

# Municipal Council Meeting Agenda

Tuesday, April 26, 2022 – 9:00 a.m.

MODL Council Chambers – 10 Allée Champlain Drive, Cookville

Via Video/Audio Teleconferencing

- 1. Call to Order**
  - 1.1 Mi'kma'ki Territorial Acknowledgement
- 2. Announcements, Acknowledgements, Recognition**
  - 2.1 Proclamation – Lyme Disease Awareness Month
  - 2.2 United Way – Presentation of ProKids Donation
- 3. Public Input (15 Minutes)**
- 4. Approval of Agenda** (as circulated)
- 5. Approval of Minutes – Public Hearing of April 12, 2022**
- 6. Business Arising from Minutes**
- 7. Awarding of Tenders/RFPs**
  - 7.1 Award of Tender #2021-01-004 Municipal Services Bldg - Property Maintenance ..... 1-3
  - 7.2 Award of Tender #2021-01-005 Grass & Brush Cutting ..... 4-5
  - 7.3 Award of EOI #2021-05-500 Standing Offer Wayfinding..... 6-8
- 8. Presentations/Scheduled Times - Nil**
- 9. Consideration of Correspondence – Nil**
- 10. Recommendations from Committees & Boards**
  - 10.1 Finance Committee**
    - 10.1.1 Bill 149 Financial Measures..... 9-19
- 11. Staff Reports**
  - 11.1 Administration Department**
    - 11.1.1 Approval of Proposed MODL Policy 094 Fire Scene Security ..... 20-24
    - 11.1.2 Council Member Remuneration ..... 25-45
    - 11.1.3 Report - MODL concerns re Proposed Timber Harvest ..... To be circulated
  - 11.2 Building Department**
    - 11.2.1 Approval of MODL Policy 066 Engagement Program ..... 46-56
    - 11.2.2 Second Reading - By-law 031 Amendments to Property Assessed Clean Energy .... 57-67
    - 11.2.3 Appointment of Bruce Parks as Building Official ..... 68

**12. Mayor's/Deputy Mayor's/Councillors' Matters**

- 12.1 LCLC Update
- 12.2 Deputy Mayor's Update
- 12.3 Mayor's Update

**13. Added Items**

**14. In Camera**

- 14.1 Presentation - Contract Negotiations re HVAC System under Section 22(2)(e) of the MGA 10:15 a.m.
- 14.2 Request for direction - Contract Negotiations re HVAC System under Section 22(2)(e) of the MGA

**15. Adjournment**

**Council**  
Item: #7.1  
Date: April 26, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report to:** Council  
**Submitted by:** Jamie Burgess, Municipal Engineer  
**Date:** April 26, 2022  
**Re:** Tender 2021-01-004 Award: Municipal Services Building - Property Maintenance

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#### **Recommendation**

Council authorize staff to award Tender 2021-01-004 Municipal Building Property Maintenance to William A. Gerhardt Property Improvement for an amount of \$75,037.80 including net HST.

#### **Executive Summary**

As part of the design of the newly constructed Municipal Services Building a landscape architect was hired to ensure an appropriate and aesthetically pleasing landscape design was created and constructed for a building of this stature. For the past year, the Landscape contractor who constructed the landscape has maintained the property at 10 Allee Champlain Drive as part of the one-year construction warranty. Now this responsibility falls onto the Municipality, to maintain the integrity of the landscape work as it was designed and constructed.

#### **Discussion**

A tender for Property Maintenance was prepared and posted to the Provincial Procurement web site on March 24, 2022. This tender included evaluation criteria that would allow Municipal staff to evaluate the submitted tenders on more criteria than just low price, with the goal of providing the best overall value to the Municipality. The closing date was April 14, 2022. There were three tenders submitted for this work and only two met the mandatory criteria to be accepted by the Municipality, William A Gerhardt Property Improvements and Nature's Reflections Landscaping Limited. The tender submissions were evaluated by an evaluation committee consisting of Stephen Pace, Jamie Burgess, Tyler Richardson, and Amy Wamboldt.

Tenders were evaluated using the information and prices submitted by the tenderers to determine which contractor would provide the best value.

**TABLE 1 – TENDER EVALUATION RATINGS TABLE**

<b>Criteria/Element</b>	<b>% of score</b>		
<b>Technical</b>		<b>William A Gerhardt</b>	<b>Nature's Reflections</b>
Section 1 – Company Overview	20%	17.75	16.75
Section 2 – Prior Experience and References	20%	16.5	15.5
Section 3 – Staffing Plan	20%	16.75	15.5
Section 4 – Equipment and Supplies	20%	15.25	15.25
<b>Financial</b>			
Percentage fee quoted for services	20%	20	11.28
<b>TOTAL SCORE</b>		<b>86.25</b>	<b>74.28</b>

The evaluation of the submissions shows the two contractors are providing a similar service, but William A. Gerhardt Property Improvements is providing it at a lower cost.

**Budget Implications**

Funds for this work have been included as part of 2022/23 Operating Budget.

## **Conclusion**

Council authorize staff to award Tender 2021-01-004 - Municipal Services Building - Property Maintenance to William A. Gerhardt Property Improvement for an amount of \$75,037.80 including net HST.

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Department: **Engineering and Public Works**

Report Prepared By: **Jamie Burgess**

Date: April 19, 2022

Report Approved By: **Stephen W. Pace**

Date: April 19, 2022

Reviewed By CAO: **Tom MacEwan**

Date: April 19, 2022



## Municipality of the District of Lunenburg

### Request for Decision

**Report to:** Council  
**Submitted by:** Jamie Burgess, Municipal Engineer  
**Date:** April 26, 2022  
**Re:** Tender 2021-01-005 Award: Grass & Brush Cutting Municipal Roads & Properties

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#### Recommendation

Council authorize staff to award Tender 2021-01-005 - Grass and Brush Cutting Municipal Roads and Properties to Nature's Reflections Landscaping Limited Ltd. for an estimated amount of \$95,439.42, including net HST.

#### Executive Summary

The Municipality has rental property, former schools, and properties being used in support of Municipal infrastructure, all of which require regular mowing to maintain a neat and tidy appearance. The Municipality also has more than 11 kilometers of road with ditches that require brush cutting and mowing not only for aesthetic purposes but also to maintain drainage of the roads and ensure safe sight distances.

#### Discussion

A tender for Grass and Brush Cutting Municipal Roads and Properties was prepared and posted to the Provincial Procurement web site on March 24, 2022. The Closing date was April 14, 2022. There were four tenders submitted for this work and only two met the mandatory criteria to be accepted by the Municipality, William A Gerhardt Property Improvements and Nature's Reflections Landscaping Limited. These submissions have been summarized below:

#### Grass & Brush Cutting Tender Submissions

Contractor	Estimated Contract Price excluding HST	Estimated Contract Price net HST
William A Gerhardt	\$119,776.45	\$124,910.07
Nature's Reflections	\$91,517.00	\$95,439.42

Nature's Reflection is shown to be the lower cost of the two accepted submissions at \$91,517.00 excluding HST.

### **Budget Implications**

Funds for this work have been included as part of 2022/23 Operating Budget both as Summer Road Maintenance and as Property Maintenance.

### **Conclusion**

Council authorize staff to award Tender 2021-01-005 - Grass and Brush Cutting Municipal Roads and Properties to Nature's Reflections Landscaping Limited Ltd. for an estimated amount of \$95,439.42 including net HST.

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Department: **Engineering and Public Works**

Report Prepared By: **Jamie Burgess**

Date: April 19, 2022

Report Approved By: **Stephen W. Pace**

Date: April 19, 2022

Reviewed By CAO: **Tom MacEwan**

Date: April 19, 2022

**Council**  
Item: #7.3  
Date: April 26, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Request for Decision**

**Report To:** Mayor and Council  
**Submitted By:** Dave Waters Director of Economic Development  
**Date:** April 26, 2022  
**Re:** EOI – Standing Offer Wayfinding

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### **Direction**

**Council awards EOI 2021-05-500 to both Eye Candy Signs and New Century Signs on a one year standing offer list for wayfinding with costs for each signage to be selected from the table as presented.**

### **Details**

One of Councils 2021/22 strategic priorities was the implementation of a 6-year Wayfinding Strategy. In 2021/22 Council approved a wayfinding strategy and placed the first sign up at the Oakland Conservation Area in Oakland.

In 2022/23 Council identified \$225,000 for phase one of the wayfinding strategy. Should the capital budget be approved in May we will begin the process of installing new signs with parks and gateway signs as our initial stage.

