



Town Council Meeting

November 21, 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, October 24, 2023
- b. Town Council In Camera Meeting, October 24, 2023
- c. Special Town Council In Camera Meeting, November 6, 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, November 7, 2023:



- a. RFD 059-2023 Nuisance Party Bylaw First Reading
- b. RFD 061-2023 Policy Making and Management Policy
- c. RFD 060-2023 Code of Conduct for Elected Municipal Officials Policy
- d. RFD: 052-2023 Annual Appointment of Auditor
- e. RFD: 053-2023 Low Income Tax Exemption Policy#140-003
- f. RFD: 054-2023 Tax Sale Policy# 140-009
- g. RFD: 062-2023 Council Appointments to Committees

6. Motions/Recommendations from Public Hearing, November 21, 2023:

- a. RFD: 051-2023 Development Agreement 234 Main Street

7. New Business

- a. Appointment of Deputy Mayor Elliott
- b. RFD 019-2023 Civic Addressing Bylaw Chapter 110 (2nd Reading)
- c. RFD 050-2023 Building Bylaw Chapter 65 (2nd Reading)

8. Regular Meeting Adjourned

REQUEST FOR DECISION 059-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-11-07

Department: Office of the CAO



SUMMARY

NUISANCE PARTY BYLAW AMENDMENTS

Amendments to the Nuisance Party Bylaw first came to Council in July 2023 and first reading was given. Over the course of August and September staff conducted an Open House, held a session to get feedback from landlords, and requested feedback on the proposed changes via Wolfville Blooms. After this feedback, staff came back to Council in September and recommended that Section 7.4 and 7.5 be removed from the draft bylaw under consideration and that a report come back for a new first reading. During that same September Council meeting, Council requested more time before making a decision and revisited the topic at the October COW meeting, where direction was provided to staff to remove Sections 7.4 and 7.5 from the draft bylaw and bring it back through a new approval process. At that meeting Council also asked staff to re-engage with the landlords and discuss how the Town, RCMP, Acadia, students and landlords can all be meaningful partners in preventing and managing nuisance parties in the absence of punitive measures for landlords.

To lessen confusion, a new RFD (059-2023) has been created for the purposes of the new First Reading

DRAFT MOTION:

That Council give first reading to the amended Nuisance Party Bylaw Ch. 97 as attached to RFD 059-2023.

REQUEST FOR DECISION 059-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-11-07

Department: Office of the CAO



1) CAO COMMENTS

See discussion for CAO comments.

2) LEGISLATIVE AUTHORITY

Municipal Government Act, Section 172(1).

3) STAFF RECOMMENDATION

Staff recommend that Council give first reading to the attached amended Nuisance Party Bylaw.

4) REFERENCES AND ATTACHMENTS

1. Draft amended Nuisance Party Bylaw Ch. 97
2. [RFD 034-2023 Nuisance Party Bylaw Amendments](#)

5) DISCUSSION

RFD 034-2023 provides the rationale and background for all of the proposed changes to the Nuisance Party Bylaw. The edits to this RFD that were provided in red at the September 2023 Council meeting highlight the overview of the feedback received after the original first reading and the rationale for why staff recommended removing sections 7.4 and 7.5. RFD 034-2023 can be reviewed for this full context.

New information for Council is that after the COW meeting in October, staff met with landlords and representatives from the RCMP and Acadia to discuss how we can partner together to tackle nuisance party issues in the absence of punitive measures for landlords in the Nuisance Party Bylaw. The meeting was a great first step with the key takeaways including, but not limited to:

- Including landlords in the pre and post event planning and debrief sessions;
- Working with landlords to designate any desired “party-free” homes in advance of party weekends to assist the RCMP in shutting down unwanted parties;
- Creating a working group to plan events that students would want to attend for key weekends on campus. Landlords are keen to support this work, help plan and lend ideas;
- Hosting an event with colleagues from HRM, CBRM and Antigonish on common issues to both brainstorm solutions and best practices but also to identify areas where we can jointly lobby the Province for legislative changes that may assist in tackling these issues.

REQUEST FOR DECISION 059-2023

Title: Nuisance Party Bylaw Amendments

Date: 2023-11-07

Department: Office of the CAO



6) FINANCIAL IMPLICATIONS

There are minimal financial implications to these amendments, however the Town will no longer collect fine revenue for landlord infractions.

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

After first reading is given, the proposed amended Bylaw will be advertised and second reading scheduled for the Council meeting in December. As extensive engagement opportunities were provided on this issue through the summer, Blooms will be updated and those interested can provide feedback.

9) ALTERNATIVES

Council can choose not to give first reading to the proposed amended Bylaw or can make changes prior to giving first reading.

REQUEST FOR DECISION 061-2023

Title: Policy Making and Management Policy

Date: 2023-11-07

Department: Office of the CAO



SUMMARY

POLICY MAKING AND MANAGEMENT POLICY

In 2023, Council created a Working Group of four members of Council to review all of Council's legislative policies between now and September 2024. The Working Group has met three times and has identified a schedule to review all policies. One of the first policies to be reviewed was the Policy Making and Management Policy, which sets the tone and parameters under which all other policies are created.

DRAFT MOTION:

That Council approve the amended Policy 110-007 – Policy Making and Management Policy, as attached to RFD 061-2023.

REQUEST FOR DECISION 061-2023

Title: Policy Making and Management Policy

Date: 2023-11-07

Department: Office of the CAO



1) CAO COMMENTS

See below for the discussion.

2) LEGISLATIVE AUTHORITY

Motion 19-07-23 of Council.

Nova Scotia Municipal Government Act.

3) STAFF RECOMMENDATION/RECOMMENDATION OF POLICY WORKING GROUP

It is recommended that Council approve the amended Policy Making and Management Policy 110-007.

4) REFERENCES AND ATTACHMENTS

1. Draft Amended Policy Making and Management Policy 110-007

5) DISCUSSION

One of the first policies reviewed by the Policy Working Group was the Policy Making and Management Policy. This policy sets the framework and guidelines for which all other policies of Council are created. For the most part, the intent and the content of the existing policy was still relevant.

The main proposed changes to the Policy are as follows:

- Defining the term “Administrator” to replace the term “Owner” and ensuring that all policies that are reviewed from this point on clearly articulate who the Administrator will be;
- Editing language throughout to be written in plain language and to limit wordiness;
- Editing language throughout to be gender neutral; and
- Improving the definition section of the Policy. These definitions will remain consistent for future policies of Council

The Working Group has agreed that at the end of their full review of all policies to revisit this Policy to ensure it captures all of the elements that are required. At that time the Working Group will likely recommend that it change to a Standing Committee of Council and this will be referenced in this Policy at that time.

6) FINANCIAL IMPLICATIONS

N/A

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

REQUEST FOR DECISION 061-2023

Title: Policy Making and Management Policy

Date: 2023-11-07

Department: Office of the CAO



N/A although some legislative policies were slated to be reviewed in the 2023-24 Operations Plan.

8) COMMUNICATION REQUIREMENTS

Once approved, the amended Policy will be put on the Town's website.

9) ALTERNATIVES

Council can choose not to approve the recommended amendments or can make changes to the draft policy before it is approved.

REQUEST FOR DECISION 060-2023

Title: Code of Conduct for Elected Municipal Officials Policy

Date: 2023-11-07

Department: Office of the CAO



SUMMARY

CODE OF CONDUCT FOR ELECTED MUNICIPAL OFFICIALS' POLICY

In 2023, Council created a Working Group of four members of Council to review all of Council's legislative policies between now and September 2024. The Working Group has met three times and has identified a schedule to review all policies. One of the first policies to be reviewed was the Code of Conduct for Elected Municipal Officials Policy, which provides guidance on Code of Conduct investigations and outcomes, and aligns the Town's policy with the work of the NSFM/Provincial Code of Conduct Working Group.

DRAFT MOTION:

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

That Council approve the amended Policy 110-011, Code of Conduct for Elected Municipal Officials Policy, as attached to RFD 060-2023.

REQUEST FOR DECISION 060-2023

Title: Code of Conduct for Elected Municipal Officials Policy

Date: 2023-11-07

Department: Office of the CAO



1) CAO COMMENTS

See below for discussion.

2) LEGISLATIVE AUTHORITY

Motion 19-07-23 of Council.

Nova Scotia Municipal Government Act.

3) STAFF RECOMMENDATION/RECOMMENDATION OF POLICY WORKING GROUP

It is recommended that Council approve the amended Code of Conduct for Elected Municipal Officials Policy 110-011.

4) REFERENCES AND ATTACHMENTS

1. Draft amended Code of Conduct for Elected Municipal Officials Policy 110-011
2. Recommendations and Findings to Date – NSFM/Provincial Municipal Elected Official Code of Conduct Working Group

5) DISCUSSION

The Town's current Policy 110-011 is very succinct and its sole purpose is to require all members of Council to sign a Code of Conduct, which is attached to the existing Policy. The current Policy does not give direction on how to handle Code of Conduct investigations and outcomes and it is currently not well aligned with the draft recommendations of the NSFM/Provincial Municipal Elected Official Code of Conduct Working Group.

The Policy Working Group reviewed the draft work of the NSFM/Provincial Municipal Elected Official Working Group and decided to align the recommended changes to match this work. Once the MGA is officially amended, Council can review this Policy to ensure we meet with the legislative requirements at that time.

The key elements of the Policy include:

- A revised code of conduct embedded into the Policy to reflect the draft code of conduct that will be recommended by the NSFM/Provincial Municipal Elected Official Code of Conduct Working Group;
- A section on considerations for Council to evaluate prior to applying sanctions after an investigation. It should be noted that the NSFM/Provincial Municipal Elected Official Code of Conduct Working Group has recommended a list of potential sanctions that is expanded beyond

REQUEST FOR DECISION 060-2023

Title: Code of Conduct for Elected Municipal Officials Policy

Date: 2023-11-07

Department: Office of the CAO



what is currently enabled in the MGA. As this is not yet approved and the MGA not yet amended, the policy simply refers to the MGA for Section 5.3.2; and

- A section on the Complaint and Investigator process, including the requirement for the appointment of an external investigator along with rules for the process to be followed and timelines associated with investigating complaints.

Once the amended Policy is approved by Council, it is recommended that all current Councillors sign Appendix A – Statement of Commitment to Councillors’ Code of Conduct.

