#) > [Professionals](#) > [Project funding and mortgage financing](#) > [Funding programs](#) > [All funding opportunities](#) > [Housing Accelerator Fund](#) > Housing Accelerator Fund: Small/Rural/North/Indigenous Stream



[SAVE](#)



[SHARE](#)

Housing Accelerator Fund: Small/Rural/North/Indigenous Stream

Funding for the development of affordable, inclusive, equitable, and climate-resilient Indigenous, small or northern communities.

Housing Accelerator Fund



- There is a huge need for housing in the Province
- Our average growth rate for housing is 25 units per year
- Our needs assessment states:
 - Current shortage of 165 units
 - Shortage of 830 units by 2027
 - Shortage of 1,703 by 2032
- Greatest need is for young families and seniors
- Average household income of \$167,000 needed to buy a house in Wolfville.
 - 90% of residents earn below this amount.
 - Median home price increased from \$258,500 in 2016, to \$500,000 by 2022 (93% change)
- Renters need to earn minimum \$45,000 to afford a 1-bedroom apartment.
 - 75% of lone-person households earn less than that.
- Have already started housing work but as we have got further into this, and better understand the needs...
 - We have limited capacity and budgets. We need support to rationalize needed housing changes if we want to move forward in a timely manner.

Action Plan - Initiatives



-
- **Intended to create systemic change to have lasting impacts on housing supply**
 - Minimum of 5 initiatives are required
 - A list of initiatives is provided by CMHC that are considered “proven”
 - Each one should increase housing supply
 - Include timelines and milestones for each (i.e. council dates, adoption)
 - Indicate other expected outcomes

Objectives



Two main objectives:

1. To create more supply of housing at an accelerated pace and;
2. enhance certainty in the approvals and building process, while also supporting the following priorities:
 - Supporting development of complete communities (walkable, dense, diverse, public and active transportation)
 - Supporting the development of affordable, inclusive, equitable and diverse communities that encourage clear pathways to achieving socioeconomic inclusion through the provision of housing across the housing spectrum
 - Supporting the development of low-carbon and climate-resilient communities.

Housing Accelerator Fund



- All initiatives must be new initiatives not yet started by the Town.
- For each initiative...
 - State how it will increase the supply of housing
 - Identify associated milestones and timelines
 - Identify any other expected results

Action plan initiatives

The action plan must include initiatives that will help the applicant achieve their committed housing supply growth target and any additional targets. The action plan items must support enhancements achievable within the program's timeframe, but the intent is for changes to outlive the HAF.

The minimum number of initiatives depends on the application stream, as follows:

- **Large/Urban:** A minimum of seven initiatives.
- **Small/Rural/North/Indigenous:** A minimum of five initiatives.

All initiatives included within the action plan should be new initiatives that have not yet started. In exceptional circumstances, CMHC may be willing to consider initiatives that started after the 2022 federal budget (April 7, 2022), which announced the Housing Accelerator Fund, in cases where an applicant may be challenged to meet the prescribed minimum number of initiatives.

The applicant must indicate how each initiative will increase the supply of housing and associated timelines, as well as any other expected results.

The applicant must identify and explain how each proposed initiative supports at least one of the objectives of the program (see section three (3)).

Sample initiatives from the guide

THESE ARE PROVEN STRATEGIES TO INCREASE HOUSING SUPPLY

- Promoting high-density development without the need for rezoning (as-of-right zoning), e .g ., for housing developments that are in proximity (within 1 .5km) of transit stations and reducing car dependency
- Allowing increased housing density (increased number of units and number of storeys) on a single lot including promoting “missing middle” housing forms typically buildings less than 4 stories
- Encouraging Accessory Dwelling Units—a second smaller unit on the same property as a primary unit
- Enable mixed-use redevelopment of city-owned properties, while where appropriate maintaining the current government use, e .g ., building housing on top of a library or office space
- Implementing incentives, costing or fee structures, for example density bonusing, to encourage such things as affordable housing and conversions from non-residential to residential
- Implementing changes to decision making such as delegating development approval authority to municipal staff based on established thresholds or parameters
- Partnering with non-profit housing providers to preserve and increase the stock of affordable housing