Over the past couple months staff have released an Expression of Interest (EOI) to have sign manufacturing firms placed on a Standing Offer for Wayfinding construction and implementation. Due to the high cost of materials and gas, staff submitted the EOI for a period of one year.

The EOI closed on April 7<sup>th</sup>. There were four submissions, one submission did not meet the minimum requirements of the EOI and was therefore rejected.

Each submission was asked to provide pricing, approach, references, experience, schedule and extras to their submission. After a staff review, both Eye Candy Signs and New Century Signs are being recommended to be placed on the standing offer for one year.

The following is the table that breaks down the scoring for each firm and each sign.

Wayfinding Costing			Total Price	Technical Score	Total
Sign type	Proponent	Cost per sign	40	60	100
Municipal Gateway	Mattatall	\$ 15,350	37	41	78
Municipal Gateway	Eye Candy	\$ 14,350	40	39	79
Municipal Gateway	New Century Sign	\$ 16,155	37	46	83
					0
Park Gate	Mattatall	\$ 13,337	22	41	63
Park Gate	Eye Candy	\$ 7,360	40	39	79
Park Gate	New Century	\$ 8,723	36	46	82
					0
Veh Dir Large	Mattatall	\$ 13,730	22	41	63
Veh Dir Large	Eye Candy	\$ 12,860	24	39	63
Veh Dir Large	New Century	\$ 7,682	40	46	86
					0
Veh Dir Medium	Mattatall	\$ 13,499	22	41	63
Veh Dir Medium	Eye Candy	\$ 12,275	23	39	62
Veh Dir Medium	New Century Signs	\$ 7,682	40	46	86
					0
Veh Dir Small	Mattatall	\$ 1,168	21	41	62
Veh Dir Small	Eye Candy	\$ 890	28	39	67
Veh Dir Small	New Century	\$ 660	40	46	86
					0
Parking Id	Mattatall	\$ 1,536	21	41	62
Parking Id	Eye Candy	\$ 810	40	39	79
Parking Id	New Century	\$ 970	33	46	79
					0
Facility Id	Mattatall	\$ 12,730	27	41	68
Facility Id	Eye Candy	\$ 8,500	40	39	79
Facility Id	New Century	\$ 9,268	37	46	83
					0
Park Beacon	Mattatall	\$ 8,753	11	45	56
Park Beacon	Eye Candy	\$ 2,470	40	39	79
Park Beacon	New Century	\$ 5,809	18	47	65

## **Conclusion**

After reviewing all three-submissions, staff was satisfied that both Eye Candy Signs and New Century Signs had the capabilities to do an excellent job for the Municipality. Having two proponents to draw from will provide for additional flexibility and turn around.

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Dave Waters, Director of Economic Development

**Council**  
Item: #10.1  
Date: April 26, 2022  
Authorization: T. MacEwan



## Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4  
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: [www.modl.ca](http://www.modl.ca)

April 19, 2022

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Finance Committee, in session on Tuesday, April 19, 2022, made the following  
recommendation to Council:

1. that Municipal Council write a letter to the NS Premier, Ministers of Finance and Treasury Board and Economic Development, with a copy to the local MLAs on the need to undertake a full analysis of the short- and long-term impacts of Bill 149, Financial Measures (2022) Act on both the supply and affordability of housing in Nova Scotia and on individuals, families, communities, businesses and the economy of MODL, rural areas and all of Nova Scotia.

Respectfully submitted,

Chairman and Members  
Finance Committee

/rh  
Attachments

April 14, 2022

Mayor Carolyn Bolivar-Getson  
[mayor@modl.ca](mailto:mayor@modl.ca)

Tom MacEwan, CAO  
[tom.macewan@modl.ca](mailto:tom.macewan@modl.ca)

Councillor Reid Whynot  
[reid.whynot@modl.ca](mailto:reid.whynot@modl.ca)

**RE: Bill 149 Financial Measures (2022) Act**

Dear Mayor, CAO and Councillor,

I am writing on behalf of the Kingsburg Community Association (KCA) representing over 80 households in the community of Kingsburg. The KCA advocates on behalf of all the members of our community (both residents and non-residents) to improve and strengthen the community.

The KCA has significant concerns regarding Bill 149 which will establish an annual non-resident Property Tax of \$2.00 per \$100 of assessed value and a Deed Transfer Tax of 5% of the value of property purchased by non-residents.

The KCA has written to the Premier, Minister of Finance & Treasury Board, Minister of Economic Development and MLA for Lunenburg, and Standing Committee on Law Amendments outlining our concerns and providing them with a paper prepared by Duncan MacLennan, a housing economist and KCA Board member, on this issue. (attached to email)

**We request that Council consider these concerns and petition the NS government (as noted above) on the need to undertake a full analysis of the short- and long-term impacts of Bill 149 on both the supply and affordability of housing in Nova Scotia and on individuals, families, communities, businesses and the economy of MODL, rural areas and all of Nova Scotia.**

**Timely action is required as the Bill may move quickly through the legislative process. It is currently being considered, clause-by-clause, in the Committee on Law Amendments.**

Respectfully,  
Debora Walsh,  
President, Kingsburg Community Association  
[kingsburgcommunityassociation@gmail.com](mailto:kingsburgcommunityassociation@gmail.com)

April 13, 2022

Premier Tim Houston  
[premier@novascotia.ca](mailto:premier@novascotia.ca)

The Honourable Allan MacMaster  
Minister of Finance and Treasury Board  
[FinanceMinister@novascotia.ca](mailto:FinanceMinister@novascotia.ca)

The Honourable Susan Corkum-Greek  
Minister of Economic Development and MLA for Lunenburg  
[edminister@novascotia.ca](mailto:edminister@novascotia.ca)  
[susancorkumgreekmla@gmail.com](mailto:susancorkumgreekmla@gmail.com)

Standing Committee on Law Amendments  
[Legc.office@novascotia.ca](mailto:Legc.office@novascotia.ca)

CC:

The Honourable Iain Rankin  
Leader of the NS Liberal Party  
[laura.bignell@novascotia.ca](mailto:laura.bignell@novascotia.ca)

Mr. Gary Burrill  
Leader of the NS NDP Party  
[garyburrill@gmail.com](mailto:garyburrill@gmail.com)

**RE: BILL 149 Financial Measures (2022) Act**

Dear Premier, Ministers and Standing Committee on Law Amendments,

I am writing on behalf of the Kingsburg Community Association (KCA) representing over 80 households in the community of Kingsburg, Lunenburg County. The KCA advocates on behalf of all the members of our community (both residents and non-residents) to improve and strengthen the community.

Ministers claim that the impacts of the measures will improve the affordability of housing opportunities facing Nova Scotians. This seems unlikely, unless the tax measures are to collapse housing asset values across the Province, and that seems unlikely. Pressures on housing affordability in Nova Scotia are greatest in the bottom half of the regional housing market. You really need to spell out who, in relation to housing affordability, will gain, when and where from the proposed Bill.

In December 2021 we wrote to the Ministers of Finance & Treasury Board and Economic Development identifying concerns with the proposed tax changes and raising questions for the government to consider in its deliberations regarding the policy proposals. That letter included a background paper prepared by Duncan MacLennan, a housing economist and KCA Board member, to inform our Board and membership about the proposed changes. We are aware that many individuals, groups and organizations have expressed the same and related concerns. (letter and paper attached to email)

The economic analysis underpinning the beneficial impacts of the Bill claimed by the Province is seriously flawed. We are concerned that Bill 149 shows little understanding of who the non-residents are, their strong connections to the Province and the benefits that they bring in terms of local jobs, through their direct spending and its associated multiplier effects on resident jobs and incomes, as well as roles in supporting significant business start-ups.

It is clear that if the tax policy succeeds and drives out non-resident owners with minimal average service demands and replaces them with new, full-time residents paying existing taxes but with much greater service demands that there will be no net benefit to the budget of the Province.

Frankly, the government does not seem to recognise and value the diaspora of loyal and connected Nova Scotians, who don't stop being Capers or Bluenosers when they are currently earning their living in Toronto or Calgary but aiming to come back one day. They may be your best ambassadors.

We are convinced that the government does not understand these concerns and has not adequately modelled the short- and long-term impacts on individuals, families, communities and businesses of these tax changes.

We are concerned there will be no net benefit to Nova Scotia if non-residents are compelled to leave the province significantly reducing investment and expenditures in rural communities. Non-residents are a vital part of our and other communities.