6) FINANCIAL IMPLICATIONS

The cost of each Code of Conduct investigation is unknown at this time, but will become known after the Town conducts a procurement process and selects a person or entity to receive and investigate complaints. The structure of any retainer and hourly amounts will be provided once the procurement process is completed through an RFD to Council to formally appoint the investigator.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

- N/A

8) COMMUNICATION REQUIREMENTS

Once approved, the amended Policy will be put on the Town’s website.

9) ALTERNATIVES

Council can choose not to approve the recommended amendments or can make changes to the draft policy before it is approved.

REQUEST FOR DECISION 052-2023

Title: Annual Appointment of Auditor – Fiscal 2023/24
Date: 2023-10-27 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



SUMMARY

Annual Appointment of Auditor

In accordance with the Municipal Government Act (Section 42), Council appoints an external auditor to conduct the required audit of the financial records and financial statements of the Town of Wolfville. The Town has had the practice of taking audit services to public tender, largely based on purchasing thresholds noted in the Procurement Policy. In fiscal 2019/20, Grant Thornton was successful in their response to the Town's Request for Proposal (RFP) – Audit Services. The terms of the RFP covered four years, and the firm has now conducted the audit of the 2019/20, 2020/21, 2021/22, and 2022/23.

The typical process would be go back to market, in line with the Town's Procurement guidelines. In past years this involved a public tender, however under the current Policy it would now involve inviting at least 3 quotes (Policy 5.3.3 d). As with any decision, Council has authority to deviate from their Policy if circumstances warrant a different process.

Given the recent news that the Director of Financial Services has decided to step down from his duties effective December 31st of this year, staff are recommending that Council reappoint Grant Thornton for at least one more year without going to market. This will help ensure:

- continuity of corporate knowledge as it relates to the Town's financials during the transition period for a new Director of Financial Services.
- remaining finance staff are familiar with the audit planning and field work process to be carried out, again helping during the transition year to a new Director.
- Council receives the audit feedback at the service level they expect. Grant Thornton has conducted the last four audits in a manner that has been appreciated by the Audit Committees and Councils involved each year.

The Audit Committee briefly discussed this reappointment during the September 15th meeting and were in favour of the idea. To ensure accountability and transparency to the public, a written RFD was considered appropriate before the recommendation went forward to Council.

At the October 27th meeting, the Audit Committee passed the following motion:

- **That the Audit Committee forward the following motion to Committee of the Whole for decision: That Council appoint Grant Thornton as the Town's Auditor for the fiscal year ending March 31, 2024.**

DRAFT COW MOTION:

That Committee of the Whole forward the following motion to Council for decision: That Council appoint Grant Thornton as the Town's Auditor for the fiscal year ending March 31, 2024.

REQUEST FOR DECISION 052-2023

Title: Annual Appointment of Auditor – Fiscal 2023/24
Date: 2023-10-27 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff. This allows for continuity in the auditor in a year where the Director of Finance position has turnover.

2) LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) 42(1)

3) STAFF RECOMMENDATION

Staff recommend that Grant Thornton be appointed as auditor for the 2023/24 fiscal year. Staff believe the continuity such appointment will provide is an important part of the transition for the new Director of Financial Services.

4) REFERENCES AND ATTACHMENTS

1. Procurement Policy 140-001

5) DISCUSSION

The Audit Committee discussed this recommendation, making note of the benefit of having the incumbent auditor appointed during the transition the Town will under go once a new Director of Financial Services is hired.

Audit services in past years have gone to market via a Request for Proposal (RFP) basis with the typical award being for a 3-4 year period. Going to market has been a practice, not necessarily a procurement requirement. The former Atlantic Trade Agreement contained services that were exempt from public tendering process, with audits falling within that group. That Agreement has been replaced with the Atlantic Trade and Procurement Partnership (ATPP) which is a more general document which does not refer to exemptions at all. There are related provincial documents which do reference exemptions, however in NS accountants are not one of them. That said, audit service costs are well below tender thresholds included in provincial regulations, i.e. formal tender process not required.

With the updated Town Procurement Policy last year, audit service cost no longer cross the threshold requiring public tender process. At most, by Town Policy (clause 5.3.3.d), the audit service falls into a threshold that would have invitations to submit service proposals. That said, with the recent announcement that the Town will be looking for a new Director of Financial Services, staff believe it is important to retain the current audit firm for at least one more year, possibly a couple more years. Key to this include the following:

REQUEST FOR DECISION 052-2023

Title: Annual Appointment of Auditor – Fiscal 2023/24
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Department: Finance



- The auditors, Grant Thornton, are familiar with the manner in which the Town's current Director of Financial Services prepares the year end statements, and as such can provide continuity of knowledge for the new Director in what will be a transition year.
- Grant Thornton have provided audit services over the past four years in a manner well received by staff, Audit Committee and Council. During a period with key new standards coming into effect, eg. Asset Retirement Obligation, their resource support has been key to Town staff.
- Quality of audit service has been a key criteria in past years in evaluating proposal submissions. Audit services is not an area where the low bid should necessarily be awarded a contract. Best value is key.
- Grant Thornton is an international firm providing full resources in all areas of financial management, including support to IT departments.
- The Town has had three different audit firms over the last thirteen year, and during each change in firm there is an added burden on Finance Department Staff to orient themselves to how the new firm works, and to help the new firm learn the systems of the Town.

Staff expect the cost of audit services will be modestly higher than the past year, however the cost of this service is no different than other sectors in this post-pandemic environment. The public tender process also does not limit cost increases as firms invariably bid the work with annual cost escalation factors built in.

It is not unusual to see a municipality keep the same audit firm for years. In some cases, this has been decades. Although staff believe it's important to check the market periodically (be it a full public tender process or invitational bid process), in the circumstances upcoming this winter it is more important to keep continuity in corporate financial knowledge.

6) FINANCIAL IMPLICATIONS

No additional budget or action result from the recommended approach of keeping the current audit firm. The cost of this service will increase from past years, but modestly on a year over year basis. The results of the 2019 call for proposals showed the average cost of submissions to be almost 24% higher than the call for proposals in 2014. The 2023/24 budget allowed for audit costs of \$29,700. Costs last year were slightly higher, mostly related to added procedures around the new Asset Retirement Obligation reporting.

Pressure on internal staff resources will be minimized by staying with the current audit firm, which can be a benefit during a transition year.

REQUEST FOR DECISION 052-2023

Title: Annual Appointment of Auditor – Fiscal 2023/24
Date: 2023-10-27 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

None provided. Appointment of an auditor is a legislated requirement and the work of the auditor is a key component in basic financial accountability and transparency to the public.

8) COMMUNICATION REQUIREMENTS

Notify Grant Thornton of appointment and begin process of audit planning for the upcoming year end.

9) ALTERNATIVES

Not approve recommendation. If this occurs staff will have to go thru a process to invite audit proposals, evaluate submissions and come back to Audit Committee with a recommendation. Effectively this would take the process into the new calendar year at which point new staff resources will be in the midst of orientation and budget process.

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
Date: 2023-10-20 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



SUMMARY

Low Income Property Tax Exemption Policy 140-003

This Policy was last updated formally in 2012. At that time, the policy update involved updating what had been exemption and threshold amounts which had remained unchanged since 1999. The 2012 changes included a mechanism to update both the exemption amount offered to residents and the income requirements on an annual basis. Since that time, Council has considered increases as part of the annual budget process, with approval of changes made by way of the motion approving the budget. For fiscal 2023/24, Council approved an exemption amount of \$1,000 for households with income not exceeding \$38,000.

As noted in the 2023-2027 Operations Plan the Low Income Property Tax Exemption Policy is due for review and update (page 33 of Operations Plan). This RFD addresses a number of changes to the Policy to modernize it and includes wording so that the exemption and income threshold will change automatically based on objective criteria, meaning it is not as prone to what has been a somewhat subjective recommendation by staff each year.

This Request for Decision (RFD) was reviewed and discussed at the October 27th Audit Committee Meeting. After discussion the Committee passed the following motion:

**That the Audit Committee forward the following motion to Committee of the Whole for decision:
That Council approve the attached revised Low Income Property Tax Exemption Policy 140-003.**

DRAFT MOTION:

That Committee of the Whole forward the following motion to Council for decision: That Council approve the attached revised Low Income Property Tax Exemption Policy 140-003.

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
Date: 2023-10-20 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

- Municipal Government Act (MGA) Section 69
- Town Policy 140-003

3) STAFF RECOMMENDATION

Staff recommend Council adopt the attached draft Policy as submitted. Further, that this Policy continue to be reviewed periodically to ensure it stays current and achieves the intent of the Policy, i.e. tax relief for qualifying households.

This periodic review of the Policy can coincide with the remuneration review carried out every four years. Each remuneration review in the future should revisit a determination of living wage, and cross reference that information to the base line assumptions built into the attached draft policy.

4) REFERENCES AND ATTACHMENTS

- Draft update – Policy 140-003 (attached)

5) DISCUSSION

During the October 27th Audit Committee meeting there were generally questions of clarification. It was noted the Policy requires the income threshold to be include household income, i.e. all family members of the residence. It was also pointed out by a Committee member that, although income may be a helpful measure of ability to pay it can also end up providing an exemption to someone with a lower income but who also has substantial assets. This is an acknowledged issue, however the legislative framework (MGA) leans on income as the measure for ability to pay.

No content changes were made from Audit Committee draft Policy to the attached Draft Policy. There were a few formatting changes made between drafts.

Most, if not all, municipalities in NS provide some level of property tax relief to qualifying households. As noted in the 2011 RFD 011-2011, it is one step to help create a more inclusive/diverse community by recognizing the difficulties faced by some low income earners (both working and retired). It is only one

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
Date: 2023-10-20 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



piece of a complex issue and based on current provincial legislation (MGA Section 69) is only available to the person(s) owning a property.

