

adding Schedule 16, respecting a Uniform Charge for the Jenna Lane Homeowner's Association, as set out in Attachment B.

3. Subject to the adoption of the amendments to Administrative Order 45, authorize the Mayor and Clerk to enter into and sign on behalf of HRM, an Agreement between HRM and the Association in the form approved by Regional Council on February 11, 2014.

BACKGROUND

Jenna Lane is located off Yankeetown Road in Hammonds Plains in District 13. This private road is maintained by the Jenna Lane Homeowner's Association. The private road abuts multiple properties and therefore has multiple owners. The Association was recently incorporated to fund road maintenance expenses through an annual fee collected from the owners of 8 properties abutting the road. In the past, the members have had some difficulty agreeing on the maintenance required and the collecting of the appropriate fee from some of the property owners. As a result, the Association applied to HRM through the Private Road Maintenance Costs Recovery Policy for a uniform charge to ensure timely collection from all property owners.

DISCUSSION

The Private Road Maintenance Costs Recovery Policy outlines the conditions which must be satisfied before an area rate or uniform charge for private road maintenance can be implemented. Those conditions and the manner in which they were satisfied with respect to Jenna Lane Homeowner's Association are outlined below.

1. *A private road eligible for improvement or maintenance financing under this policy shall include any road that is not public and that provides perpetual direct or indirect access to a public road or highway for at least two properties each of which contains a principal residence.*

Staff have verified that Jenna Lane is a private road with abutting principal residences and that this private road provides direct access to the public road system.

2. *If the documentation creating the private road access does not permit the property owners to implement the maintenance work then the legal owner(s) of the property on which the private road is situated must consent in writing to the maintenance of the road.*

Staff have identified nine parcels of private property over which Jenna Lane traverse, eight of which are within the catchment area. Owners of six of the properties, identified by PID#41156522, 41156530, 41156548, 41156555, 41156563 and 41156571, have indicated their consent to maintenance fee on the ballot sent to them by HRM. With respect to the remaining three properties, identified by PID#41156498, 41156506 and 41156514, staff have confirmed that an easement/right of way has been registered in accordance with the *Land Registration Act*. Legal Services believes sufficient consent to maintenance meeting the standards of the policy has been obtained from the owners of the subject private roads.

3. *An application for private road maintenance financing assistance under this policy shall be commenced by presenting a petition to the HRM Council. The presented petition shall be signed by property owners comprising at least two-thirds (66.7%) of both the principal residences and the road frontage on that portion of the private road for which the application is made.*

On April 16, 2018, staff received a petition from the owners of property abutting Jenna Lane private road, requesting HRM collect their annual road maintenance dues via their property tax billings. Staff reviewed the petition and determined that the signatories represented at least two-thirds of the properties and at least two-thirds of the road frontage, which would be charged the fee under the Policy.

4. *Notice of the meeting shall also be made not less than fourteen (14) days prior to the date of the meeting to all property owners that will be affected by the area rate through prepaid mail to their tax assessment addresses. The notice of the public meeting shall set out the date and time and place of the meeting, the name(s) of the applicant, describe the area to be subject to the application and the nature of the road maintenance proposed, the requested method of area flat rate determination (in conformity with this policy), the road maintenance plan and amount of the area flat rate to be requested in the application, and advise that rate payers will be entitled to vote and the method of voting. The mail notice shall contain regular postage pre-stamped self-return envelopes, proxy forms and ballots approved to form by the HRM staff coordinator.*

The meeting notice and ballot mailed out to all affected property owners is included as Appendix C to this report. The meeting notice was developed by staff and included all the information required above as per the Private Road Maintenance Cost Recovery Policy. Self-addressed return envelopes were included in the mail-out, plus a fax number and email address was also provided.

5. *The meeting shall be conducted by the applicant under the supervision of the HRM staff coordinator. The applicant shall make a presentation to the meeting setting out the reasons and proposed purposes for the use of the area rate fund and the amount of the flat rate.*

A meeting of the affected property owners was held on Sunday May 6, 2018 at 106 Jenna Lane, Hammonds Plains. The HRM staff coordinator was present at the meeting to supervise the proceedings and to answer any questions with respect to the Private Road Maintenance Costs Recovery Policy. The President of the Association explained the amount and use of the uniform charge after which attendees had an opportunity to ask questions.