We have identified below the concerns raised in our earlier letter and some additional considerations:

- What evidence and analysis are these policy changes based on?
- What will be the short- and long-term impacts on housing supply and affordability in local housing markets and the overall provincial economy?
- What are the economic and societal impacts of discouraging non-resident, former Nova Scotians and others from having new or existing secondary homes in the province? Will this reduce their possible transition to permanent residency at some point?

- What is the tax impact on resident Nova Scotians' property succession to non-resident children/heirs?
- What are the longer-term impacts on the property tax base and revenues?
- What will be the financial impacts on small businesses and local governments in towns and rural areas which have benefitted from new construction and renovation of homes?
- Will the proposed changes disproportionately impact longstanding, non-resident owners whose past investment has been significant in reinvigorating towns and villages?
- Will the impact on non-resident commercial rental property owners reduce the supply of much-needed affordable rental housing, especially in Halifax?
- What are the impacts on Nova Scotia's image as welcoming returning Nova Scotians and others to the province and as a desirable location to live and work?

We believe these questions must be addressed before the Bill moves to final approval in order that law makers can make informed, effective policy decisions and act in the interest of all Nova Scotians.

We urge you to consider how these changes will affect those directly impacted by the changes (non-resident property owners and purchasers) as well as all Nova Scotian citizens and taxpayers over the short- and long-term.

Respectfully,

Debra Walsh  
 President, Kingsburg Community Association  
[kingsburgcommunityassociation@gmail.com](mailto:kingsburgcommunityassociation@gmail.com)

**BACKGROUND PAPER | Duncan MacLennan**

# Proposed Tax Changes to Title Deed Transfer and Property Taxes for Non-Residents of Nova Scotia

## **1. Taxing Changes!**

The government of Nova Scotia has indicated that it wishes to change the tax treatment of properties purchased and owned by non-residents who do not pay income tax in Nova Scotia. The proposals for change, outlined in government papers and debates, are very general, non-transparent and unaccompanied by any evidence of their likely incidence and impact on the Nova Scotia economy. The next Provincial budget debate is scheduled to take place Jan 20 and it is possible that important decisions about how and when tax change will proceed may be taken at that meeting.

Members have asked KCA to provide relevant information about, and more detailed understanding of, what the changes might mean in terms of long-term impacts on the community and the province.

This paper, in Section 2, notes broad processes of recent housing market changes in Nova Scotia, and identifies the key housing issues concerning policymakers. The tax changes proposed by the Government are presented in Section 3. Section 4 briefly outlines the issues likely to arise in the Kingsburg context. The concluding Section is a list of questions that government should address to inform policymakers and citizens about future taxation of non-residents owning property in Nova Scotia.

## **2. Context and Issue**

### *Nova Scotia: Growing at Last!*

Prior to the onset of Covid-19, population, and house prices, had been increasing steadily in all of Nova Scotia's counties, except one, since 2016. Peaking numbers of retiring households with housing assets in metropolitan Canada have fuelled increasing numbers of households returning, full- or part-time, to their provinces of origin and family connection.

A second significant stream, increasing over the last decade, has been an increased flow of younger, often well-qualified households. They have found that the rapid increase of metropolitan house prices has inhibited their shift into owner-occupied housing and ability to develop family-oriented living. In consequence, they have shifted to smaller cities and well-serviced towns in rural areas. Good quality, affordable housing has become an important asset for Nova Scotia in attracting new talent. Though this group may be the main source of upward price pressure in Halifax

and the main towns of Nova Scotia they will, on becoming residents, be excluded from property tax surcharges.

Covid-19 has significantly increased inflows out of metropolitan cores and into towns and rural areas with marked price increases through 2021. In 2020, NSAR MLS® real estate sales increased dramatically with 13,923 homes sold (an increase of over one-third). 2021 has been a record-breaking year of sales and rental markets were also pressured. It must be stressed that these evident housing market pressures were despite the near disappearance of the inward flow of international immigrants (also increasing 2010-19) and sharply reduced inflows of students from outside of Nova Scotia and Canada. Nova Scotia has, in essence, become more competitive in attracting households with human capital and spending power.

The pandemic has reinforced rather than initiated the flows involved. The environmental qualities and community strengths of Nova Scotia have attracted the interest of rising numbers of households looking for lower density and greener lifestyles. It is likely that the demands for more local lifestyles, shaped by environmental preferences and reducing daily household travel, will continue after a 'new normal' of managed Covid-19 and it will be facilitated by the work practices that individuals, managers and firms, and governments, have developed since March 2020.

Arguably it is well-delivered housing supply programmes and not differential property taxes that will sustain that growing flow of new Nova Scotians. Individuals and firms do not usually shift locations based on a single factor, such as house prices or property, but on the net advantages that a move will bring. Increasingly the 'net advantage' being considered is not just to a household, but to a more extended family including parents, grandparents and siblings.

Seasonal homes play an important role in holding the past diaspora of Nova Scotia families together and in extending the sense of the Atlantic community across Canada as a whole. Family connections, and wealth too, are important in selecting new residential locations. The Province of Nova Scotia, having faced the problems of small town and rural decline for almost a century now appears to have a significant strategic opportunity to capture this new Wave of Canadian interest in its Atlantic coast. It is important than any tax policy changes for revenue today do not lose that opportunity for a more diverse and growing Nova Scotia tomorrow.

### *Growth Downsides*

Over the last year house prices in Nova Scotia (according to RBC estimates) have increased by around a fifth, and at roughly the same rate as Ontario. Forward forecasts to the end of 2022 suggest a much lower uplift of 4 percent as monetary policy gradually raises mortgage rates.

Rising prices and transaction volumes are good news for existing property owners but bad news for younger households currently renting but intending to buy. Where

housing demand rises more sharply than supply there are varied government policy responses. Tightening rent controls or shaping taxes to favour local as opposed to new arrivals are inherently short-term rationing measures. They do not resolve long-term supply deficits; the resolution is to augment housing supply by facilitating development through faster planning, better infrastructure provision and active, supportive provincial housing policies. Long-term solutions require the latter 'growth accommodating' rather than short-term 'controlled sharing' policy approaches. The newly-elected Government of Nova Scotia appear to have leaned towards short-term, palliative measures rather than supply augmenting strategies in what they see as measures designed to make housing more affordable and increase supply. They might miss the Wave.

### **3. Changing Taxes of Property Transfers and Use**

A key element of the Government's 'housing' strategy, and arguably its tax revenue strategy, has been to propose two, rather loosely-defined property tax measures. They are both aimed at non-residents - those who own property in Nova Scotia or who are future purchasers -who do not pay income tax in Nova Scotia.

The proposals were outlined in the government's election campaign. They noted that, according to Statistics Canada, estimates for 2018 indicate that non-residents own 3.9 per cent of Nova Scotia's housing stock (excluding purpose-built multifamily rental properties) and that this rate was higher than in either British Columbia or Ontario (although ownership rates by overseas owners are lower). There was then expressed a vague concern, unbacked by evidence, that many properties are being purchased by non-residents, who may or may not plan to spend time in those properties. Whilst the claim was vague the policy recommendation was not: "We will impose a new tax and property levy for buyers who do not pay income tax in Nova Scotia. These fees will limit purchases from non-Nova Scotia income taxpayers and, for those who do purchase, will bring in an added regular stream of revenue for the province." Again, the evidence to support these last two claims of impact was missing and is scrutinized below.

Platform quickly became policy and the September 14th mandate letter from the Premier to the new Deputy Premier and Minister of Finance, Allan MacMaster, gives him responsibility to develop a timeline and proposals to:

*a) Implement an additional, provincial deed transfer tax on any Nova Scotia property purchased by individuals who do not pay taxes in Nova Scotia (a once-off tax on new non-residents purchasing property)*

*b) Impose a levy on every non-Nova Scotian taxpayer held property in Nova Scotia of an additional \$2 per \$100 of assessed property value (an annual additional property tax levy on the total stock of non-residents of Nova Scotia: ReMax note that the extra annual tax for a non-resident in a Halifax waterfront apartment, at summer 2021 values, would mean an additional \$14,000 in property taxes).*

The letter did not provide a timeline for implementation, and little in the way of firm details and evidence-based policy analysis has emerged. However, there has been the rapid emergence of a quite heated debate about the transparency, fairness and likely efficacy of the taxes proposed.

#### 4. KCA Commentary

Members of the KCA, NS residents and non-residents alike, have asked the KCA to prepare this background note to inform their thinking, either because the new taxes will have a major direct incidence upon them (who formally will pay the taxes) or they will be adversely impacted by the consequences of the taxes.