Action Plan Initiatives



1. Public Education (Plain Language) material summarizing Housing Needs Assessment that can create buy-in and socialize the changes. It would outline:

- Growth rates without additional supports
- Housing needs across the housing spectrum
- Who is in need of housing
- Systemic changes required to increase housing supply now and into the future

Action Plan Initiatives



2. Regulatory changes /reform to Land Use Bylaw to increase housing supply

Amend the Town planning documents to create an inclusionary zoning framework and waive fees for affordable and/or net zero developments to increase non-market housing supply

E.g. if someone builds at a certain scale – a certain number of affordable units could be required

Action Plan Initiatives



3. Regulatory changes /reform to Land Use Bylaw to increase housing supply

Review approval processes and zoning categories (as-of-right, site plan, development agreement) to reduce discretionary/political approval and appropriately zone properties to expedite housing approvals.

Action Plan Initiatives



4. Regulatory changes /reform to Land Use Bylaw to increase housing supply

Amend the Town planning documents to allow more building height in certain areas to create more housing supply and make projects more economically viable

E.g. Baptist Church Proposal

Action Plan Initiatives



5. Regulatory changes /reform to Land Use Bylaw to increase housing supply

Amend parking requirements throughout Town to support more affordable units and project viability

Action Plan Initiatives



6. Regulatory changes /reform to Land Use Bylaw to increase housing supply

R-1 reform/exclusionary zoning reform

e.g. allow secondary units in the R-1 zone

Action Plan Initiatives



7. Regulatory changes /reform to Land Use Bylaw to increase housing supply

Expedite the planning process for affordable housing projects by creating an “affordable housing” land use to allow these units as-of-right.

Action Plan Initiatives



8. Promoting and allowing more housing types that serve vulnerable populations by amending the Land Use Bylaw to permit Small Option Homes (and other affordable, supportive options) in all zones that permit residential uses.

Action Plan Initiatives



9. Take action to enable more non-market housing options by forming a working group with non-market housing stakeholders.

- Identify barriers to providing housing
- Support non-market housing providers with support throughout the development process
- Share knowledge among different sectors and groups

i.e. Valley Roots Housing Association, L'Arche, WAICC, others.

Outcome: Identifying sites and creating 'investment ready' projects

10. Create a land bank of Town owned land and prepare the land for affordable housing development by carrying out an initial development suitability analysis and any necessary rezoning(s). Once the land is ready, execute a strategy (RFP) to dispose of the lands for affordable housing projects that could be carried out as-of-right.

11. Hire consultant to work with the Town and Acadia University on a student housing strategy, building on the work that is ongoing with SCION.

Identify sites and create 'investment ready' projects for housing development near or on campus.

12. Create an affordable/net zero housing grant program to fund capital expenses and/or directly contribute to the development of affordable/net zero dwellings.

Projections – Without HAF



Current housing stock: 2,440 units

Current annual rate of construction: 25 units (75 over 3-year HAF program)

Projections – With HAF



The amount of money we receive depends on how many housing permits we can accelerate.

Top-up funding is available for missing middle housing and for affordable housing.

No funding for single family homes.

Baseline: \$20,000/unit

Missing Middle Top Up: \$12,000/unit

Affordable Housing Top Up: \$19,000/unit

How We'll Use the Funding



Funding can be used for:

- Any initiatives listed in the Action Plan (including Staff capacity)
- Investments in Affordable Housing (construction, repair, acquisition)
- Investment in housing-related infrastructure (services, transit, site preparation etc)
- Investments in Community-related Infrastructure that supports housing (local roads, bridges, sidewalks, green space etc.)

Committee Discussion



Staff Recommendation and Motion



Draft Motion

That the Planning Advisory Committee provide a positive recommendation to Council for the Town to submit an application to the Housing Accelerator Fund.