6. *The support for the proposed area flat rate shall be the owners of at least two-thirds (66.7%) of the affected properties.*

The owners of 6 of the 8 properties (75%) voted in favour of establishing an annual uniform charge of no more than \$1,275.00 each to fund the road maintenance activities of the Jenna Lane Homeowner's Association. The 9th property in which Jenna Lane traverses has direct access to Yankeetown Road and is not part of the catchment area.

7. *The application for the establishment of an area flat rate shall define the proposed area to which the flat rate is to apply with sufficient clarity to allow for proper implementation of the flat rate for billing purposes.*

The uniform charge would be applied to 8 properties abutting the private road of Jenna Lane, as depicted in the map shown in Appendix A of this report.

8. *An application shall include a budget in support of the proposed uniform charge.*

The budget in support of the proposed area flat rate (uniform charge) is included in Appendix C on page 8 of this report. Staff have reviewed the budget and determined that it is sufficient to justify the amount of the area flat rate.

9. *The Applicant shall form, under the Societies Act, an incorporated association of the owners of the subject properties.*

Staff has verified with the Registry of Joint Stock Companies that the Jenna Lane Homeowner's Association, Registry ID 3314120, is currently in good standing (i.e. not lapsed).

10. *The administration fee shall be a set up charge of \$200.00 for each area rate.*

The administration fee will be collected if Council approves the implementation of the uniform charge.

FINANCIAL IMPLICATIONS

If approved, the uniform charge would take effect in the 2018-19 fiscal year. As all funding is from the uniform charge (i.e. no transfers from the general tax rate), there would be no impact on the HRM General Operating Budget at any time in the future.

The uniform charge of \$1,275.00 per property is based on the 2018-19 operating budget of \$10,200, divided by the number of properties in the catchment area, which is 8. Details of the budget are provided in Appendix C of this report.

RISK CONSIDERATION

HRM's role with respect to the Private Road Maintenance Costs Recovery Policy is outlined in detail in the service agreement between HRM and the private road maintenance association, and in the meeting notices mailed out to all affected property owners. The agreement specifies that HRM's role is restricted only to collecting the road maintenance fees on property tax bills and turning those funds over to the private road maintenance association. HRM does not have any responsibility to monitor or oversee how the Association spends the funds, nor does HRM provide any other services such as maintenance, engineering, technical or legal services or advice, and takes no responsibility for private roads or their condition. In this way, liability risk to HRM is minimized. Since the road maintenance fees are collected on property tax bills, HRM may impose a lien on properties for which the fees are past due. Therefore, bad debt risk is minimized.

COMMUNITY ENGAGEMENT

The Community Engagement process is outlined in detail in the Discussion section of this report. All property owners were mailed or emailed a formal ballot which included information regarding the purpose and amount of the uniform charge, and the date, time and location of a public information meeting. The purpose of the meeting was to provide additional information and address questions and concerns raised by property owners.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications resulting from the recommendations in this report.

ALTERNATIVES

Council could deny approval of the uniform charge. This alternative is not recommended because owners of more than 66.7% of the affected properties voted in favour of paying the uniform charge which is the minimum required under the Private Road Maintenance Costs Recovery Policy.

ATTACHMENTS

Appendix A: Map of Catchment Area for Proposed Uniform charge
Appendix B: Draft of Administrative Order 45 Schedule 16
Appendix C: Copy of Meeting Notice and Ballot mailed to Property Owners, including proposed budget