It is important for policymakers and voters to have a clear understanding of the distinction between the **incidence** and **impacts** of tax. The **initial incidence** of a tax is defined by those who formally pay the tax (in this instance, non-resident property owners in Nova Scotia). It is usually relatively easy to identify. However, the final impacts of a tax are often complex. When taxes are imposed they may shift either, or both, the supply and demand for a good or asset. For example, where property taxes are levied on owners in markets that are characterized by fast and flexible supply responses (that quickly remove shortages) then owners are unable to pass the tax on to tenants. However, in rental markets with shortages, it is easy for landlords to pay the tax (incidence) but then raise tenant rents to cover the extra tax costs (impact). Tight markets allow those incurring initial incidence to shift the real burden of taxes to consumers. Non-resident commercial landlords, known to be of some importance in pressured Halifax, may then (depending on whether rent controls are in place) eventually drive up the cost of housing for younger and middle-income households. Non-resident owners who let their homes to holidaymakers for significant parts of the year in popular localities, such as the South Shore and Cape Breton, will respond by raising the cost of holidaying, and staycations, in Lunenburg and Inverness Counties.

Where suppliers and demanders change their behaviours in relation to the new taxes there may then be quite complex adjustments that reduce or entirely remove the gains in housing affordability and supply mentioned in Government debates and that have potentially wider negative economic impacts for the province.

The information available to homeowners and voters in Nova Scotia does not yet make it clear how the Government have assessed the impacts and balanced revenue raising incidence effects from longer-term economic benefits. If the broad tax measures proposed are implemented, then they may raise tax revenue in the short-term. That gain may quickly atrophy if Nova Scotia transaction flows fall and prices stabilize. It is not a clear logic chain in the new proposals running from title deed or property tax increases to more affordable housing and increased housing supply. And the balancing of increased tax revenue versus downside effects on economic activity in the province is not at all evident in the policy discussion within the Government.

In what follows below questions are posed about whether the proposed changes will raise revenue in a sustained fashion, improve housing affordability and enhance

provincial economic development. Governments owe taxpayers transparent statements on the revenue potential, incidence and impact of the tax changes they propose. Outside of Nova Scotia, in the places and for the people whom the Government reaches in its Connections strategy, potential investors could see the proposed tax changes (at least until specific, well-argued tax plans are produced) as simply a tax grab on those who want to restore or make some, if not yet a full, immediate residential connection to Nova Scotia.

Debates about taxes hinge around disagreements on wider impacts and on the fairness of incidence (initial and final). The KCA does not propose to take a collective position at this time on whether the tax measures proposed are likely to be beneficial. But we can pose a series of questions about the likely impacts of the tax in relation to the goals vaguely outlined by the government.

## 5. Questions for Policymakers

1. Policymakers have widely referred to tax measures in other jurisdictions. Was there a systematic review completed on what our competitor provinces do and whether additional surcharges have achieved desired housing affordability and supply outcomes? Is there any conclusive evidence that the widely-reported additional surcharges for non-resident owners in Toronto and Vancouver have assuaged price increases and improved affordability? Subsequent house price and affordability measures suggest otherwise.
2. Will the tax changes discourage non-residents from buying seasonal homes as a step towards residence (gradually increasing their Atlantic involvement)? Will the Nova Scotia diaspora of the 1960s to the 80s be discouraged from coming home?
3. If the tax changes reduce external demand for Nova Scotia properties, is the income/wealth distribution in Nova Scotia likely to support current house price and land values in the upper decile of the market? Could the value of the residential property tax base, in consequence, fall and thereby reduce property tax revenues?
4. Official data suggest that non-residents currently own 4 percent of the NS housing stock. In the Kingsburg area it is around half of households. How geographically concentrated is the non-resident ownership pattern? Will concentrated effects induce potentially more damaging impacts on the smaller towns and the rural economy? A blip for Halifax may be a blot for jobs in Inverness County.
5. What proportion of current non-residents have constructed the homes they live in (augmenting supply), and strengthened the economic base of places before the onset of Covid-19 and the price rises of 2021?
6. The imposition of the additional annual property tax will have impacts on older households who bought substantial seasonal homes in earlier stages of their

earnings cycles. Will a \$10,000 additional tax (not least when combined with more general revaluations and tax increases proposed) on a property valued at \$500k be a real disincentive to staying in the province? Is that an intended effect of the tax?

7. If the property taxes induce existing non-resident owners to sell their homes that are then purchased by thriving Nova Scotians as holiday homes, how will this meet any of the Government's goals to increase affordable housing supply for Nova Scotians?
8. What will be the employment effects of reducing external demand for residential property in Nova Scotia? There are significant multiplier effects from housing investment arising from construction, renovation, sales, white goods, etc. How have the Government of Nova Scotia estimated these effects, what is their value to the economy and how will they be impacted by the tax changes?
9. Will non-resident owners of commercial rental property in Nova Scotia maintain their NS businesses? If new rental investors become more difficult to attract, how will this inhibit supply, especially in Halifax?
10. Will the image of Nova Scotia as 'open for business, welcoming seasonal returning Nova Scotians and hospitable to all, disappear? Do these proposed tax changes negatively impact the image of Nova Scotia held by those very parties who the Government wishes to attract to the province? What does this mean for the future prospects of all Nova Scotians?

**Council**  
Item: #11.1.1  
Date: April 26, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To:** Mayor Carolyn-Bolivar Getson and Municipal Council  
**Submitted By:** Chris Kennedy, Fire Service Coordinator  
**Date:** April 26, 2022  
**Re:** Policy 094, Fire Scene Security

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#### **Recommendation:**

**"that Municipal Council approve Policy 094 - Fire Scene Security, as presented".**

#### **Background:**

Fire Scene Security has been a subject of discussion for many years now for the voluntary fire service within the Municipality of the District of Lunenburg (MODL). It has been brought up at several of the Lunenburg Regional Fire and Emergency Services (LRFES) meetings and also within the last two years brought to the Fire and Emergency Services Committee.

MODL's Fire service Coordinator was asked to investigate and prepare a policy for councils' approval and an operational procedure for fire services to utilize when scene security is required.

#### **Discussion:**

MODL's Fire Service Coordinator checked with his counterpart in the Municipality of the District of Chester (MODC) who have had a policy in place for this reason

for several years now and were able to retain the Commissionaires of NS for the purpose of Fire Scene Security as part of their procurement process.

Most of the procedure for a fire chief or designate to write orders for payment of security watch comes from what is used in MODC with modifications to meet MODL's needs. Sections of the Fire Safety Act provide this authority to a fire chief or designate in these circumstances.

Once it is determined that an investigation is required and that a representative from the fire marshal's office will be delayed, a fire scene security watch is required to be posted. Although it should be noted that most of the time an official from the fire marshal's office or the RCMP will be on scene before the fire department is ready to leave depending on the severity of the incident.

Scene security cordons off the area around the scene and protects the chain of evidence until the investigation for possible cause can be conducted. Although fire departments attempt to do this to the best of their abilities it is not within their normal scope of training.

At present there are no mechanisms for fire chiefs to contract scene security or recovery any costs associated with same. The attached proposed policy will provide the authority to utilize the municipality's procurement process and hire scene security through the municipal standing offer list and recover associated costs.

### **Budget Implications.**

There is a small funding commitment for this service and the orders written to have scene security provided can be paid by the owner, insurance company and if the owner refuses to pay a lien can be placed on the property and collected under normal function of the municipality.

The maximum amount allowable currently under the Fire Safety Act for scene security is up to \$1,000.00, with larger amounts requiring ministerial approval before it can go ahead. Monies paid by the municipality for scene security will be recovered from the owner by payment, and if not paid a lien placed on the property for this purpose.

**Conclusion:**

It is in the best interest of the volunteer fire services to have the ability to determine if scene security is required and have the ability and authorization to do so under the Fire Safety Act and Municipal Policy supporting such activities.



---

Chris Kennedy, Fire Service Coordinator.

/xxx

*Attachments*

# Municipality of the District of Lunenburg

## Council Policy

<b>Title:</b> Fire Scene Security	
<b>Policy No.</b> 094	<b>Legislative Authority:</b> MGA 296, Fire Safety Act 30(3), 31, 33
<b>Effective Date:</b>	<b>Amended Date:</b>

### Purpose

**1** To provide a fire chief or, his designate the authority to utilize the municipality's procurement process and hire scene security through the municipal standing offer list and recover associated costs.

### Definitions

- 2** In this Policy,
- (1) **"Fire Department"** means an organization that is registered with the municipality to provide fire-suppression and emergency services pursuant to section 294 of the Municipal Government Act (MGA)
  - (2) **"Municipality"** means the Municipality of the District of Lunenburg (MODL)
  - (3) **"Local Assistant"** means a person who is a local assistant pursuant to the Fire Safety Act and further that is typically the Fire Chief or designate of a fire department.
  - (4) **"Fire chief"** means the senior official within, and in charge of the fire department.

