



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

Item No. 14.1.4
Halifax Regional Council
December 13, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: December 5, 2016

SUBJECT: Housekeeping Amendments to
Administrative Order #SC-81 and Administrative Order #SC-82

ORIGIN

On February 23, 2016 Regional Council passed the following motion:

That Halifax Regional Council:

1. Declare the portion of the Portland Street right of way in front of 520-530 Portland Street, Dartmouth, shown as Parcel PS-B in Attachment "A" of the staff report dated January 29, 2016, surplus to municipal requirements, and categorize Parcel PS-B, as 'Extraordinary', as per Administrative Order 50
2. Approve Administrative Order SC-81 to close a portion of Portland Street, shown as Parcel PS-B, in Attachment "A" of the staff report dated January 29, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

On April 5, 2016 Regional Council passed the following motion:

THAT Halifax Regional Council adopt Administrative Order SC-82 to close that part of Irving Street that is west of Pleasant Street, Dartmouth, shown as PID 40936882 and PID 40935595, in Attachment A of the staff report dated February 8, 2016.

MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter ("HRM Charter"), subsections 325(1), (2), (6), (7)

325 (1) The Council may, by policy, permanently close any street or part of a street and the Council shall hold a public hearing before passing the policy.

RECOMMENDATION ON PAGE 2

(2) Notwithstanding subsection (1), where a street or part of a street is being altered, improved or redesigned, part of that street may be closed without holding a public hearing under subsection (1) if

(a) the part of the street that remains open

(i) is open to vehicular and pedestrian traffic, and

(ii) meets all the municipal standards; and

(b) the part of the street that is closed

(i) is determined by the engineer to be surplus, and

(ii) is worth less than fifty thousand dollars.

(6) A copy of the policy passed by the Council, certified by the Clerk under the seal of the Municipality, *incorporating a survey or a metes and bounds description of the street* that is closed, must be filed in the registry and with the Minister of Transportation and Infrastructure Renewal [emphasis added].

(7) Upon filing the policy in the registry, all rights of public user in the land described in the policy are forever extinguished and the Municipality may sell and convey the land or may subsequently reopen the land as a street in the manner required by this Act.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the amendments to Administrative Orders #SC-81, *Respecting Closure of a Portion of Portland Street*, and Administrative Order SC-82, *Respecting Closure of a Portion Irving Street, Dartmouth*, adding Attachment B to each Administrative Order, as set out in Attachment 3 of this report.

BACKGROUND

On February 23, 2016, Regional Council considered declaring surplus and closing a portion of Portland Street being 5862 square feet in area and identified in red as Parcel PS-B on Attachment 1 of this report. A public hearing was not required as subsection 325(2) of the HRM Charter applied. Regional Council declared the property surplus and adopted Administrative Order# SC-81 closing that part of Portland Street that was under consideration.

On March 8, 2016, Regional Council considering declaring surplus and scheduling a public hearing to close a part of Irving Street being 14,900 square feet in area and identified in blue on Attachment 2 of this report. Council declared the property surplus and scheduled a public hearing to consider its closure. On April 5, 2016 Regional Council held a public hearing and, after the hearing, adopted Administrative Order #SC-82 closing that part of Irving Street that was under consideration.

DISCUSSION

The HRM Charter requires that an Administrative Order closing a part of a street include either a survey or a metes and bounds description (legal description) for that part of the street that is being closed. The HRM Charter also requires that a certified copy of each Administrative Order be filed in the land registry and with the Minister of Transportation and Infrastructural Renewal ("Minister"). Once the Administrative Order is registered in the registry, the public right to use the closed portion of the street is extinguished. Without a survey or legal description, the Administrative Orders cannot be registered and the public right of use continues.

In proceeding to migrate the title, staff became aware that Administrative Orders SC#81 and SC#82 do

not include a survey or metes or bounds description as required by the HRM Charter. To ensure consistency with the HRM Charter, staff is recommending that Attachment B of each Administrative Order be added in the form of a survey for SC#-81 and a legal description for SC#-82. These amendments will provide clarity of Council's direction to close the street.

FINANCIAL IMPLICATIONS

None.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report as Council has already closed the applicable parts of the street. The risks considered rate as being Low.

COMMUNITY ENGAGEMENT

None.

ENVIRONMENTAL IMPLICATIONS

None

ALTERNATIVES

Regional Council may refuse to amend the Administrative Orders. This is not recommended as staff will be unable to registrar the Administrative Order.