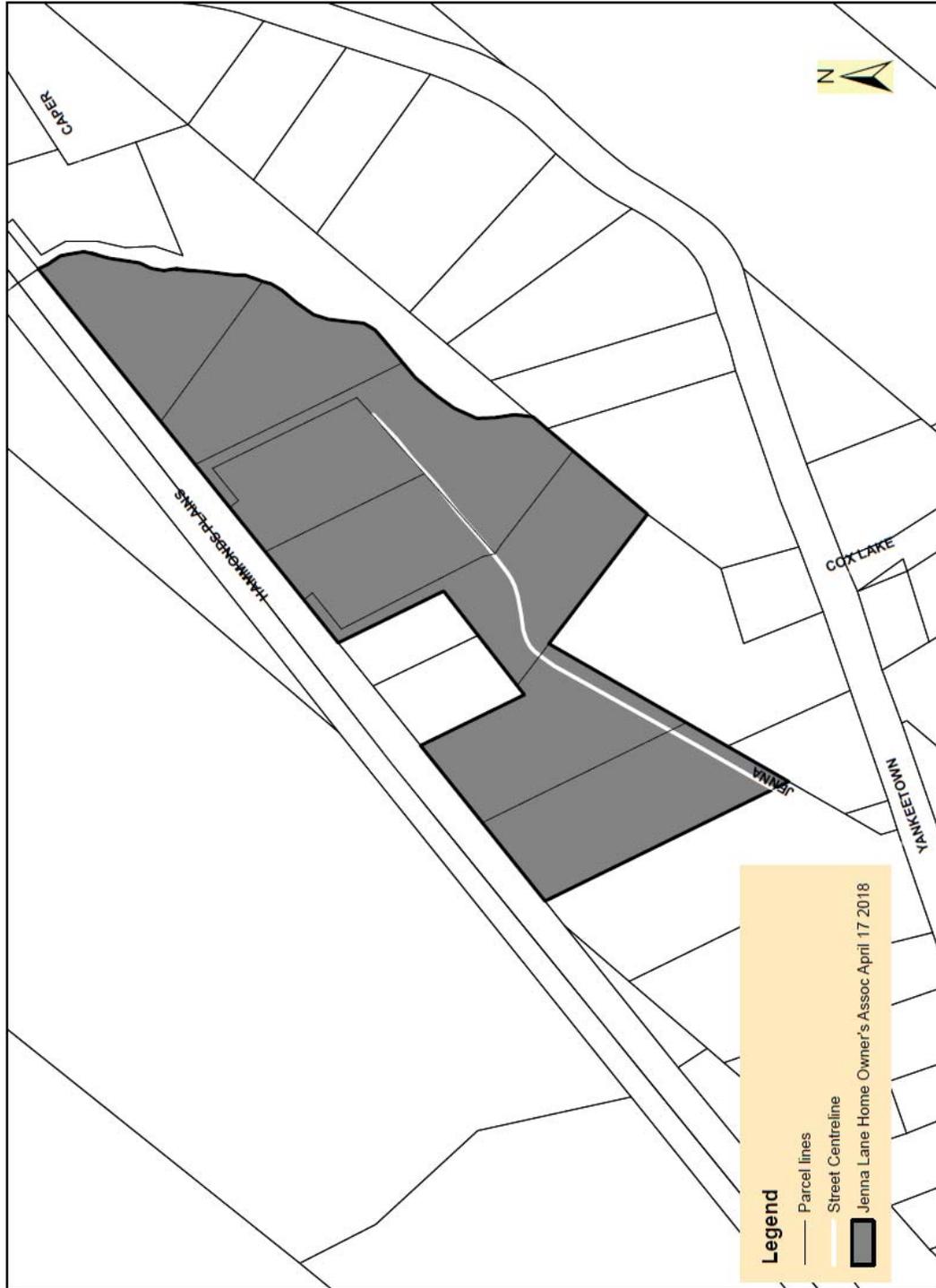
A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Barb Wilson, Senior Financial Consultant, Finance & Asset Management, 902 490.4280

Appendix A

Map of Catchment Area for Jenna Lane Homeowner's Association

THE JENNA LANE HOME OWNER'S ASSOCIATION



Appendix B

Halifax Regional Municipality
ADMINISTRATIVE ORDER NUMBER 45
Respecting Private Road Maintenance

BE IT RESOLVED that Administrative Order 45, Respecting Private Road Maintenance, is further amended as follows:

1. Schedule 16 is added after Schedule 15 and before the end of the Administrative Order, as follows:

Schedule 16

- (a) A Uniform Charge for properties fronting or abutting in whole or in part on the private road of Jenna Lane, Hammonds Plains as identified on the map dated April 17, 2018 attached hereto, shall be a flat charge of no more than \$1,275.00 annually.
- (b) The Charges collected under this By-Law shall be used by the Jenna Lane Homeowner's Association for the maintenance of the private road of Jenna Lane including culverts, retaining walls, sidewalks, curbs and gutters that are associated with the roads. Road maintenance includes all work required to maintain the road in a serviceable condition year-round and may include snow removal, grading, ditch and culvert and bridge repair and brush clearing.

Done and passed in Council this day of , 2018.