### Scene Security

- 3**
- (1) Where the Local Assistant deems it necessary for the purpose of an investigation, the Local Assistant may, by oral or written order,
    - (a) close the land or premises,
    - (b) prohibit any entry, or lingering, and
    - (c) post a security watch.
  - (2) Orders for scene security will be posted at the fire scene to preserve chain of custody of evidence until a fire investigation can be undertaken.
  - 3) A representative from the Fire Marshall's Office should be on scene prior to a fire department departure, however there may be incidents where a representative is unable to attend up to (24) twenty-four hours, whereby scene security is required.

- (4) The security firm(s) providing this service will be procured on the municipal standing offer list.
- (5) Their duties will be spelled out in the contract for scene security.

**Recovery of Cost**

- 4 (1) The Local Assistant may direct the owner of a property to pay any costs of associated with carrying out the order, work or action, taken in section 3 and the order to pay costs will include:
  - (a) a description of activity for which the costs were incurred and a statement of authority for conducting the activity,
  - (b) a detailed account of the costs incurred, and
  - (c) a direction that the owner pays costs to the municipality.

**Costs, Liens and Enforcement**

- 5 (1) Where an order to pay costs referred to in section 4 remains unpaid after all rights of appeal under the Fire Safety Act are exhausted, the Local Assistant can file with the clerk of the municipality the expenses incurred to carry out the order, but not exceeding the limits of one thousand dollars as per section 30 of the Fire Safety Act, and the clerk will pay, from the ordinary revenues of the municipality, the amount certified by the Local Assistant.
  - (a) The amount of the costs is subject to interest, calculated at the rate applicable to overdue municipal rates and taxes, from the date of the original order for payment of costs; and
  - (b) with any interest subsequently, constitutes a lien on the property that is the subject of the order.
- (2) The amount of the costs and any interest is, for the purpose of collection and recovery, a first lien on the property collectable by the municipality as municipal taxes pursuant to the Municipal Government Act.

**Annotation for Official Policy Book**

Date of Notice to Council	April 11, 2022
Date of Passage of Current Policy	
I certify that this policy MODL-094 was adopted by Municipal Council as indicated above.	
_____	_____
Municipal Clerk	Date

Council  
Item: #11.1.2  
Date: April 26, 2022  
Authorization: T. MacEwan



# 2022-2023 Council Remuneration Review

# Purpose

The purpose of this review is to consider compensation levels for MODL Council Members compared to similar Municipal Units in order to ensure that the remuneration is fair and appropriate given the amount of work performed by the Mayor, Deputy Mayor and Councillors.

## Scope of Work

The attached report was prepared to review the remuneration of the Mayor, Deputy Mayor and Council members from comparable municipal units and to provide a recommendation on remuneration for the Mayor, Deputy and Council members of MODL for the 2022-2023 budget deliberations.

## Legislative Authority

The Municipal Government Act, section 23(1)(d) provides that Council may make policies providing for and fixing:

- (i) the annual remuneration to be paid to the Mayor,
- (ii) the annual remuneration to be paid to the Deputy Mayor, and
- (iii) the annual remuneration to be paid to Councillors.

## MODL Policy

MODL Policy 003 – Council Members’ Remuneration, Benefits and Expenses Policy provides at section 1.1 that:

- 1.1.1 The annual remuneration to be paid to the Mayor shall be as approved by motion of Council.
- 1.1.2 The annual remuneration to be paid to the Deputy Mayor shall be as approved by motion of Council.
- 1.1.3 The annual remuneration to be paid to Councillors shall be as approved by motion of Council.

## Comparable Units: County of Kings, County of Colchester and MODL

- In order to establish a fair and reasonable remuneration for Council members, it was necessary to first identify comparable municipal units.
- Generally, the three largest rural municipalities (excluding regional municipalities) are the County of Kings, the County of Colchester and the District of Lunenburg.
- With some limited exceptions, in comparing the three units, MODL scores either second or third in terms of population, population density, # of dwellings, and total uniform assessment.

# Categories of Comparison

1. Size (km<sup>2</sup>)
2. Population
3. Population Density
4. # of Councillors (all units have a Mayor)
5. Population per Councillor (not including Mayor)
6. # of Dwellings (occupied by usual residents)
7. Total Uniform Assessment

## Size (km<sup>2</sup>)

- Colchester: 3,568 km<sup>2</sup> (2<sup>nd</sup> largest rural unit)
- Kings County: 2,087 km<sup>2</sup> (5<sup>th</sup> largest rural unit)
- MODL: 1,757 km<sup>2</sup> (7<sup>th</sup> largest rural unit)

# Population

- County of Kings: 47,918 (largest rural unit)
- Colchester: 36,044 (2<sup>nd</sup> largest rural unit)
- MODL: 25,454 (3<sup>rd</sup> largest rural unit)

# Population Density (# of residents / km<sup>2</sup>)

- County of Kings: 23 residents / km<sup>2</sup> (highest)
- MODL: 14.5 residents / km<sup>2</sup> (2<sup>nd</sup> highest)
- Colchester: 10 residents / km<sup>2</sup> (4<sup>th</sup> highest)

# # of Councillors (all units have Mayors)

- Colchester: 11 Councillors (3 way tie for 2<sup>nd</sup> largest # of councillors)
- MODL: 10 Councillors (5<sup>th</sup> largest # of councillors)
- County of Kings: 9 Councillors (6<sup>th</sup> largest # of councillors)

# Population per Councillor (not including Mayor)

- County of Kings: 5,324 (most per councillor)
- Colchester: 3,277 (2<sup>nd</sup> most per councillor)
- MODL: 2,555 (3<sup>rd</sup> most per councillor)

# # of Dwellings (occupied by usual residents)

- County of Kings: 20,733 (largest number)
- Colchester: 15,656 (2<sup>nd</sup> largest)
- MODL: 11,507 (3<sup>rd</sup> largest)

# Total Uniform Assessment (residential + commercial)

- County of Kings: \$3,710,348,600 (highest)
- MODL: \$2,790,896,900 (2<sup>nd</sup> highest)
- Colchester: \$2,515,164,900 (3<sup>rd</sup> highest)

# SNAPSHOT MODL is:

- The 7<sup>th</sup> largest rural municipality in size @ 1,757 km<sup>2</sup>
- The 3<sup>rd</sup> largest rural municipality in population @ 25,545
- The 2<sup>nd</sup> largest rural municipality in population density @ 14.5 residents / km<sup>2</sup>
- The 5<sup>th</sup> largest number of council members (not including the Mayor) @ 10 councillors (Pictou County has the most at 12 councillors and three are tied for 2<sup>nd</sup> with 11 councillors)
- The 3<sup>rd</sup> largest rural municipality in terms of population / councillor @ 2,555
- The 3<sup>rd</sup> largest rural municipality in terms of # of dwellings @ 11,507
- The 2<sup>nd</sup> largest rural municipality in terms of total uniform assessment @ \$2,790,896,900

# Snapshot: Council and Committee Work

- Members of Council are expected to attend Council meetings (every other Tuesday), Finance Committee Meetings (the 1<sup>st</sup> Tuesday of the month) and Policy and Strategy Committee Meetings (the 3<sup>rd</sup> Tuesday of the month).
- In addition to the above regular meetings, Members of Council are also on an average of 7 other Committees of Council which meet as per the Committee Terms of Reference or at the call of the Chair.



# Comparables

Given the foregoing, as MODL compares well with the County of Colchester, it is recommended that MODL Council Member remuneration be set at **5% below** the 2022-2023 amounts that are set for the Mayor, Deputy Mayor and Councillors of the County of Colchester.