ATTACHMENTS

Attachment 1	Showing the part of Portland Street that was closed
Attachment 2	Showing the part of Irving Street that was closed
Attachment 3	Amending Administrative Order

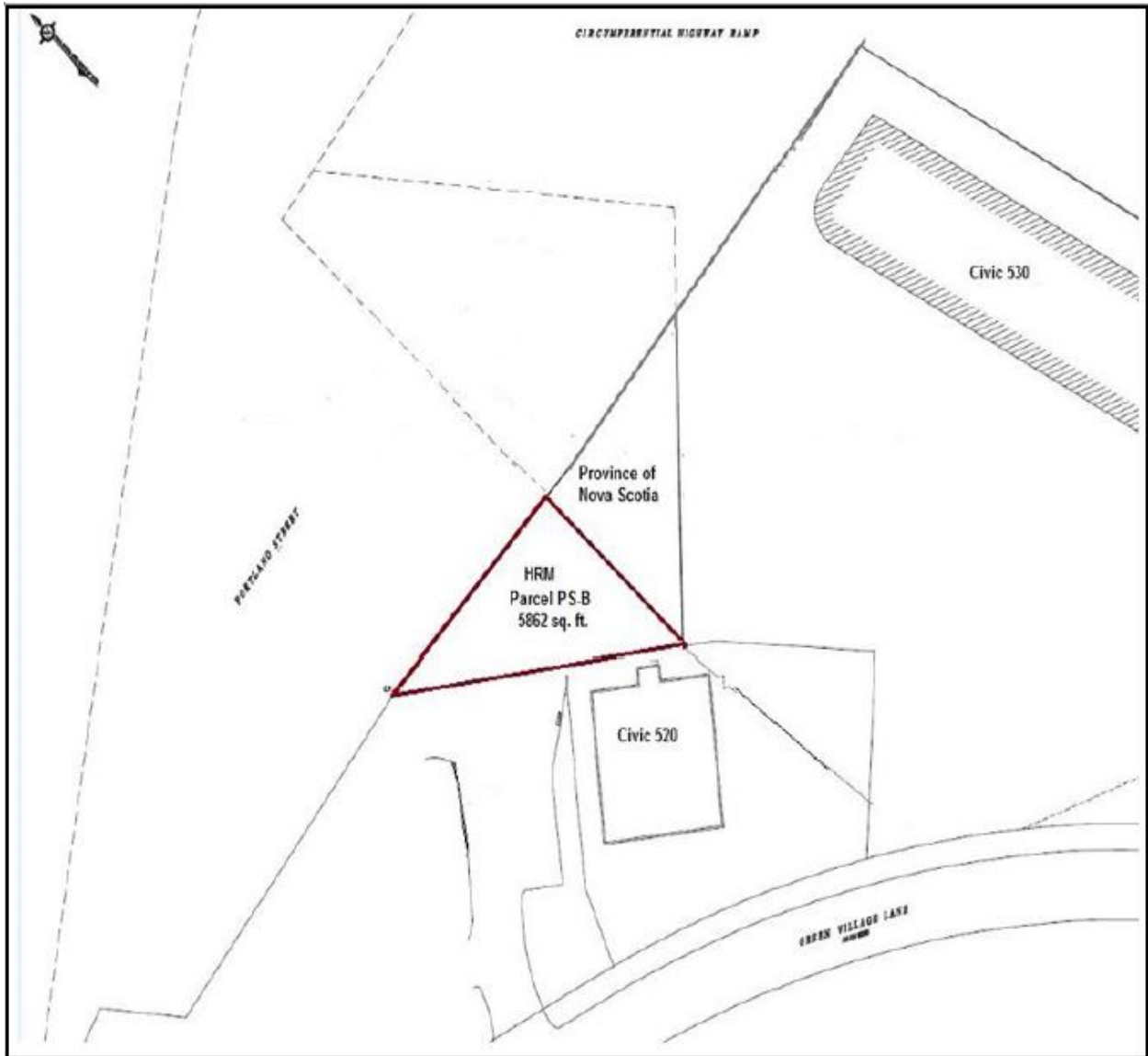
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Derk Slaunwhite, Senior Solicitor, 902.490.4226