There are two key parts to a property tax exemption under MGA S 69, and those are:

- Income threshold – an amount below which a property would qualify for the exemption
- Exemption amount – the maximum reduction in property taxes available to an owner

Wolfville Council has set the dollar amounts applicable to the two items above as part of the motion approving the annual budget. For the 2023/24 operating year, the parameters were set at:

- Income threshold \$38,000 (in calendar 2022)
- Exemption amount \$1,000 (maximum)

As a matter of comparison to other municipalities, websites for the following selected locations were reviewed. Where info could not be located on websites, staff called the municipality. The results show the following data:

Town of Kentville

- Income scale based approach
 - < \$12,000 = \$620 exemption
 - < \$16,000 = \$490 exemption
 - < \$18,000 = \$370 exemption
 - < \$30,000 = \$290 exemption

Town of Berwick

- Income threshold \$27,648
- Exemption amount \$350

Town of Bridgewater

- Income scale based approach
 - < \$20,000 = \$800 exemption
 - < \$25,000 = \$500 exemption
 - < \$30,000 = \$300 exemption
 - < \$35,000 = \$100 exemption

County of Kings

- Income threshold \$45,000
- Exemption amount \$510

During budget deliberations over the last few years, staff have mentioned the desire to find a more appropriate income threshold mechanism than the one noted in Policy 140-003. Although it provided

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Title: Low Income Property Tax Exemption Policy 140-003
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an objective, external point of reference that included an annual inflation adjustment, it was not necessarily the most effective manner to set an income threshold. The thought has been that a higher threshold would be a way to provide assistance to a broader group than had been the case previously. From 2011 to 2020 the income threshold was set in line with the wording of Policy 140-003, section 5.4, i.e. the maximum income provided a retired couple by OAS and GIS provided by the federal government. As noted during the fiscal 2021/22 budget process, the income threshold was increased higher than would have occurred if the Policy wording had been followed.

The Remuneration Review carried out in the last year included feedback on what might be considered a living wage in the Valley area. This was requested to help inform how municipal pay rate compared to a living wage data point. It also provided an opportunity to compare that data to the income threshold used for the Low Income Property Tax Exemption. As reported to Council, the data showed a living wage as \$22.40 per hour. Based on a 35 hour work week that equates to a salary of \$40,768. This value is slightly below the minimum pay on Grade 1 of the Town's non-union pay grid which is set at \$41,738 for fiscal 2023/24.

Staff are proposing the tax exemption parameter be tied to that ratio between living wage, for this purpose defined as \$40,768, and Town minimum pay band salary of \$41,738. That ratio reads as living wage is 97.5% of minimum Town salary. So how would this proposal work in practical terms:

- For upcoming budget year 2024/25
 - Assume Cost of Living Adjustment (COLA) is based on 4% (inflation rate).
 - Note this is for example purposes only. The final inflation data for calendar 2023 may differ, but this assumption is close to the average change so far this year in the Consumer Price Index (CPI) for Nova scotia.
 - Consistent with past practice, assume Town pay scale is adjusted by COLA (4%)
 - Minimum pay on Town grid increase by 4%, going from current \$41,738 up to \$43,407

 - Result, income threshold would increase to \$42,322
 - \$43,407 multiplied by 97.5%

In the same way that the income threshold would get adjusted by formula each year, staff believe the amount of exemption should be adjusted annually to ensure the tax relief does not become outdated (as it had occurred between the 1990's and 2011 when the amount remained unchanged at \$200). A straight forward approach would involve changing the exemption amount in relation to the annual inflation rate for NS. This is the same parameter used annually in the budget process adjusting Council and staff remuneration levels. In terms of the example noted above, this is how it would work:

- For upcoming budget year 2024/25
 - Assume Cost of Living Adjustment (COLA) is based on 4% (inflation rate).

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
Date: 2023-10-20 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



- Note this is for example purposes only. The final inflation data for calendar 2023 may differ, but this assumption is close to the average change so far this year in the Consumer Price Index (CPI) for Nova scotia.
- Result, tax exemption amount would increase to \$1,040
 - \$1,000 times 1.04

Refer to the attached draft Policy to see how the above noted process is phrased to have this function each year.

Other Factors to Consider and Note

MGA Section 69 provides room for councils to create their policy, and also specifies a couple of elements. As illustrated by the municipal comparisons provided above, there are varied approaches and levels of tax relief provided.

- MGA 69 (1) - Income does not include amounts related to War Veterans Allowance Act or Pension Act of Canada
- MGA 69 (1) - Income is to be determined based on the previous calendar year for the year an exemption is provided. For example, the exemptions provided in the current year (2023/24) are based on income from calendar 2022
- MGA 69 (1) - Income measurement may include all members of the same family residing in the home
- MGA 69 (2) – a council may prescribe a scale of exemptions (as can be seen by the examples above for Kentville and Bridgewater
- MGA 69 (3) – a council may require an applicant to provide proof of income and/or sign affidavit
- MGA 69 (4a) - a council may require applicant to use the property as their principal residence
- MGA 69 (4b) - a council may allow for a proration of exemption if property owned by more than one person
- MGA 69 (4c) - a council may specify a date which applications must be submitted, after which no application will be received
- Some municipalities limit exemption as a factor of total taxes, eg. exemption is “x” dollar not to exceed 50% of total taxes. Other units simply set a fixed amount.

In practice, finance staff have processed the applications, and for those that meet the Policy criteria the exemption amount has been applied directly to the property tax account prior to the final tax bill each year. The Town’s application form includes space for applicant to show breakdown of income

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
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(employment, pension, other) and requires a copy of CRA Notice of Assessment for the applicant. It also notes July 31st as deadline to apply. In instances where the application has been incomplete or incorrectly completed, staff have contacted the applicant for clarification and/or missing support documentation.

The process has worked well over the years from a staff perspective. There have been occasions where applications were considered and approved despite coming into Town Hall after the deadline. Extenuating circumstances such as family illness have been considered when late submissions come in. The July 31st deadline has been selected as it allows time to review/process the applications before final tax bills are processed at the end of August.

During the application process this year, several applications involved follow up questions from staff. Approximately a quarter of the applications involved follow up questions. Although this has occurred over past application processes, this year there was a couple instances of feedback that may inform how Council would like to see staff manage the process. The feedback included:

- Follow up questions from staff were perceived to be made on questionable ethical judgement calls
- Follow up staff questions had the applicant feeling like they were being called a liar
- Through the verification process staff were discriminating against individuals
- Both the application form and staff questions (where they occurred) create barriers to applicants

Staff believe that the feedback is helpful to inform how the Policy will work going forward. A question was posed on the Association of Municipal Administrators listserv and a portion of the feedback reinforced the note above that the application for this type of assistance has an element of labeling and therefore can inadvertently create barriers. At least one municipal unit responded that they accept the applications at face value and do not have follow up questions. They rely on the CRA Notice of Assessment as verification.

There is a logic to making it easier to apply, without what would have traditionally been referred to as due diligence (verifying incomplete application forms). Although it removes a step meant to ensure Town receives complete information, removal of the extra verification would remove what some applicants believe is a barrier to apply.

Summary of key elements of discussion

- Income Threshold to be tied to non union pay band, at 97.5% of minimum pay, Grade 1
- Exemption amount to be increased by COLA, as measured by average calendar year change in Consumer Price Index (CPI)
 - Exemption not to exceed total property taxes

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
Date: 2023-10-20 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



- Exemption to be applied directly to tax account as a credit, and only to residential assessment in cases where property has both residential and commercial assessment
- Applicant(s) use property as their principal residence
- Application form, with CRA Notice of Assessment will be sufficient to verify application

6) FINANCIAL IMPLICATIONS

The budget annual budget process includes an estimated allowance to cover low income exemptions provided to residents. The 2023/24 Budget included an estimate of \$40,000 based on an estimate 40 qualifying properties each receiving \$1,000 credit on their tax account. This amount is included with exemptions under Policy 140-014 in a budget total estimate of \$124,200 (refer to Dept 190 in the approved budget and powerpoint slide presentation at last year's January 19th Special COW meeting.

The actual qualifying applications this year was 36, slightly less than budget estimate. That said, 36 is the highest # of qualifying applications on record. This might be partially attributed to increasing the qualifying income level. In 2022/23 there were 26 qualifying properties. A little over a decade ago there were 5 qualifying properties.

The recommended changes to policy are not likely to require material changes to upcoming 2024/25 budget. They will be incremental in nature. The current budget already has a small buffer built into the number, i.e. allows for 40 exemptions compared to the 36 actual this year.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Policy 140-003 address areas of social equity, one of Council's strategic directions in the 2021-2025 Strategic Plan.

8) COMMUNICATION REQUIREMENTS

Policy 140-003 includes a requirement to advertise the exemption in the local paper in April or May each year. Additional Policy promotion has also occurred through social media posts, and info sheets included in bill mail outs.

9) ALTERNATIVES

REQUEST FOR DECISION 053-2023

Title: Low Income Property Tax Exemption Policy 140-003
Date: 2023-10-20 AUDIT COMMITTEE **UPDATE TO NOV COW**
Department: Finance



In the areas that Council has authority, income and exemption amounts, the alternatives in some ways are endless. There is no right answer to the parameters. This is evident when comparing to other municipalities. In general, the options include:

- Make no changes to the Policy, and revert back to the income threshold that would require.
 - The likely outcome here is fewer households would qualify which would lower Town expenses, but not achieve the goal of reasonable tax relief to households below a living wage

- Set higher thresholds to both parameters or one of them
 - Higher limits should have some rationale to how they are set, and that approach can be replicated year over year.
 - A higher income threshold may allow more property owners to qualify and receive higher tax relief.

- Lower the thresholds
 - This would reduce number of properties qualifying

REQUEST FOR DECISION 054-2023

Title: Tax Sale Policy 140-009 Update
Date: 2023-10-27 AUDIT COMMITTEE **UPDATE FOR COW**
Department: Finance



SUMMARY

Tax Sale Policy 140-009

The Tax Sale Policy was last updated in 2012. This is not entirely unusual as the parameters of the Policy should function as intended and if followed, a municipality should not experience issues with growing tax arrears. This theory has held from 2012 until more recent years where the outstanding tax balance (arrears) has increased to a level more than double what it was 5 years ago.

Staff have been reviewing possible factors that have driven the arrears to a higher level. Factors to consider have covered overall increase in tax billings, impact of inflation on ability to pay, and categories of tax bills that have fallen behind the most in terms of dollar amount. The changes being recommended are focused on risk area around large value assessments. A year ago, a group of such properties showed total arrears to the Town of over \$630,000.