Mayor

Municipal Clerk

Appendix C

BALLOT FOR PRIVATE ROAD MAINTENANCE TAX

April 23, 2018

OWNER1
OWNER2
ADDRESS
CITYPROV PC

Property ID # AAN#
PROPERTY DESCRIPTION

Dear Property Owner:

The Halifax Regional Municipality has been petitioned by the owners of property abutting the private road on which you own the above referenced property. The petition concerns the possible implementation of an area property tax rate to fund the maintenance of the private road of Jenna Lane. Since those signing the petition represent at least 66.7% of the properties along this private road, a formal vote of all property owners must be held in accordance with the Municipality's Private Road Maintenance Costs Recovery Policy.

A ballot is provided at the bottom of this page. The purpose of this ballot is to determine whether at least 66.7% of owners with property abutting Jenna Lane wish to implement a per property charge of \$1,275 annually to maintain their road. If the 66.7% minimum is attained, then all property owners balloted would be required to pay the charge starting in 2018. The charges collected would be turned over to the Jenna Lane Homeowner's Association which is responsible for maintaining the private roads.

Following Regional Council approval of the new property charge, a service agreement must be executed between HRM and the Jenna Lane Homeowners' Association. On the reverse side of this letter is a summary of the responsibilities of both parties under the service agreement. This letter also includes a budget which outlines how the total estimated cost of services was determined and how the annual per property charges were calculated.

As required by the Private Road Maintenance Costs Recovery Policy, a meeting of the owners of property abutting the private roads will be held to provide additional information and to give property owners an opportunity to ask questions or raise concerns. The meeting will be held:

Sunday May 6, 2018 @ 7:00 p.m.
106 Jenna Lane, Hammonds Plains

Completed ballots may be dropped off at the meeting, faxed to 490-6030, or mailed in the enclosed self-addressed envelope. You may also scan and email the completed ballot to wilsonba@halifax.ca. If you have any questions regarding the process, please contact Barb Wilson at 490-4280. For questions regarding road maintenance services, please contact Greg Digout at 902-XXX-XXXX.

Please note that all ballots must be received by May 08, 2018. If you are mailing in your ballot, please allow adequate time for delivery. Results of the ballot will be communicated by the Jenna Lane Homeowner's Association.

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- YES**, I am in favour of implementing the area rate for private road maintenance and paying an annual area rate of \$1,275 on my property tax bill.
 - NO**, I am not in favour of implementing the area rate for private road maintenance.

Property ID # AAN#

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

**Jenna Lane Homeowners' Association
2018 Road Maintenance Budget**

Revenue

Membership Service Fees - Annual Fees (\$1,275 x 8)	10,200.00
Total Revenue	10,200.00

Maintenance

Snow Removal	3,680.00
Grading/trimming of Alders	5,865.00
Road maintenance	9,545.00

Contingency

Reserve	200.00
Contingency	200.00

Operating Expenses

Admin Fees	186.00
HRM Administration Charge	200.00
Registry of Joint Stock Fee	69.00
Operating Expenses	455.00

Total Operating Expenses	10,200.00
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The Responsibilities of the Municipality under the Service Agreement:

- HRM's responsibilities are restricted only to collecting the road maintenance fees on property tax bills and then turning those funds over to the Association.
- HRM does not have any responsibility to monitor or oversee how the Association spends the funds.
- HRM also does not provide any other services such as maintenance, engineering, technical or legal services or advice, and takes no responsibility for private roads or their condition.
- Therefore, HRM provides a fee collection service for the Association and nothing more. However, HRM does review the budget and year-end financial statements provided each year by the Association to ensure that the funds are spent in accordance with the purpose of the Area Rate.

The Responsibilities of the Association under the Service Agreement:

- The Association is required to provide to HRM each year a budget that has been approved at the Association's Annual General Meeting (AGM). It must include the amounts to be spent on each type of road maintenance work and the costs for administration, insurance, etc.
- At the end of the year, the Association is to provide HRM with a copy of its financial statements for the year, also approved by the membership at the AGM. These financial statements must detail all expenditures made from the Area Rate funds.
- Maintenance of the road(s) and proper expenditure of the area rate funds is entirely under the control and direction of the Association.
- The area rate funds must be kept separate from other funds.
- While the Association is expected to seek competitive prices before hiring a third party to undertake Road Maintenance, HRM does not monitor compliance.
- Liability insurance is also the responsibility of the Association.
- The Association must maintain an active status with the Registry of Joint Stock Companies at all times.
- All property owners who are required to pay the Area Rate are members of the Association and are entitled to all rights and privileges as outlined in the Association By-Laws including the right to attend and vote at all general and special meetings of the Association.