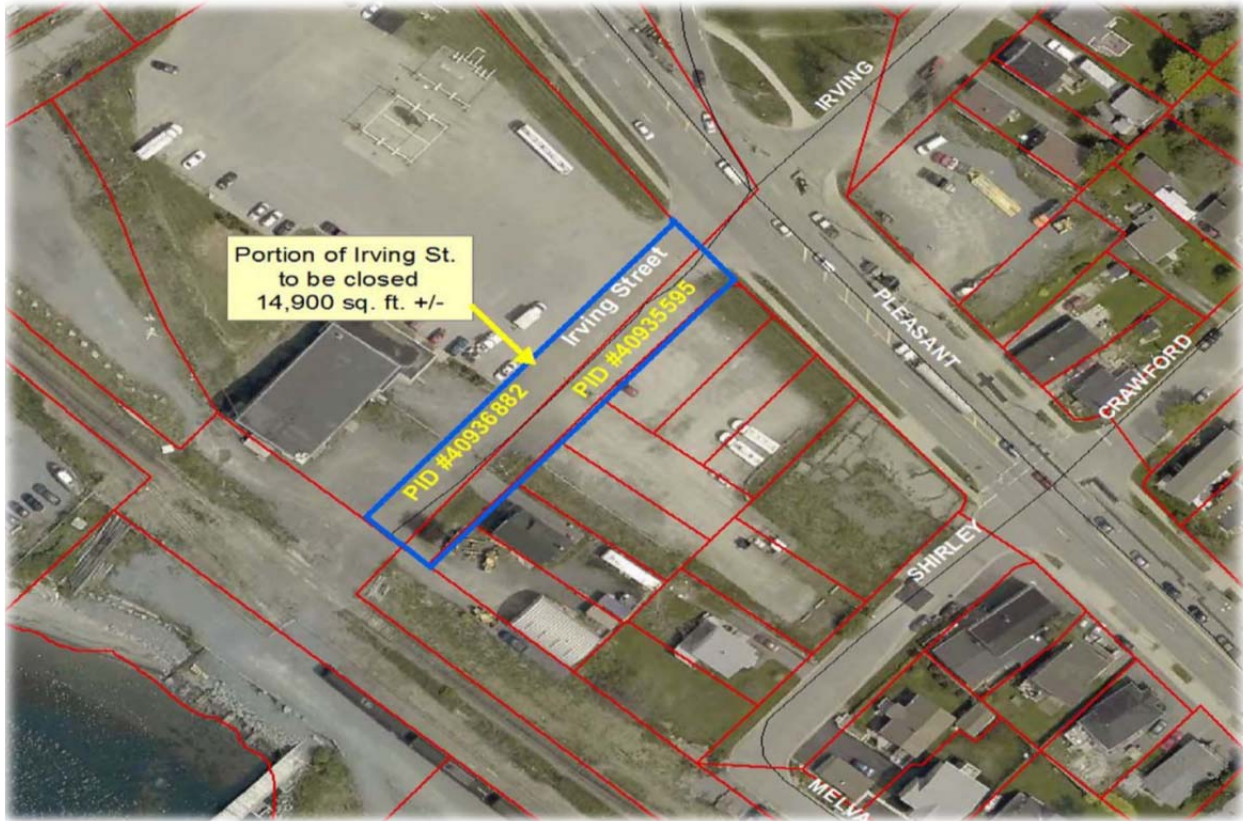
Report Approved by: _____
Peter Stickings, Acting Director, Operation Support, 902.490.6030

Report Approved by: _____
John Traves, Q.C. Director, Legal Insurance & Risk Management Services, 902.490.4226

Attachment 1
(Showing the part of Portland Street that was closed)



Attachment 2
(Showing the part of Irving Street that was closed)



**ATTACHMENT 3
(Amending Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER #SC-81,
RESPECTING CLOSURE OF A PORTION OF PORTLAND STREET, AND
ADMINISTRATIVE ORDER #SC-82, *RESPECTING CLOSURE OF A PORTION OF*
*IRVING STREET***

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of Council of the Halifax Regional Municipality that Administrative Order #SC-81, *Respecting Closure of a Portion of Portland Street*, and Administrative Order #SC-82, *Respecting Closure of a Portion Irving Street, Dartmouth*, are amended as follows:

1. Administrative Order #SC-81, *Respecting Closure of a Portion of Portland Street*, is amended by:
 - (a) adding the words and letter “and Attachment B” after the word and letter “Attachment “A””; and before the word “is”; and
 - (b) adding the Attachment B that is attached to this Administrative Order as Schedule 1.
2. Administrative Order #SC-82, *Respecting Closure of a Portion Irving Street, Dartmouth* is amended by:
 - (a) adding the words and letter “and Attachment B” after the word and letter “Attachment A”” and before the word “is”; and
 - (b) adding to the Attachment B that is attached to this Administrative Order as Schedule 2.