This Request for Decision (RFD) and attached draft Policy 140-009 were reviewed at the October 27th Audit Committee meeting. After review and discussion, the Committee passed the following motion:

**That the Audit Committee forward the following motion to Committee of the Whole for decision:
That Council approve the attached draft Tax Sale Policy 140-009.**

DRAFT MOTION:

That Committee of the Whole the following motion to the Council for decision: That Council approve the attached draft Tax Policy 140-009.

REQUEST FOR DECISION 054-2023

Title: Tax Sale Policy 140-009 Update
Date: 2023-10-27 AUDIT COMMITTEE **UPDATE FOR COW**
Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 134.

3) STAFF RECOMMENDATION

Staff recommend that Council approve the revised Tax Sale Policy.

4) REFERENCES AND ATTACHMENTS

1. Draft Tax Sale Policy 140-009 (attached)

5) DISCUSSION

This Request for Decision (RFD) and attached draft Policy was discussed and reviewed at the October 27th Audit Committee meeting. As noted in the information noted below, the rationale for making changes to the Policy relate to what had been a growing issue of arrears related to properties with large assessed values.

It was noted during the Audit Committee meeting that the properties that highlighted this potential issue with cash flow had, over the summer/early fall months, caught up on what had been arrears to the point they now only owe current year taxes. That said, the draft Policy is meant to help ensure similar circumstances are avoided in the future.

Staff also provided a verbal update with regard to feedback from legal, not below as not received at the time of writing this report for Audit agenda. Legal confirmed that they believe the draft Policy stays within bounds of the MGA legislation.

As part of an effort to help staff address what has become a growing dollar amount in tax arrears, the Town's Tax Sale Policy was reviewed to determine if changes could be made to address situations where material amounts were in arrears from individual properties.

Working within the parameters of the MGA, the amended policy adds a second condition that could trigger a property to be placed into a tax sale policy. The key portion of the previous policy was arrears in excess of two years meant a property would be placed in a tax sale process. Note the MGA provides the following key thresholds:

- A property may be placed up for tax sale if arrears exceed one year

REQUEST FOR DECISION 054-2023

Title: Tax Sale Policy 140-009 Update

Date: 2023-10-27 AUDIT COMMITTEE **UPDATE FOR COW**

Department: Finance



- A property must be placed up for tax sale if arrears exceed three years.

The issue over the last few years of growing balance of outstanding taxes has not been with the typical family home, but rather with larger assessed properties where annual taxes can approach \$100,000. This has created situations where upwards of \$650,000 is owing on a handful of accounts, and those properties are in arrears just shy of 2 years worth of taxes. This negatively impacts the Town's cash flows and could add to risk over time.

Staff have added a clause to the Policy that should address large balances in a way that does not go offside of the MGA requirement that taxes be at least one year in arrears, and also allow the tax sale process to begin before an account reaches a full 2 years of arrears. The proposed amendment has been sent to legal for feedback to ensure the wording stays within the MGA parameters. That legal feedback has not been received at the time of writing this report. A verbal update will be provided at the Audit Committee on the 27th.

6) FINANCIAL IMPLICATIONS

This policy change should have a beneficial impact on the Town's cash flows by encouraging more timely payment by ratepayers. At this stage no budgetary impact is anticipated.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Nothing provided for this report.

8) COMMUNICATION REQUIREMENTS

Nothing added at this time.

9) ALTERNATIVES

The alternatives would include:

- Not approve any changes to the existing Policy
 - This may end up allowing an ever growing number of accounts with large assessed values to be in arrears to a material amount impacting Town cash flows.
- Change the Policy to require all properties in arrears one year be placed in the tax sale process

REQUEST FOR DECISION 054-2023

Title: Tax Sale Policy 140-009 Update

Date: 2023-10-27 AUDIT COMMITTEE **UPDATE FOR COW**

Department: Finance



- Staff believe this would create a much larger process each year as it would likely double the number of properties which are identified for tax sale. Unlikely current staff resources would allow for the larger volume.
- Change the Policy to have properties only go to tax sale process with three years of arrears, at which point the MGA requires tax sale anyways.

REQUEST FOR DECISION 062-2023

Title: Councillor Appointments to Committees
Date: 2023-11-07 Updated for Council 2023-11-21
Department: Office of the CAO



SUMMARY

COUNCILLOR APPOINTMENTS TO COMMITTEES

The purpose of this RFD is for Council to consider committee appointments for each Councillor for the period starting December 2023.

DRAFT MOTION:

That Council approves the Council Committee appointments as outlined in RFD 062-2023.

REQUEST FOR DECISION 062-2023

Title: Councillor Appointments to Committees
Date: 2023-11-07 Updated for Council 2023-11-21
Department: Office of the CAO



1) CAO COMMENTS

The CAO supports the recommendations staff.

2) LEGISLATIVE AUTHORITY

[Nova Scotia Municipal Government Act](#)

3) STAFF RECOMMENDATION

Staff recommend Council support the appointments as contained within this RFD.

4) REFERENCES AND ATTACHMENTS

- [Policy 110-001 Committees](#)

5) DISCUSSION

The Town Clerk, Mayor and CAO met to discuss Council Committee appointment recommendations to bring to Council in November so the new appointments can start in December. Appointments are based on equal representation/workload, interest, and skill sets.

The following appointments are being recommended for Council's consideration (changes are highlighted in yellow):

TOWN OF WOLFVILLE COMMITTEES

ACCESSIBILITY ADVISORY COMMITTEE

| Name | Appointed | Expiry |
|--|-----------|---------|
| Councillor Jennifer Ingham (Chair) | 2022-12 | 2024-10 |
| Councillor Wendy Elliott | 2023-11 | 2024-10 |
| Councillor Mike Butler (alternate) | 2023-11 | 2024-10 |

AUDIT COMMITTEE

| Name | Appointed | Expiry |
|--|----------------|----------------|
| Mayor Wendy Donovan | Not Applicable | Not Applicable |
| Councillor Mike Butler (Chair) | 2022-12 | 2024-10 |

REQUEST FOR DECISION 062-2023

Title: Councillor Appointments to Committees
Date: 2023-11-07 Updated for Council 2023-11-21
Department: Office of the CAO



[Councillor Ian Palmeter](#)

2023-01

2024-10

PLANNING ADVISORY COMMITTEE (PAC)

| Name | Appointed | Expiry |
|--|----------------|----------------|
| Mayor Wendy Donovan | Non-applicable | Non-applicable |
| Deputy Mayor Isabel Madeira-Voss (Chair) | 2022-12 | 2024-10 |
| Councillor Wendy Elliott | 2022-12 | 2024-10 |
| Councillor Jennifer Ingham | 2022-12 | 2024-10 |

POLICE (RCMP) ADVISORY BOARD (BYLAW CH. 87)

| Name | Appointed | Expiry |
|--|-----------|---------|
| Deputy Mayor Isabel Madeira-Voss | 2022-12 | 2024-10 |
| Councillor Ian Palmeter | 2023-11 | 2024-10 |
| Councillor Wendy Elliott | 2023-11 | 2024-10 |

SOURCE WATER PROTECTION ADVISORY COMMITTEE

| Name | Appointed | Expiry |
|---|----------------|----------------|
| Mayor Wendy Donovan | Non-applicable | Non-applicable |
| Councillor Ian Palmeter (Chair) | 2023-11 | 2024-10 |
| Councillor Wendy Elliott | 2022-12 | 2024-10 |

TOWN & GOWN COMMITTEE

| Name | Appointed | Expiry |
|--|-----------|---------|
| Mayor Wendy Donovan (Chair) | 2022-12 | 2024-10 |
| Councillor Jodi MacKay | 2022-12 | 2024-10 |
| Councillor Jennifer Ingham (alternate) | 2023-11 | 2024-10 |

REQUEST FOR DECISION 062-2023

Title: Councillor Appointments to Committees
Date: 2023-11-07 Updated for Council 2023-11-21
Department: Office of the CAO



INTER-MUNICIPAL / PARTNER ORGANIZATIONS

Wolfville Business Development Corporation (WBDC) Board

| Name | Appointed | Expiry |
|---|-----------|---------|
| Councillor Jodi MacKay | 2022-12 | 2024-10 |
| Councillor Ian Palmeter (alternate) | 2022-12 | 2024-10 |

REGIONAL COMMITTEES

ANNAPOLIS VALLEY TRAILS COALITION

- Councillor Jodi MacKay
- Councillor Ian Palmeter (alternate)

BISHOP-BECKWITH MARSH BOARDY

- Councillor Wendy Elliott
- Mayor Wendy Donovan (alternate)

DIVERSITY KINGS COUNTY

- Councillor Jennifer Ingham
- Councillor Mike Butler (alternate)

GRAND PRE MARSH BODY

- Councillor Wendy Elliott
- Mayor Wendy Donovan (alternate)

INTER-MUNICIPAL SERVICE AGREEMENT (IMSA)

- Mayor Wendy Donovan
- Councillor Jodi MacKay (alternate)

KINGS POINT TO POINT

- Councillor Mike Butler
- Councillor Jennifer Ingham (alternate)

REGIONAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

- Councillor Jodi MacKay
- Councillor Jennifer Ingham
- Councillor Ian Palmeter (alternate)

REQUEST FOR DECISION 062-2023

Title: Councillor Appointments to Committees
Date: 2023-11-07 Updated for Council 2023-11-21
Department: Office of the CAO



VALLEY COMMUNITY FIBRE NETWORK

- Councillor Ian Palmeter
- Mayor Wendy Donovan (alternate)

VREN LOCAL OVERSIGHT COMMITTEE

- Mayor Wendy Donovan
- Councillor Jodi MacKay (alternate)

OTHER COMMITTEE / TASK FORCE

Council Policy Review Task Force

- [Deputy Mayor Isabel Madeira-Voss](#)
- [Councillor Jodi MacKay](#)
- [Councillor Mike Butler](#)
- [Councillor Jennifer Ingham](#)

Policing Review Committee

- [Mayor Wendy Donovan](#)
- [Councillor Jodi MacKay](#)

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

N/A

7) COMMUNICATION REQUIREMENTS

Committee members are currently posted on website and will be updated with the changes as approved.

8) ALTERNATIVES

Council can choose to make further changes to these committee appointments.



SUMMARY

Development Agreement

234 Main Street (PID 55278626)

Applicants Nancy Price and Paul Morgan are seeking a Development Agreement to construct a 10-unit residential building at 234 Main Street (PID 55278626). This application was forwarded to a Public Hearing on October 3, 2023.