# MODL Councillor Remuneration 2022-2023 (CPI increase on April 1<sup>st</sup>)

- Mayor: \$59,793 increasing to \$62,663
- Deputy Mayor: \$ 40,489 increasing to \$42,432
- Councillors: \$29,769 increasing to \$31,198

# County of Colchester Councillor Remuneration 2022-2023

- Mayor: \$71,679
- Deputy Mayor: \$53,422
- Councillors: \$46,344

# Proposed Level of Council Remuneration 2022-2023

- Mayor: \$68,095 (an increase of \$5,432)
- Deputy Mayor: \$50,750 (an increase of \$8,318)
- Councillors: \$44,026 (an increase of \$12,828)

# Recommended Motion

- Pursuant to MODL Policy 003 – Council Members’ Remuneration, Benefits and Expense Policy, Municipal Council sets the following levels of remuneration for the 2022-2023 fiscal year:

Mayor: \$68,095

Deputy Mayor: \$50,750

Councillors: \$44,026

**Council**  
Item: #11.2.1  
Date: April 26, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report To:** Mayor and Municipal Council Members  
**Submitted By:** April Whynot-Lohnes, Municipal Clerk  
**Date:** April 26, 2022  
**Re:** MODL Policy 066 Public Engagement

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On April 12, 2022, Municipal Council accepted the recommendation of the Planning Advisory Committee to amend MODL Policy 066 Public Engagement as outlined in the staff report of February 24, 2022. Council gave seven days' notice that it would consider adopting the amended Policy at the April 26, 2022 Council meeting.

The amendments to Policy 066 stem from the 2018 amendment to the Municipal Government Act to add Section 204A, the Engagement Program.

Should Council wish to adopt Policy 066, the following motion is required:

**“that Municipal Council adopt Policy 066 Engagement Program Policy, as stated in Appendix B of the staff report of February 24, 2022”.**

A handwritten signature in blue ink that reads "April Whynot-Lohnes".

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April Whynot-Lohnes  
Municipal Clerk

# Municipality of the District of Lunenburg

## Council Policy

<b>Title:</b> <b>Public Engagement Policy</b>	
<b>Policy No.</b> 066	<b>Legislative authority:</b> <b>Municipal Government Act</b> , Sections 203-207 and 214 <b>Minimum Planning Requirements Regulations</b> , Sections 3-4 <b>Engagement Programs Content Regulations</b>
<b>Effective date:</b> July 14, 2020	<b>Amended date:</b> April 26, 2022

### Preamble

**Whereas** the public engagement is a critical part of the Municipality’s planning process;

**And Whereas** the Municipality is responsible for seeking the public opinions about the proposed planning documents, such as the Municipal Planning Strategy, Land Use By-law, Subdivision By-law, and their amendments;

**And Whereas** the **Municipal Government Act** mandates the Municipality to identify opportunities and to establish ways and means of seeking the public opinions, as well as to complete the public participation program before placing the first notice for a public hearing;

**And Whereas** the **Municipal Government Act** and the **Engagement Programs Content Regulations** further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy; <amended 2022-04-26>

**And Whereas** the **Minimum Planning Requirements Regulations** mandate the Municipal Planning Strategy to provide for public consultation and notice during its plan review;

**And Whereas** the **Minimum Planning Requirements Regulations** allow the Municipal Planning Strategy to provide a general direction on engaging with provincial and federal departments, First Nations communities, and non-abutting municipalities:

## Title

- 1 This Policy is titled the **Public Engagement Policy**. <amended 2022-04-26>

## Definitions

- 2 In this Policy,
  - (a) “Act” means the **Municipal Government Act**; and
  - (b) “planning document” means the Municipal Planning Strategy, Land Use By-laws, Subdivision By-law, development agreements and their amendments, including rezoning. <amended 2022-04-26>

## Inclusive engagement and exceptions

- 3 Municipality must facilitate the involvement of public to encourage public participation on a planning matter in a variety of formats as much as feasible, except when the public participation is
  - (a) excessively or intentionally delaying the process of approving a planning document after reasonable engagement; or
  - (b) placing a financial burden on the Municipality.

## Access to information

- 4
  - (1) Except for the information on planning matters stated under subsection 203(1) of the Act, all available information related to a proposed planning document must be accessible by the public.
  - (2) <repealed 2022-04-26>

## Online engagement

- 5
  - (1) In addition to the public notice requirements under this Policy or the Act, the Municipality must post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality. <amended 2022-04-26>
  - (2) The online websites and platforms in subsection (1) are considered as conspicuous places under the Act.

## Ad-hoc planning committees

- 6 <repealed 2022-04-26>

### **Public opinion poll**

- 7 Council may direct staff to seek public opinion on a planning matter before a proposed planning document is submitted to the Planning Advisory Committee, such as by conducting an opinion poll.

### **Public information session**

- 8 (1) Council may hold, or direct staff or a committee of Council to hold, a public information session to discuss with the public about a planning matter.
- (2) The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law. <replaced 2022-04-26>
- (3) If a public information session is held under subsections (1) or (2), the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.

### **Public notice of public information session**

- 9 (1) The notice of a public information session must be posted in a conspicuous place in the Municipality, which must
- (a) state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;
  - (b) identify the area affected by the proposed planning documents; and
  - (c) give a synopsis of the proposed planning document.
- (2) The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.
- (3) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.
- (4) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.
- (5) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

[replaced 2022-04-26]

### **Public notice of the Planning Advisory Committee**

- 10** (1) The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must
- (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
  - (b) state the date, time, and place set for the meeting;
  - (c) identify the area affected by the proposed planning documents; and
  - (d) give a synopsis of the proposed planning document.
- (2) The notice and its supplementary document in subsection (1) must be posted at least 5 days before the Planning Advisory Committee meeting.

[replaced 2022-04-26]

### **Notification of rezoning by re-designation to affected landowners**

**11** <replaced 2022-04-26>

### **Public input at a Council or its committee meeting**

- 12** Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question from the public on a planning matter. <amended 2022-04-26>

### **Limiting engagement program to areas impacted**

- 13** Subject to Section 14, an abutting municipality means, for the General Service Areas of
- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
  - (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
  - (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
  - (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;
  - (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
  - (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
  - (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and

(h) those not included in clauses (a) to (g), not applicable.

[added 2022-04-26]

### Engagement with non-adjacent municipalities

**14** An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to

- (a) a topic associated with the statements of provincial interest; or
- (b) a plan review required under Section 3 of the **Minimum Planning Requirements Regulations**.

[added 2022-04-26]

### Consideration of comments

- 15**
- (1)** Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.
  - (2)** If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.
  - (3)** the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.

[added 2022-04-26]

### Annotation for official by-law book

Date of notice to Council members	June 23, 2020
Date of passage of original Policy	July 14, 2020
Date of notice to Council members of intent to consider amendments	April 12, 2022
Date of passage of amendments	April 26, 2022
I certify that <b>MODL Policy 066 Public Engagement</b> was adopted by Municipal Council as indicated above.	
<hr/> <b>Municipal Clerk</b>	<hr/> <b>Date</b>

# Municipality of the District of Lunenburg

## Council Policy

<b>Title:</b> <b>Public Engagement Policy</b>	
<b>Policy No.</b> 066	<b>Legislative authority:</b> <b>Municipal Government Act</b> , Sections 203-207 and 214 <b>Minimum Planning Requirements Regulations</b> , Sections 3-4 <b>Engagement Programs Content Regulations</b>
<b>Effective date:</b> July 14, 2020	<b>Amended date:</b> April 26, 2022

### Preamble

**Whereas** the public engagement is a critical part of the Municipality’s planning process;

**And Whereas** the Municipality is responsible for seeking the public opinions about the proposed planning documents, such as the Municipal Planning Strategy, Land Use By-law, Subdivision By-law, and their amendments;

**And Whereas** the **Municipal Government Act** mandates the Municipality to identify opportunities and to establish ways and means of seeking the public opinions, as well as to complete the public participation program before placing the first notice for a public hearing;

**And Whereas** the **Municipal Government Act** and the **Engagement Programs Content Regulations** further mandates the Municipality to engage with abutting municipalities when the Council is adopting or amending the Municipal Planning Strategy; <amended 2022-04-26>

**And Whereas** the **Minimum Planning Requirements Regulations** mandate the Municipal Planning Strategy to provide for public consultation and notice during its plan review;

**And Whereas** the **Minimum Planning Requirements Regulations** allow the Municipal Planning Strategy to provide a general direction on engaging with provincial and federal departments, First Nations communities, and non-abutting municipalities:

## Title

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  - (1) Except for the information on planning matters stated under subsection 203(1) of the Act, all available information related to a proposed planning document must be accessible by the public.
  - (2) <repealed 2022-04-26>

## Online engagement

- 5
  - (1) In addition to the public notice requirements under this Policy or the Act, the Municipality must post information in subsection 4(1) and a public notice related to a proposed planning document on the official website, online engagement website, or social media platform operated by the Municipality. <amended 2022-04-26>
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## Ad-hoc planning committees

- 6 <repealed 2022-04-26>

### **Public opinion poll**

- 7 Council may direct staff to seek public opinion on a planning matter before a proposed planning document is submitted to the Planning Advisory Committee, such as by conducting an opinion poll.