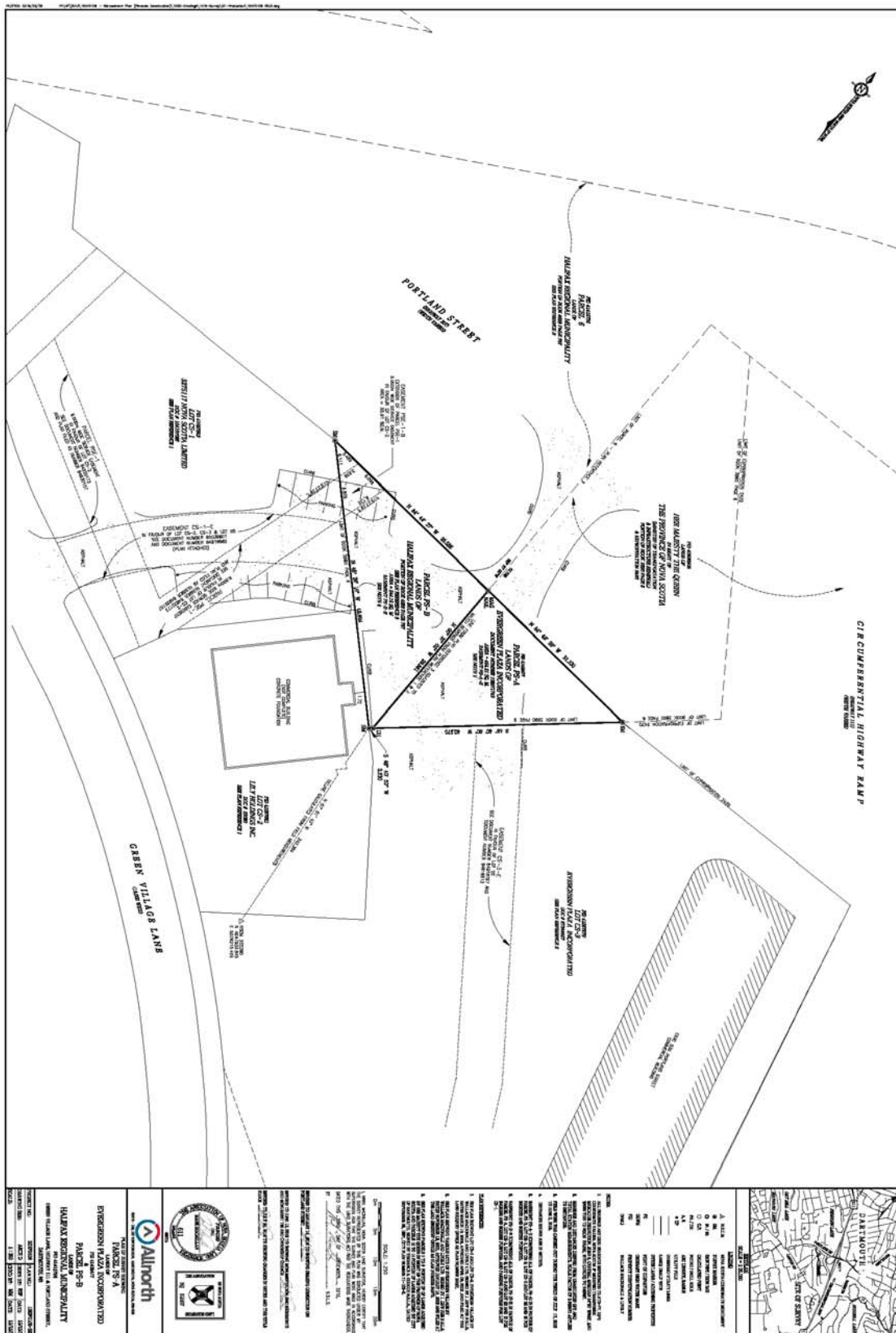
Done and passed this _____, day of December, 2016,

Mayor

Municipal Clerk

SCHEDULE 1

ATTACHMENT B



SCHEDULE 2

ATTACHMENT B

IRVING STREET
DARTMOUTH, HALIFAX COUNTY, NOVA SCOTIA

All that parcel of land on the southwestern side of Pleasant Street in Dartmouth, Halifax County, Nova Scotia shown on Servant, Dunbrack, McKenzie & MacDonald Ltd. Plan No. 7-2345-0:

Being more particularly described as follows:

BEGINNING at the intersection of the southwestern boundary of Pleasant Street and the curved northern boundary of Lot IOL-3 (PID 00258954);

THENCE westerly on a curve to the left of radius 19.29 feet along the curved northern boundary of Lot IOL-3, 21.11 feet to a point of curvature;

THENCE South 39 degrees 27 minutes 19 seconds West along the northwestern boundary of Lot IOL-3, 265.34 feet to the northeastern boundary of land acquired by Canadian National Railway Company (PID 00339648);

THENCE North 47 degrees 24 minutes 00 seconds West along the northeastern boundary of said land acquired by Canadian National Railway Company, 50.08 feet to the southeastern boundary of Lot K-2A (PID 40309080);

THENCE North 39 degrees 27 minutes 19 seconds East along the southeastern boundary of Lot K-2A, 298.10 feet to the southwestern boundary of Pleasant Street;

THENCE South 33 degrees 38 minutes 47 seconds East along the southwestern boundary of Pleasant Street, 63.17 feet to the point of beginning.

CONTAINING an area of 14,662 square feet.

BEARINGS are Nova Scotia Coordinate Survey System Grid Bearings referred to Central Meridian 64 degrees 30 minutes West.

Acquired by Halifax Regional Municipality through deed recorded in Halifax County Land Registration Office Book 1331 Page 14.