Since then, the applicants have provided updated draft elevations and a site/landscape plan, as shown below. These drawings show a greater level of detail, however further drawings will be required as the applicant works through the permit and development process. The main changes to these drawings are the addition of various building materials and landscaping.



Updated landscape/site plan



Updated south elevation



Updated north elevation



Updated north elevation in snow

DRAFT MOTION:

For November 21, 2023 Council:

That the Town Council approve the development agreement for 234 Main Street (PID 55278626).

For the Committee of the Whole to consider the PAC recommendation regarding the draft development agreement, DA 2023-001, for 234 Main Street (PID 55278626) to build a multi-unit dwelling containing up to 10 dwelling units.

PAC Motion (September 14, 2023):

MOTION

THAT THE PLANNING ADVISORY COMMITTEE PROVIDE A POSITIVE RECOMMENDATION TO COUNCIL FOR THE DRAFT DEVELOPMENT AGREEMENT FOR PID 55278626 AND THAT IT BE FORWARDED TO COUNCIL FOR INITIAL CONSIDERATION.

CARRIED.



DRAFT MOTION:

THAT COMMITTEE OF THE WHOLE RECOMMEND THAT THE DEVELOPMENT AGREEMENT FOR 234 MAIN STREET (PID 55278626) BE FORWARDED TO A PUBLIC HEARING.

1) CAO COMMENTS

The CAO concurs with the recommendation of Staff.

2) LEGISLATIVE AUTHORITY

The *Municipal Government Act* and Municipal Planning Strategy establishes the ability to enter into development agreements.

3) STAFF RECOMMENDATION

Staff considers the application consistent with the relevant policies of the Municipal Planning Strategy (MPS) and recommends that it be forwarded to a Public Hearing.

4) REFERENCES AND ATTACHMENTS

- Attachment 1: Draft Development Agreement DA 2023-001
- Reference: September 14th, 2023 PAC Report – found [here](#)

5) DISCUSSION

This application went to Planning Advisory Committee on September 14th, 2023. The Applicant is seeking to build a new multi-unit dwelling containing up to 10 dwelling units. A preliminary site plan is shown in image 1. A detailed site plan and landscaping plan will be required by the Development Agreement.



Image 1. Conceptual site and landscape plan. -see updated drawing above.

The Planning Advisory Committee has reviewed the application and provided a positive recommendation. See referenced PAC Staff report for additional details.

234 Main Street falls within the Design Guideline Areas and the application has been reviewed by the Design Review Committee. Feedback from the Design Review Committee was positive, though

suggestions for natural building materials on the façade and a porch or verandah were made to allow the building to complement existing dwellings on Main Street and to provide an opportunity for social interactions from the sidewalk. The Applicant has provided feedback stating that final building materials have not yet been determined but may include wooden clapboard on the façade, metal siding in less prominent areas, and metal roofing.

Preliminary elevations are shown in images 2-5.



Image 2. South elevation -see updated drawing above.

DA 2023-001: 234 Main Street

Date: October 3, 2023

Department: Planning & Economic Development



Image 3. East elevation



Image 4. West elevation (rear) -See updated drawing above.



Image 5. West elevation

6) FINANCIAL IMPLICATIONS

None

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

The Town's Municipal Planning Strategy supports this type of housing through a Development Agreement process.

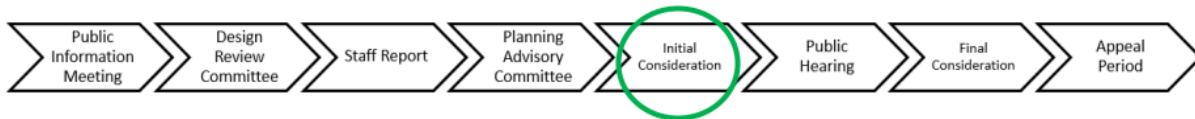
8) COMMUNICATION REQUIREMENTS

If approved, a public hearing will require advertising and direct mail to residents.

For past communications regarding the application, see referenced Planning Advisory Committee report. The next step in the Development Agreement application process is for the application to go forward to a public hearing, which has tentatively been planned for the evening of the October 24th Council meeting. This step provides the opportunity for Council to hear directly from the public



regarding the proposal. Notification of the public hearing will be mailed to neighbouring property owners, ads will be placed in the newspaper, and information posted to the Town’s website and social media. The existing sign will remain placed on the property indicating the property is subject to a planning application. Following the public hearing, Council will then give consideration to the development agreement.



9) ALTERNATIVES

1. COTW forwards the application to Council to refer the application to the Planning Advisory Committee with specific direction or questions for consideration.
2. COTW forwards the application to Council with a recommendation to reject the application.

This **Development Agreement** is made this _____ day of _____, 2023.

BETWEEN:

NANCY ARCHIBALD PRICE and PAUL FREDERICK MORGAN
(Hereinafter called the “Developer”)

OF THE FIRST PART

- and -

TOWN OF WOLFFVILLE
A municipal body corporate,
(Hereinafter called the “Town”)

OF THE SECOND PART

WHEREAS the Developer has requested that the Town enter into a Development Agreement relating to the use and development of the Lands (PID 55278626) pursuant to the provisions of the Municipal Government Act and the Municipal Planning Strategy for the Town of Wolfville;

AND WHEREAS a condition of granting approval for the development of the Lands is that the parties enter into this Development Agreement;

AND WHEREAS the Town Council of the Town, at its meeting on **DDMMYYYY**, approved entering into this Development Agreement to permit the establishment of one building containing ten dwelling units on the Lands, subject to the registered owner of the Lands entering into this Development Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES THAT in consideration of the covenants made in this Development Agreement and other valuable consideration the Developer and the Town agree to the following terms.

1. Schedules

The following schedules form part of this Development Agreement:

- Schedule “A” – Legal Parcel Description of Lands
- Schedule “B” – Site and Landscape Plan
- Schedule “C” – Architectural Design

2. Definitions

2.1 In this Development Agreement:

“Building By-Law” means Chapter 65 of the By-Laws of the Town of Wolfville.

“Developer” means the owner(s) of the lands, their heirs, successors, assigns, and all subsequent owners of the lands.

“Development” means the construction of a new building containing up to ten (10) dwelling units.

“Development Officer” means the Development Officer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Engineer” means the Engineer appointed by the Town of Wolfville under the provisions of the *Municipal Government Act*.

“Effective date” means the date on which this Development Agreement is deemed to be entered into under the terms of this Development Agreement.

“Lands” means the real property in the Town of Wolfville owned by the Developer, PID 55278626, and as described in Schedule “A”.

“Land Use By-Law” means the Land Use By-Law of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Land Use By-Law effective September 3, 2020.

“Municipal Planning Strategy” means the municipal planning strategy of the Town of Wolfville in force from time to time, adopted and amended by the Wolfville Town Council under the provisions of the *Municipal Government Act*. At the date of this Development Agreement, it is the Municipal Planning Strategy effective September 3, 2020.

“MGA” means the *Municipal Government Act*, S.N.S. 1998, c. 18, as amended.

“Planning Documents” means Land Use Bylaw, Municipal Planning Strategy, and Subdivision Bylaw.

2.2 Where terms (words or phrases) are not defined in this Development Agreement, definitions in the Town’s planning documents shall apply. Where terms are not defined in the planning documents, definitions in the MGA shall apply. Where

terms are not defined in the aforementioned sources, their ordinary meaning shall apply.

3. Relevance of Planning Documents and Other Regulations

3.1 This Development Agreement contains definitions and regulations for the Development. It complements the Town's Planning Documents. Unless specified in this Development Agreement, requirements in the Town's Planning Documents shall apply. Where there is a conflict between this Development Agreement and the Planning Documents, this Development Agreement shall prevail.

3.2 Regulations outside of this Development Agreement or the Town's Planning Documents may be applicable to the Development. However, the terms of this Development Agreement shall not be materially changed in order to comply with such regulations without an amendment to this Development Agreement.

4. Background

The Developer wishes to build a new multi-unit dwelling containing up to ten (10) dwelling units.

5. Terms

5.1 Development Conditions

5.1.1 Permits and Approvals

5.1.1.1 This Development Agreement allows the Developer to obtain development permits, other permits, and permissions to allow uses permitted by this Agreement.

5.1.1.2 The Developer shall be responsible for obtaining all necessary permits and approvals required by law for the Development, including but not limited to development permits, building permits, and any approvals required from the Province of Nova Scotia.

5.1.1.3 Obligations or other requirements in this Development Agreement are those of the Developer, unless otherwise specified.

5.1.1.4 No occupancy permit shall be granted for this Development until all provisions of this agreement are met, except for landscaping requirements that cannot be met due to seasonal restrictions.

5.1.2 Land Use

5.1.2.1 The following uses are permitted:

- (a)** Continuation of existing uses in existing structures;
- (b)** Construction of new “Proposed Building” generally consistent with Schedule “B” and “C” and use of that building for up to ten dwelling units;
- (c)** Other accessory uses permitted as by the Land Use Bylaw for the corresponding zone.

5.1.3 Landscaping & Site Requirements

5.1.3.1 The Development shall conform to the zone standards of the Land Use By-law, except as otherwise established by this Agreement.

5.1.3.2 All Development shall occur on the Lands.

5.1.3.3 Development on the Lands shall be built generally in accordance with the Site Plan and Specifications of Schedule “B”, which may be varied to accommodate location of outdoor decks, patios, porches and vegetation.

5.1.3.4 The Developer shall establish and maintain all non-hard surface areas on the Lands as landscaped areas.

5.1.3.5 Storm water runoff from the Lands shall not be directed onto adjacent properties unless permission is obtained from the adjacent property owner for the direction of such storm water runoff.

5.1.3.6 Parking spaces shall be provided as set out in Schedule “B” or as approved by the Development Officer .

5.1.3.7 No parking shall be permitted on non-hard surfaced areas of the site.

5.1.3.8 The Developer shall provide sufficient onsite lighting for all driveways and walkways on the Lands to provide for the reasonable safety and security of vehicles and pedestrians. All exterior lighting fixtures shall direct light toward the ground as to prevent the unreasonable illumination of adjacent properties.

5.1.4 Municipal Services

5.1.4.1 The parties agree that municipal sanitary sewer and water services are available.

5.1.4.2 The Town makes no warranties, guarantees or claims as to the adequacy of the Town's water supply to provide the recommended Fire Flow amounts for protection of the building from fire. The Developer shall satisfy itself that the available fire flows are satisfactory to meet its needs.