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- (2) The Municipality must hold a public information session to discuss with the public about a proposed planning document if the planning document is the Municipal Planning Strategy or the Subdivision By-law. <replaced 2022-04-26>
- (3) If a public information session is held under subsections (1) or (2), the Municipality must hold at least 1 session before the proposed planning document is submitted to the Planning Advisory Committee.

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- (a) state the date, time, and place set for the public information session and a subsequent meeting of the Planning Advisory Committee;
  - (b) identify the area affected by the proposed planning documents; and
  - (c) give a synopsis of the proposed planning document.
- (2) The notice and its supplementary document in subsection (1) must be posted at least 5 days before the first public information session is held.
- (3) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from an abutting municipality by sending a copy of the notice to the clerk and the director in charge of planning of the abutting municipality.
- (4) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from stakeholders, such as police, fire, emergency health service, provincial departments of environment and public works, and water utility.
- (5) Upon the publication of a notice in subsection (1), the Municipality must solicit comments from neighbours by sending a copy of the notice to the affected landowners within 30 metres from the boundary of a proposed site.

[replaced 2022-04-26]

### **Public notice of the Planning Advisory Committee**

- 10** (1) The notice of a Planning Advisory Committee meeting must be posted in a conspicuous place in the Municipality, which must
- (a) state the place where, and the hours during which, the proposed documents may be inspected by the public;
  - (b) state the date, time, and place set for the meeting;
  - (c) identify the area affected by the proposed planning documents; and
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[replaced 2022-04-26]

### **Notification of rezoning by re-designation to affected landowners**

**11** <replaced 2022-04-26>

### **Public input at a Council or its committee meeting**

- 12** Municipality must reserve time on a meeting held by the Council, a committee of Council, or a municipal staff for a presentation, commentary, or question from the public on a planning matter. <amended 2022-04-26>

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- 13** Subject to Section 14, an abutting municipality means, for the General Service Areas of
- (a) Cookville, Pine Grove, Oakhill, Dayspring, Conquerall Bank, Hebbville, Wileville, Auburndale, and Lower Branch, the Municipality of the Town of Bridgewater;
  - (b) Lilydale, Deans Corner, First Peninsula, Garden Lots, Masons Beach, First South, and Centre, the Municipality of the Town of Lunenburg;
  - (c) Blockhouse, Clearland, Oakland, Maders Cove, and Fauxburg, the Municipality of the Town of Mahone Bay;
  - (d) East Ironbound Island, Little Tancook Island, Big Tancook Island, Indian Point, Martins River, Clearland, Walden, Newburne, Maplewood, Parkdale, and Franey Corner, the Municipality of the District of Chester;
  - (e) Pleasant River Lake, Colpton, New Elm, Molega Lake, Chelsea, Upper Chelsea, Waterloo, Lapland, Middlewood, East Port Medway, Voglers Cove, and Cherry Hill, the Municipality of the Region of Queens;
  - (f) Pleasant River Lake and Cherryfield, the Municipality of the County of Annapolis;
  - (g) Cherryfield, North River, Stanburne, Parkdale, and Franey Corner, the Municipality of the County of Kings; and

(h) those not included in clauses (a) to (g), not applicable.

[added 2022-04-26]

### Engagement with non-adjacent municipalities

**14** An abutting municipality means all the other municipalities in Lunenburg County if a proposed planning document relates to

- (a) a topic associated with the statements of provincial interest; or
- (b) a plan review required under Section 3 of the **Minimum Planning Requirements Regulations**.

[added 2022-04-26]

### Consideration of comments

- 15**
- (1)** Subject to subsection (2), the Municipality must consider all comments received under subsections 9(3) and 9(4) at a Planning Advisory Committee meeting.
  - (2)** If a comment is received after the Planning Advisory Committee meeting in subsection (1), then the Municipality may consider the comment at a first reading of Council.
  - (3)** the Municipality must consider all comments received under subsection 9(5) at a public hearing or a public meeting before the public hearing.

[added 2022-04-26]

### Annotation for official by-law book

Date of notice to Council members	June 23, 2020
Date of passage of original Policy	July 14, 2020
Date of notice to Council members of intent to consider amendments	April 12, 2022
Date of passage of amendments	April 26, 2022
I certify that <b>MODL Policy 066 Public Engagement</b> was adopted by Municipal Council as indicated above.	
<hr/> <b>Municipal Clerk</b>	<hr/> <b>Date</b>

**Council**  
Item: #11.2.2  
Date: April 26, 2022  
Authorization: T. MacEwan



## **Municipality of the District of Lunenburg**

### **Report to Council**

**Report to: Municipal Council**  
**Submitted by: Abhi Jain, Sustainability Planner**  
**Date: April 26, 2022**  
**Re: Second Reading re Amendments to the Property Assessed Clean Energy By-law**

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On March 22, 2022, Municipal Council gave notice of its intention to amend By-law 031 Property Assessed Clean Energy By-law and conducted and approved First Reading. Council set a date for Second Reading to be held at the April 26, 2022 Council meeting.

Notice was given through local media and on the MODL website that Municipal council would be conducting Second Reading to amend the By-law at the April 26, 2022 Council meeting, and that written submissions from interested persons concerning the By-law would be accepted until 12:00 noon, Tuesday, April 19, 2022. No written submissions were received.

If adopted, the amended By-law will:

- change the title from “Property Assessed Clean Energy By-law” to “Clean Energy Financing By-law”;
- replace “PACE” with “CEF” to maintain consistency in the official document;
- extend the financing amortization period from current “10 years” to “15 years”; and
- add a clause to disallow homeowners to have multiple outstanding Municipal financing levied against the subject property at the same time.

To accept the proposed amendments to the Property Assessed Clean Energy By-law, the following motion is required:

**“that Municipal Council conduct Second Reading and approve By-law 031A Amendments to the Clean Energy Financing By-law (2022), as presented”.**

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Department: Planning & Development Services

Report prepared by: Abhi Jain, Sustainability Planner

Date: 2022-04-19

Report approved by: Jeff Merrill, Director

Date:

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date:

# Municipality of the District of Lunenburg

## By-law

<b>Title:</b> Amendments to the Clean Energy Financing By-law (2022)	
<b>By-Law number</b> 031A	<b>Legislative authority:</b> <b>Municipal Government Act</b> , clauses 81A(1)(a)-(b)
<b>Effective date:</b> May 4, 2022	<b>Amended date:</b> N/A

### Title

1 This By-law is titled the Amendments to the Clean Energy Financing By-law (2022).

### Title changed

2 Section 1 of By-law 031 is repealed and substituted the following Section:

#### Title

1 This By-law is titled the Clean Energy Financing By-law, and may be cited as the CEF By-law.

### Definitions updated

3 Section 2 of By-law 031 is amended by

- (a) striking out “the PACE Program Clean Energy Upgrade Standards Policy” in subclause (c)(iii) and substituting “Policy 067”;
- (b) striking out “PACE Customer Agreement” in clause (e) and substituting “CEF Customer Agreement”, and striking out “Property Assessed Clean Energy Program” and substituting “Clean Energy Financing Program”;
- (c) striking out “PACE Charge” in clause (f) and substituting “CEF charge”, and striking out “Property Assessed Clean Energy” and substituting “Clean Energy Financing”;
- (d) striking out “PACE Program” in clause (g) and substituting “CEF Program”; and
- (e) striking out “PACE” in clause (h) and substituting “CEF”.

### Applications and approval updated

4 Section 4 of By-law 031 is amended by

- (a) striking out “PACE” and substituting “CEF”;

- (b) striking out “PACE Customer Agreement” in clause (b) and substituting “CEF Customer Agreement”;
- (c) striking out “PACE Program” in clause (b) and substituting “CEF Program”;
- (d) striking out “PACE Customer Agreement” in clause (c) and substituting “CEF Customer Agreement”; and
- (e) adding a new clause (d) “the owner of the Qualifying Property does not have any other outstanding Municipal financing levied against the subject property”

**Payment of charge updated**

**5** Section 5 of By-law 031 is amended by

- (a) striking out “PACE charge” and substituting “CEF charge”; and
- (b) striking out “PACE Customer Agreement” and substituting “CEF Customer Agreement”.

**6** Section 6 of By-law 031 is amended by

- (a) striking out all colon at the end of Section 6;
- (b) striking out “PACE charge” and substituting “CEF charge”;
- (c) striking out “PACE” in clause (b) and substituting by “CEF”; and
- (d) striking out “Administrative charges on the PACE charge including” in clause (c).