5.1.5 Refuse Storage and Utility Equipment

5.1.5.1 Refuse, compost, recyclables, and other similar matters shall be stored within the building(s), or within accessory structures or containers pursuant to the requirements of the Land Use Bylaw, Valley Region Solid Waste-Resource Management By-Law, and other applicable regulations.

5.1.5.2 Containers referenced in 5.1.5.1 shall be located so that they are visually screened.

5.1.5.3 Utility equipment such as mechanical and electrical equipment shall be visually screened by fencing or landscaping.

5.1.6 General Maintenance and Operation

5.1.6.1 Buildings, landscaping, and other related features shall be maintained in good condition, pursuant to the Town's Property Minimum Standards By-law.

5.1.7 Architecture

5.1.7.1 The developer shall build the Development generally as illustrated in Schedule "C", Architectural Design.

5.1.8 Timing

5.1.8.1 This Development Agreement shall be deemed entered into on the day following the day on which the time for appeal of Town Council's approval has elapsed, or the day on which any appeals have been disposed of and the policy of the Wolfville Town Council approving this

Development Agreement has been affirmed by the Nova Scotia Utilities and Review Board, under the provisions of the MGA, or other judiciary body as applicable.

5.1.8.2 This Development Agreement does not come into effect until the requirement of Section 228(3) of the Municipal Government Act are fulfilled and this development agreement is filed in the Registry of Deeds. All other time requirements imposed in this Development Agreement shall be calculated from that date, the effective date.

5.1.8.3 All Development enabled by this Agreement shall be completed within three (3) years. Upon failure to meet this timing requirement, the Town may discharge this Development Agreement without the consent of the Developer.

5.1.9 Amendment

5.1.9.1 With the exception of matters which the Town and the Developer do not consider to be substantive, the amendment of any other matter in this Development Agreement can only be made under the provisions of Section 230 of the MGA, including the holding of a Public Hearing.

5.1.9.2 Following are matters in this Development Agreement which the Town and the Developer do not consider to be substantive:
(a) The requirements for completion imposed by section 5.1.8.3.

5.1.10 Expenses

5.1.10.1 The Developer shall pay all costs and expenses incurred by the Town related to this Development Agreement.

5.1.11 Liability

5.1.11.1 The Developer shall be liable for any damage caused to persons or public or private property by the Developer or any contractor or other individual doing work related to the Development. The Developer shall indemnify the Town and save it harmless from any claim, cause of action, or liability in any way relating to the Development. The Developer shall obtain and maintain in force throughout the course of construction on the Development, liability insurance coverage to insure the responsibilities which the Developer is assuming in this section.

5.1.12 Default

5.1.12.1 If the Developer fails to comply strictly with any term of this Development Agreement or any legislation applicable to this Development Agreement, the Town may, after 30 days notice in writing to the Developer, enter the lands and perform any obligation with which the Developer has failed to comply strictly. All expenses arising out of the entry of the Lands and performance of the obligations may be recovered by the Town from the Developer by direct suit and shall form a charge upon the Lands. The Developer shall pay interest on any sum so expended by the Town at the same monthly rate charged by the Town for tax arrears on the outstanding balance from time to time. Such interest costs shall be treated as an expense.

5.1.12.2 If the Developer breaches any of the terms of this Development Agreement, the Town, at its sole option, may:

- (a)** Terminate this Development Agreement;
- (b)** Exercise its rights under paragraph 5.1.12.1 above; or,
- (c)** Take no action.

5.1.12.3 Any election by the Town to take no action on a breach of this Development Agreement by the Developer shall not bar the Town from exercising its rights under this Development Agreement on any other breach.

5.1.12.4 Any expenses incurred by the Town in exercising its rights under sections 5.1.12.1 and 5.1.12.2, or either of them, shall be paid by the Developer to the Town.

5.1.13 Administration

The Development Officer administers this Agreement. His/Her decision is final and binding on all parties.

6. Warranties by the Developer

6.1 Title and Authority

6.1.1 The Developer warrants as follows:

- (a) The Developer has good title in fee simple to the Lands or good beneficial title subject to a normal financing encumbrance or is the sole holder of a Registered Interest in the Lands. No other entity has an interest in the Lands which would require their signature on this Development Agreement to validly bind the Lands or the Developer has obtained the approval of every other entity which has an interest in the Lands whose authorization is required for the Developer to sign this Development Agreement to validly bind the Lands.
- (b) The Developer has taken all steps necessary to, and it has full authority to, enter this Development Agreement.

7. Full Agreement

7.1 Other Agreements

7.1.1 This Development Agreement constitutes the entire agreement and contract entered into by the Town and the Developer. No other agreement or representation, whether oral or written, shall be binding.

7.1.2 This Development Agreement shall not be a precedent for any other agreement either between the Town and the Developer or between the Town and any other party.

8. Notice

Any notice to be given under this Development Agreement shall be made in writing and either served personally or forwarded by courier or by registered mail, postage prepaid, if to the Town to:

Town of Wolfville
359 Main Street
Wolfville, Nova Scotia
B4P 1A1
Attention: Development Officer

and if to the Developer:

Nancy Archibald Price and Paul Frederick Morgan
1743 Kidston Avenue
Port Williams, Nova Scotia
B0P 1T0

9. Headings

The headings used in this Development Agreement are for convenience only. If any of the headings are inconsistent with the provisions of the Development Agreement which it introduces, the provisions of the Development Agreement shall apply.

10. Binding Effect

This Development Agreement shall ensure to the benefit of and be binding upon the parties to this Development Agreement, their respective successors, administrators, and assigns.

11. Execution

In witness of this Development Agreement the parties have signed and delivered it to each other on the date set out at the top of the first page.

SIGNED AND DELIVERED

In the presence of:

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TOWN OF WOLFVILLE

By

MAYOR

Witness

By

TOWN CLERK

SIGNED AND DELIVERED

In the presence of:

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By

Nancy Archibald Price

Witness

By

Paul Frederick Morgan

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2023, _____
a witness to this agreement came before me, made oath, and swore that the **TOWN OF WOLFVILLE**, caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2023, _____
a witness to this agreement came before me, made oath, and swore that **Nancy Archibald Price** caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

A Commissioner of the Supreme Court of Nova Scotia

CANADA
PROVINCE OF NOVA SCOTIA
COUNTY OF KINGS

I certify that on _____, 2023, _____
a witness to this agreement came before me, made oath, and swore that **Paul Frederick Morgan** caused the same to be executed by its proper officers who affixed its Corporate Seal and subscribed their hands in its name and in its behalf in his/her presence.

DRAFT

Schedule "A" – Property Description

ALL that certain lot, piece or parcel of land situate, lying and being on the North side of Main Street in the Town of Wolfville, in the County of Kings and Province of Nova Scotia, bounded and described as follows:

COMMENCING at a point on the North side line of said Main Street, said point marking the Southwest corner of lands of one Hayes;

THENCE in a westerly direction by the North limit of said Street, one hundred eleven (111) feet more or less to the East limit of a driveway serving the Wheaton Apartments so called;

THENCE northerly in a straight line passing through a point one and one half (1 1/2) feet West of the centre line of the shade tree located approximately one hundred (100) feet in a northerly direction from the Southwest corner of the herein described lands;

THENCE continuing in such straight line to the Southern boundary of the right of way to the Dominion Atlantic Railway;

THENCE in an easterly direction by the said Southern limit of the said right of way to the said Dominion Atlantic Railway to the West boundary line of the said lands of Hayes;

THENCE in a southerly direction by the West boundary line of the said Hayes lands to the point of beginning;

TOGETHER WITH a right of way for all purposes over the right of way now used along the Western boundary line herein;

BEING AND INTENDED TO BE the same land and premises as conveyed from Ian Long Allen in his personal capacity and as the Executor and Trustee of the Estate of Ian James Allen to Jacqueline Dophe Gifford by Deed dated September 17, 2008 and recorded in the Kings County Registry of Deeds as Document No. 91835067.

*** Municipal Government Act, Part IX Compliance ***

Not Subject To:

The parcel was created by a subdivision that predates subdivision control or planning legislation or by-laws in the municipality and therefore no subdivision approval was required for creation of this parcel.

Schedule "B" Site and Landscape Plan

Schedule “B” – Site/Landscape Design

Detailed site plan and landscape plan to be provided following Council Approval of the Development Agreement, through the development permit process, subject to approval of the Director of Planning. A draft site plan and landscape plan is shown below to illustrate intent.