**7** Section 7 of By-law 031 is amended by

- (a) striking out “PACE charge” and substituting “CEF charge”;
- (b) striking out “10 years,” and substituting “15 years.”; and
- (c) striking out “PACE Customer Agreement” and substituting “ CEF Customer Agreement”.

**8** Section 8 of By-law 031 is amended by striking out “PACE” and substituting “CEF”.

**9** Section 9 of By-law 031 is amended by

- (a) striking out “PACE” and substituting “CEF”;
- (b) striking out “PACE” in clause (b) and substituting “CEF”; and

- (c) striking out “PACE” in clause (c) and substituting “CEF”.

### **Lien updated**

- 10** Section 10 of By-law 031 is amended by striking out “PACE Customer Agreement” and substituting “CEF Customer Agreement”, and striking out “PACE Charge” and substituting “CEF charge”.
- 11** Section 11 of By-law 031 is amended by
  - (a) striking out “PACE charge payable” in clause (a) and substituting “CEF charge payable”;
  - (b) striking out “PACE charge outstanding” in clause (a) and substituting “CEF charge outstanding”; and
  - (c) striking out “PACE charge” in clause (b) and substituting “CEF charge”.
- 12** Section 12 of By-law 031 is amended by striking out “PACE charge” and substituting “CEF charge”.
- 13** Section 13 of By-law 031 is amended by striking out “PACE Charge” and substituting “CEF charge”.

### **Administrative charge updated**

- 14** Section 16 of By-law 031 is amended by striking out “PACE Charge” and substituting “CEF charge”, and striking out “PACE Lending Rate Policy” and substituting “Policy 068”.

### **Interest updated**

- 15** Section 17 of By-law 031 is amended by striking out “PACE Charge” and substituting “CEF charge”.
- 16** Section 18 of By-law 031 is amended by striking out “the PACE Lending Rate Policy” and substituting “Policy 068”

### **Consequential amendments**

- 17** Schedules A and B of By-law 031 are repealed.



# Municipality of the District of Lunenburg

## By-law

<b>Title:</b> Clean Energy Financing By-law	
<b>By-law No.</b> 031	<b>Legislative authority:</b> Municipal Government Act, clauses 81A(1)(a)-(b)
<b>Effective date:</b> September 2, 2015	<b>Amended date:</b> May 4, 2022

### Title

- 1** This By-law is titled the Clean Energy Financing By-law, and may be cited as the CEF By-law.

### Definitions

- 2** In this by-law
- (a) "CAO" means the Chief Administrative Officer for the Municipality, or his or her designate;
  - (b) "Director of Finance" means the Director of Finance for the Municipality, or his or her designate;
  - (c) "Clean Energy Upgrade" means an installation that is affixed to the qualifying property and which
    - (i) will result in substantially improved energy efficiency, the generation of renewable energy, or reduced greenhouse gas emissions;
    - (ii) involves building envelope upgrades such as caulking and weather stripping, duct / air sealing, insulating, or energy efficient windows and doors; building heating, ventilation, and air conditioning system upgrades such as heat pumps, wood or pellet stoves, or furnaces or boilers; renewable energy upgrades such as solar thermal panels, solar photovoltaic panels, or wind turbines; or such other clean energy upgrades as are approved and agreed in writing by the Municipality; and
    - (iii) is identified as an eligible upgrade in Policy 067 and meets or exceeds applicable energy efficiency standards as defined in that Policy.

- (d) "Municipality" means the Municipality of the District of Lunenburg;
- (e) "CEF Customer Agreement" means the written, signed Clean Energy Financing Program Customer Agreement between the owner of a qualifying property and the Municipality for financing of a Clean Energy Upgrade;
- (f) "CEF charge" means the Clean Energy Financing improvement tax levied on the property pursuant to s.81A of the Nova Scotia Municipal Government Act;
- (g) "CEF Program" means a program established by the Municipality under which owners of Qualifying Properties may obtain financing for Clean Energy Upgrades; and
- (h) "Qualifying Property" means a residential property located within the Municipality subject to any building type restrictions contained in the specific CEF Program in respect of which the financing is sought.

### **Application and Approval**

- 3** An owner of a Qualifying Property within the Municipality may apply for Municipal financing of Clean Energy Upgrade to the property.
- 4** Financing shall be subject to the approval and agreement in writing of the CAO, or designate, on behalf of the Municipality, and the execution of a CEF Customer Agreement by the owner of the Qualifying Property. The conditions that must be met for approval include that:
  - (a) the owner of the Qualifying Property is not in default of any municipal taxes, rates, or charges;
  - (b) the Clean Energy Upgrade achieves an overall savings to debt ratio for the homeowner equal to or greater than the ratio specified in the CEF Customer Agreement, as estimated by a qualified energy assessment generated through the CEF Program;
  - (c) any additional conditions specified in the CEF Customer Agreement are met; and
  - (d) the owner of the Qualifying Property does not have any other outstanding Municipal financing levied against the subject property.

## Payment of Charge

- 5 The CEF charge shall become payable on completion of installation of the Clean Energy Upgrade in accordance with the CEF Customer Agreement.
- 6 The CEF charge may consist of:
  - (a) the cost of the Clean Energy Upgrade, including all labour costs, permitting fees, and applicable taxes;
  - (b) applicable CEF Program service fees; and
  - (c) Administrative charges on the CEF charge including any interest arising due to any default of payment.
- 7 The owner of a Qualified Property may elect to pay the CEF charge by equal installments over a period of not more than 15 years, on which an administrative charge shall be payable as set out in sections 16 and 17, and in the CEF Customer Agreement.
- 8 In the event of default of any payment under the CEF Customer Agreement, the outstanding balance shall be immediately due and payable. Interest shall be accrued on the amount then due and payable at the same rate applied by the Municipality for unpaid taxes and charges in default.
- 9 The Director of Finance shall maintain a separate account of all monies due for CEF charges, identifying, for the subject property:
  - (a) the names of the property owners, assessment, PID, and civic address;
  - (b) the amount of the CEF charge levied; and
  - (c) the amount paid on the CEF charge.

## Lien

- 10 On completion of a Clean Energy Upgrade pursuant to a CEF Customer Agreement, the CEF charge shall be levied against the property.
- 11 Where the owner of a Qualifying Property opts for installment payments:
  - (a) the portion of the CEF charge payable annually shall be equal to the total CEF charge outstanding divided by the number of years remaining; and
  - (b) the amount outstanding on the CEF charge shall become due and payable in the event of default of payment.

- 12** A CEF charge imposed pursuant to this by-law constitutes a first lien on the property and has the same effect as rates and taxes under the Assessment Act.
- 13** A CEF charge pursuant to this by-law is collectable in the same manner as rates and taxes under the Municipal Government Act and is collectable at the same time and by the same proceedings as taxes.
- 14** The lien provided for in this by-law shall become effective on the date on which the CAO files with the Director of Finance a certificate that the agreed improvement has been completed.
- 15** The lien provided for in this by-law shall remain in effect until the total charge, including any accrued interest, and administrative charges have been paid in full.

### **Administrative Charge**

- 16** Where the owner of a Qualifying Property opts for installment payments, administrative charges will be payable on any balance owing on the CEF charge at the rate set out in the Policy 068.

### **Interest**

- 17** Interest shall accrue on any CEF charge or portion thereof, including administrative charges, which remain outstanding from the date of billing.
- 18** Interest is payable on all amounts deemed outstanding pursuant to Policy 068.

**Annotation for Official By-law Book**

Date of first reading	March 22, 2022
Date of advertisement of notice of intent to consider	March 30, 2022
Date of second reading	April 26, 2022
Date of advertisement of passage of by-law	May 4, 2022
Date of mailing a certified copy of by-law to Minister	
I certify that this " <b>Clean Energy Financing By-law</b> " was adopted by Municipal Council and published as indicated above.	
_____	_____
<b>Municipal Clerk</b>	<b>Date</b>



## Municipality of the District of Lunenburg

### Request for Decision

**Report to:** Mayor Bolivar-Getson and Members of Municipal Council  
**Submitted by:** Jeff Merrill, MCIP, LPP, Director of Planning & Development Services  
**Date:** April 26, 2022  
**Re:** Appointment of Building Official – Bruce Parks

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### Recommendation

**That Council appoint Bruce Parks as a Building Official for the Municipality of the District of Lunenburg.**

### Background

The Nova Scotia Building Code Act (s. 5.2) requires that Council appoint building officials to administer and enforce the Building Code Act in the municipality.

### Discussion

Bruce Parks has recently completed his Residential Building Official Qualification Program from the Nova Scotia Building Officials Association and after being appointed by Council will be able to conduct residential building inspections.