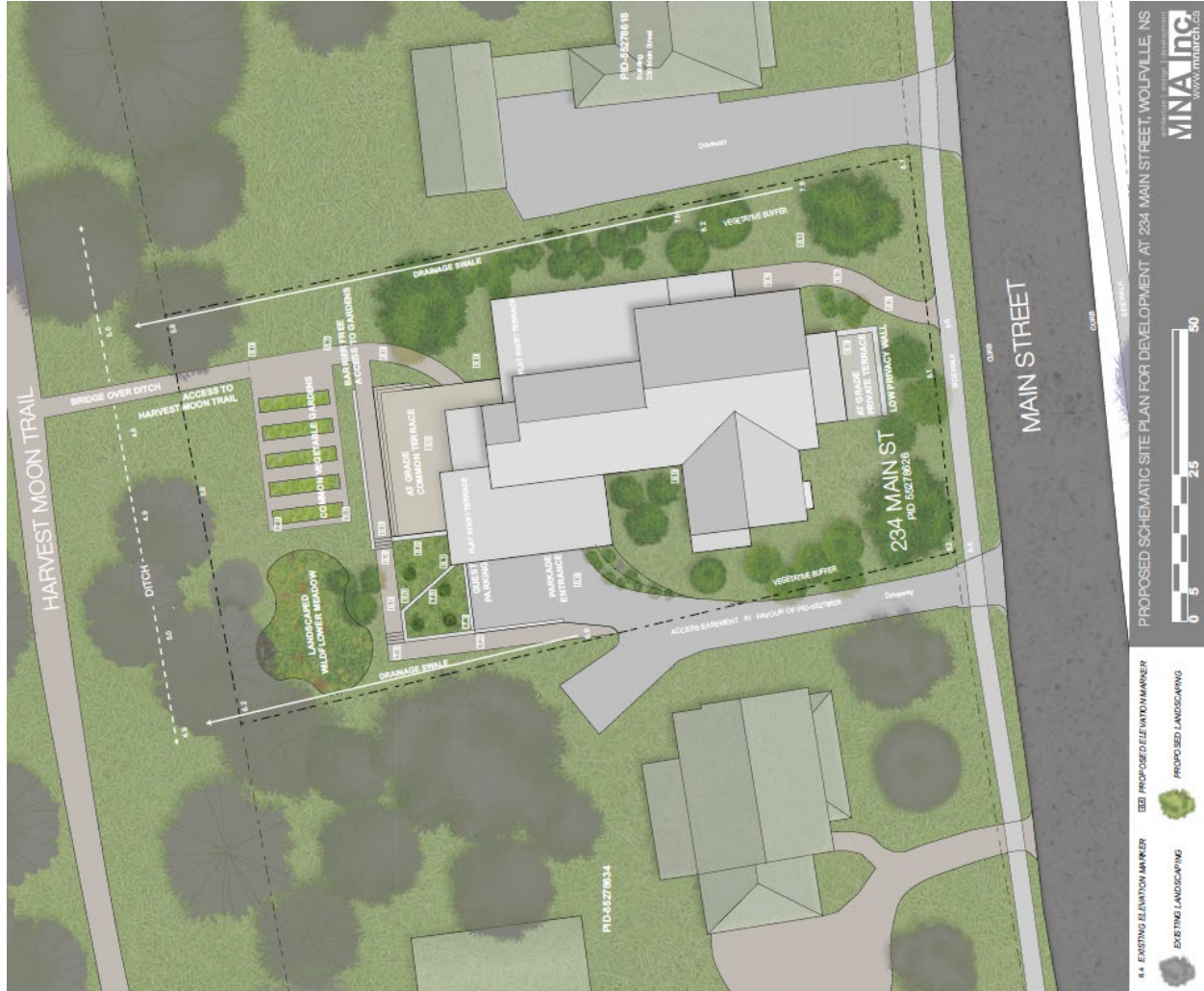


Figure 1. Draft site plan and landscape plan

Schedule “C” – Architectural Design

To be updated following Council Approval of the Development Agreement, through the development and building process, subject to approval of the Director of Planning.



Figure 2. South elevation, facing Main Street



Figure 3. North elevation, rear of building.

REQUEST FOR DECISION 019-2023

Title: Civic Addressing Bylaw
Date: updated for Council 2023-06-20
Department: Office of the CAO



SUMMARY

Civic Addressing Bylaw

A Civic Addressing Bylaw is a common bylaw for a municipality of Nova Scotia to administer. In the early 2000's, new technologies in mapping and communications provided the province of Nova Scotia the opportunity to create a world class centralized mapping program for municipalities to add and update civic numbers and street information. The mapping program is called The Nova Scotia Civic Address File (NSCAF). Today this system is used for emergency response service delivery and to verify an owner's address for a variety of government and non-government services.

This proposed Civic Addressing Bylaw will be utilized as part of the building and fire inspection processes to ensure that civic and suite number signage is adequately displayed on the property. The combination of ensuring that the civic number information is entered into the NSCAF system, and the signage is properly displayed will assist emergency responders to arrive at the emergency call efficiently. Furthermore, the Civic Addressing Coordinator (CAC), which has been designated by the CAO, can enforce proper civic and suite number signage for existing and new buildings in the future.

The community compliance coordinator for the Town of Wolfville will assist inspection services and the CAC in administering this bylaw.

MOTION:

That Council give second reading to the draft Civic Addressing Bylaw Chapter 110.

REQUEST FOR DECISION 019-2023

Title: Civic Addressing Bylaw
Date: updated for Council 2023-06-20
Department: Office of the CAO



1) CAO COMMENTS

The CAO supports the recommendations of staff. The bylaw has been in discussion for several years and this bylaw will support the inspections services staff in the performance of their duties.

2) LEGISLATIVE AUTHORITY

- Municipal Government Act, Section 313
- Building Code Act, Section 4

3) STAFF RECOMMENDATION

Staff recommendation is for Council to provide first reading to the attached draft Bylaw, directing staff to advertise notice of intention and to schedule second reading at a future Council meeting.

REFERENCES AND ATTACHMENTS

1. Draft Civic Addressing Bylaw (attached)

4) DISCUSSION

Over the past several years the Town of Wolfville has increasingly improved its compliance efforts within the inspection services group of the Planning Department. Within this group, resources have been allocated to perform fire inspections of more than 300 commercial and residential structures for fire code violations. This is a large undertaking and requires the support of the Bylaw & Compliance Department to help enforce property owners in fixing identified violations in a timing manner.

As part of any inspection of an existing building, staff inspect the position of the buildings civic and any suite numbers to ensure the numbers are posted where they can be seen from the street. Proper civic number signage is an important part of ensuring that emergency services can arrive quickly to a medical emergency. Under this proposed bylaw, the building or fire inspector can require the property owner to properly display civic and suite numbers for the building. When new structures are erected the proper civic number signage will make a difference helping emergency responders get to an emergency. The CAC, which is designated by the CAO assigns the civic and suite numbers for all existing buildings and new construction within the town.

Finally, introduction of this bylaw will increase staff resource requirements to administer this bylaw. As a working group we will be identifying civic numbering violations through periodic field inspections. Using GIS technology, we will be able to digitally capture the violation information to be

REQUEST FOR DECISION 019-2023

Title: Civic Addressing Bylaw
Date: updated for Council 2023-06-20
Department: Office of the CAO



used as an inventory and work towards reconciliation any violation with the subject property owners.

This proposed bylaw has been created by reviewing several other municipalities' Civic Addressing Bylaws and we have written this proposed bylaw using written language using bylaws from the Towns of Yarmouth and Truro.

With the combination of inspection services, bylaw enforcement, and administrative support through the CAC we can effectively administer this proposed Civic Addressing Bylaw.

5) FINANCIAL IMPLICATIONS

Financial implications related to the decision may include additional resources and time spent addressing any infractions under the proposed bylaw.

- Additional staff resources may be required from time to time.
- Traveling to each property within Town limits.
- Mailing costs for infraction notices issued to property owners.

The chance of fines issued and contested resulting in potential increase in contesting fines court appearances.

6) COMMUNICATION REQUIREMENTS

First reading will be advertised in accordance with the Municipal Government Act.

7) ALTERNATIVES

Council may consider alternative options to the recommended decision as follows:

- Approve portions of the bylaw and send staff back for amendment; or
- Approve the bylaw with other specific conditions.



1. Title

This Bylaw is entitled the “Civic Addressing Bylaw”.

2. Background

The Municipal Government Act gives specific authority to council to establish a bylaw to adopt a system of assigning civic numbers to properties, under section 313. The purpose of this bylaw is to ensure through civic numbering of properties that emergency services can respond efficiently.

3. Definitions

“**Building**” means a structure used or intended to be used to support or shelter any use or occupancy, except a structure which is accessory to the use of another structure on the same lot and except a structure which, if it were not being built for the first time, would not require a building permit to authorize its construction and included an incomplete building once the footings have been constructed

“**Civic Addressing Coordinator (CAC)**” means the person appointed by the Chief Administrative Officer to administer this Bylaw.

“**Civic Number**” means the number assigned to a lot or building by this Bylaw or by the Civic Addressing Coordinator

“**Lot**” means any parcel of land described in a registered deed or as shown in a registered plan of subdivision.

“**Officer**” means any Bylaw Enforcement Officer assigned to administering or enforcing this bylaw.

“**Owner**” includes, as it refers to the owner of property:

- a) A part owner, joint owner, tenant in common or joint tenant of the whole or any part of the land or a building
- b) In case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession, or a person having the care or control of the land or building,
- c) In the absence of proof to the contrary, the person assessed for the property.



“Private Road” means any street, road, lane, bridge, or other thoroughfares accessible to motor vehicles that serve as principal vehicular access to three or more dwellings or buildings, and which is owned by a person or persons other than the Town or the Province of Nova Scotia.

Commented [CT1]: The term "Private Road" is not used in the Bylaw, so this definition should be deleted.

“Street” means any public street, highway, road, lane, bridge, or thoroughfare accessible to vehicular traffic owned by the Province of Nova Scotia, the Town, or any other municipality, including a public highway.

“Town” means the Town of Wolfville

4. General

4.1 A civic number that was posted on a lot or building or that was customarily in use as a mailing address for a lot or building on the date of first reading of this By-Law is hereby assigned to that lot or building until and unless the CAC, by written notice to an Owner, otherwise directs.

4.2 The CAC shall be responsible for further assigning civic numbers to lots or buildings and shall keep or supervise the keeping of a property information record system identifying all civic numbers assigned by the Town. The CAC may assign civic numbers to lots or buildings for which subdivision approval or a development or building permit is sought or obtained. The CAC is not obliged to assign civic numbers to undeveloped lots and may assign more than one civic number to a lot.

- I. Assigning civic numbers to lots and buildings that front upon or are directly abutting a street must be made in accordance with Appendix “A”, Guidelines for Assigning Civic Address”, which shall form Part of this Bylaw.

4.3 By written notice to an owner, the CAC may change or reassign civic numbers where reasonably necessary to avoid potentially confusing numbering discontinuities or irregularities and to assure an adequate supply of civic numbers for existing and future development.

4.4 An Owner shall not post or permit to be posted a number that is not assigned to the lot or building on which the number is posted.

4.5 The owner of a vacant lot shall not be required to post or cause to be posted the assigned civic address number for the vacant lot.

4.6 The CAC may assign a civic number to public places.



4.7 Upon application by the owner, the CAC may provide written authorization for civic numbers to vary from the standards contained in this Bylaw, with or without conditions when:

- I. Compliance with the standards is not reasonably possible, due to the physical features of the site or otherwise; or
- II. Compliance would not as effectively meet the objectives of this bylaw.

Authorization under this section may be revoked or varied by the CAC. Owners shall comply with any conditions contained within authorizations granted under this section.

5 Display of Numbers

5.1 The owner of a lot on which a building is located shall keep posted on the lot or building the assigned civic number in the following manner: (UNIT NUMBERS)

- I. Civic number shall be in Arabic numerals;
- II. The bottom of the numerals shall be at least 1.2m (4ft) above the ground;
- III. The color of each numeral shall be the same and be clearly in contrast to the color of the building, post, or sign on which it is located.
- IV. The height of the numerals on residential properties shall not be less than 100mm (4 in);
- V. The height of numeral on non-residential properties shall not be less than 200 mm (8 in);
- VI. The civic number shall be placed upon the building, post, or sign in such a location that it faces towards and is clearly visible from the roadway or the street from which it is numbered and shall not be blocked by ornaments, displays, or vegetation;
- VII. The owner of a property shall maintain a civic number for the property in good repair.

5.2 A civic number shall be displayed on a post or sign if a civic number that is located on a building cannot be easily read from the roadway or street from which the building is numbered. The post or sign shall display two (2) sided civic numbers which are situated perpendicular to the street located on the lot within 5m (16.5 ft) of the street boundary.

5.3 The CAC may, in writing, require the owner to place a civic number on a post or sign located on the lot adjacent to the entrance of a driveway that provides emergency vehicles access to a building.

5.4 CAC may, at their own discretion, supersede any sections of this Bylaw if they determine it necessary.

5.5 The CAC may require additional signage for a lot, depending on visibility from the roadway for properties with multiple suites.



6 Orders

- 6.1** The provisions of this Bylaw may be enforced by the CAC or an Officer of the Municipality.
- 6.2** In the event of contravention of this Bylaw, the CAC or Officer may serve an Order to Comply upon an Owner by regular mail.
- 6.3** Every Order to Comply shall contain:
- I.** The section of this Bylaw which has been contravened.
 - II.** Actions to be taken in order to bring the property into compliance with this Bylaw.
 - III.** The date by which the property must be brought into compliance with the order.
 - IV.** The action which will be taken against the Owner should the property not be brought into compliance.
- 6.4** Where an Owner fails to comply with the requirements of an Order to Comply within the time frame stipulated therein, the CAC and/or Officer may enter upon the property without a warrant or other legal process and undertake the work specified in the Order to Comply.
- 6.5** Where the CAC and/or Officer undertake the work specified in the Order to Comply, the Town may charge and collect the costs thereof either from the Owner or as a first lien on the property affected.

7 Penalty

- 7.1** Any person who violates any provision of this Bylaw is guilty of an offence punishable on summary conviction by a fine of not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500).

REQUEST FOR DECISION 050-2023

Title: Revision of Wolfville Building Bylaw Ch. 65

Date: 2023-10-24

Department: Planning & Development



SUMMARY

Revision of Wolfville Building Bylaw Ch. 65

Staff succession planning within the organization has seen the Town's Senior Building Inspector, Mark Jamieson, move into an advisory and support role as James Collicutt received Level-2 certification in May of this year. His scope of work covers all aspects of building inspection within the Town.

The existing Building Bylaw for the Town, passed in 2017, unnecessarily duplicates much of what is already found in the Nova Scotia Building Code Regulation (NSBCR). In doing so the existing bylaw is prone to falling out of sync with Provincial regulations as amendments are made to the NSBCR. The attached revision to the Town's Building Bylaw heavily references the NSBCR rather than repeating it, resulting in a more streamlined and effective Building Bylaw.

DRAFT MOTION:

That Council give first reading to the updated Wolfville Building By-law Ch. 65 (attached to RFD 050-2023).

REQUEST FOR DECISION 050-2023

Title: Revision of Wolfville Building Bylaw Ch. 65

Date: 2023-10-24

Department: Planning & Development



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Under Section 7 of the Building Code Act. R.S., c. 46, s. 1., Council may pass bylaws not inconsistent with the Act.

3) STAFF RECOMMENDATION

Staff recommend that the attached revision of the Town's Building Bylaw be adopted as a replacement to the current bylaw.

4) REFERENCES AND ATTACHMENTS

1. Revised Town of Wolfville Building By-law Ch. 65.

5) DISCUSSION

As part of the Town's Operations Plan staff regularly review policies and by-laws. It was noted that the current Building By-law was no longer complimentary to the NSBCR. Rather than duplicating the efforts of the province by replicating sections of provincial regulations (e.g. required documents to be submitted with an application), it was determined that the most effective approach in terms of staff hours and enforceability was to reference the NSBCR wherever possible. If adopted, the revised bylaw will require very little in terms of future amendment.

[Proposed Amendments to the Nova Scotia Building Code Regulations](#)

Upcoming amendments to the NSBCR proposed to come into effect January 1st, 2024 focus heavily on accessibility and energy conservation. Some points of interest within these amendments include:

- All entrances to be barrier-free for buildings or parts thereof requiring barrier-free access.
- Buildings constructed as "roofed accommodations" (e.g. hotels, inns, etc.) to have 1:10 suites constructed as barrier-free.
- All larger multi-unit residential buildings will be required to have barrier-free units.
- Barrier-free path of travel to buildings from a public thoroughfare.
- Introduction of tiered requirements intended to improve the energy efficiency of new construction gradually. There will not be an immediate increase associated with the January adoption date; however, it is proposed that Tier 2 be adopted in January 2025 and Tier 3 in January 2028.

REQUEST FOR DECISION 050-2023

Title: Revision of Wolfville Building Bylaw Ch. 65

Date: 2023-10-24

Department: Planning & Development



In addition to the upcoming NSBCR amendments, the provincial government is moving forward with the implementation of the [Built Environment Accessibility Standard Regulations](#), intended to become effective in 2026. The extent of application for these regulations is noted as “Government of Nova Scotia, Prescribed Public Sector Bodies, and other organizations prescribed by the Regulations”. A few examples from the current draft:

- Accessible exterior stairs for barrier-free paths of travel not associated with a building.
- Accessible parking spaces for parking areas not associated with a building.
- Outdoor public eating areas must have a minimum of 20% accessible tables where provided.
- Snow and ice control standards for pedestrian facilities must be made publicly available.
- Compliance with national standards for design specifications of sidewalks.

[Link to public Review of the proposed Built Environment Accessibility Standard](#)

6) FINANCIAL IMPLICATIONS

Limited to cost of advertisement as per requirements of the *Nova Scotia Municipal Government Act* (NS MGA).

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

Ensuring compliance with relevant regulations is a primary Town responsibility.

8) COMMUNICATION REQUIREMENTS

The key message intended to be conveyed by this bylaw amendment is that the Town seeks to streamline the approach to building bylaw administration within the jurisdiction, keeping in-sync with other municipalities across the province via the NSBCR.

As per the requirements of the *Nova Scotia Municipal Government Act*, s. 168 – A by-law shall be read twice with public notice given in a locally-circulating newspaper at least 14 days before second reading. A bylaw will have force of law once notice is published in the manner provided in the NS MGA.

9) ALTERNATIVES

The alternative will be for Staff to continue administering the current Building By-law.

BE IT ENACTED by the Town Council of the Town of Wolfville that the following Bylaw be enacted and that the Town Clerk file a copy with the office of the Minister pursuant to Section 7 of the Building Code Act, R.S., c. 46, s.1.

The Town of Wolfville hereby adopts the Nova Scotia Building Code, Nova Scotia Building Code Regulation and amendments as adopted by the province from time to time.

1. Title

This bylaw shall be known as Bylaw Chapter 65 and may be cited as the Building Bylaw.

2. References

2.1 [Nova Scotia Municipal Government Act \(NS MGA\)](#)

2.2 [Policy 140-015, Municipal Fees Policy](#)

2.3 [Nova Scotia Building Code Regulation \(NSBCR\)](#)

2.4 [Nova Scotia Building Code Act \(the Act\)](#)

3. Definitions

3.1 Definitions contained in the Building Code Act, NSBCR and Nova Scotia Building Code (NSBC) apply to this Bylaw.

4. Bylaw

4.1 Permits

- 1) A building permit, occupancy permit or demolition permit shall be in such form and contain such information as may be required for the proper administration of this bylaw by the Town's building official, the Act, the NSBCR and the NSBC.
- 2) To obtain a permit the owner shall file an application as prescribed by the building official.
- 3) Every application for a permit shall include the information that is required by the NSBCR.
- 4) An application for a permit may be deemed to have been abandoned if it has not been completed in conformance with the requirements of this bylaw within six months of filing.
- 5) A permit may be revoked where, after one year, the construction or demolition in respect of which it was issued has not been seriously commenced; or where the construction or demolition of the building is substantially suspended or discontinued.

- 6) To allow the occupancy of a building or part thereof for the accepted use, an occupancy permit may be issued before construction or demolition work is started or completed, subject to compliance with provisions to safeguard persons in or about the premises.
- 7) Before issuing a building permit, a complete application shall be approved by the building official.
- 8) Before issuing a building permit, the building official shall be satisfied that a development permit has been issued, site plan approval granted, or a development agreement entered into where required pursuant to the Land Use Bylaw of the Town of Wolfville.
- 9) The building official shall, in the case of the construction of new buildings or structures, withhold an occupancy permit until satisfied that any approvals required by the Town of Wolfville's Department of Engineering and Public Works have been granted.
- 10) A permit for a temporary building must be posted on the building and shall not be issued for a period exceeding one year.
- 11) The building official may allow, at the risk of the owner, for excavation or construction to proceed in part where found to be in conformance with the NSBCR.
- 12) Where applicable, a location certificate must be approved by the Development Officer before inspections beyond the footings interval will be carried-out. Construction beyond this stage is not permitted to take place until this approval is received unless otherwise granted by the building official.

4.2 Permit Fees

Fees for permits are outlined in Policy 140-015, Municipal Fees Policy.

4.3 Inspections

The building official shall be notified no less than 48 hours prior to a required inspection in accordance with the NSBCR.

4.4 Demolition and Disposal

A copy of any permit issued in relation to a demolition project shall be forwarded to Valley Waste Resource Management.

5. Repeal Section:

Chapter 65, Town of Wolfville Building Bylaw passed by Town Council on October 25th, 2017 is hereby repealed upon publication of this revised Bylaw under Section 169(2) of the NS MGA.

Clerk's Annotation for Official Bylaw Book

Date of first reading: *

Date of advertisement of Notice of Intent to Consider: *

Date of second reading: *

Date of advertisement of Passage of Bylaw: *

Date of mailing to Minister a certified copy of Bylaw: *

I certify that this **Building Bylaw 65** was adopted by Council and published as indicated above.

*, Town Clerk

*
Date