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Item No. 14.1.2
Halifax Regional Council
September 18, 2018
October 16, 2018

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Cathi Mullally, Acting Chief Administrative Officer

DATE: August 7, 2018

SUBJECT: Amendments to Administrative Order 45

ORIGIN

Staff initiated report to correct an error in Schedule 4A and to update Admin Order 45 to include the Private Road Maintenance Cost Recovery Policy.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), subsections 58(3) and (4):

58 (3) The Council may exercise by by-law any of the duties and powers that it may exercise by resolution or policy.

(4) The Council may exercise by policy any of the duties and powers that it may exercise by resolution.

HRM Charter, subsections 96(2) and (4):

96 (2) The Council may recover annually from the area the amount required or as much of that sum as the Council considers advisable to collect in any one fiscal year by an area rate of so much on the dollar on the assessed value of the taxable property or occupancy assessments in the area.

- (4) The Council may, in lieu of levying an area rate, levy a uniform charge on each
- (a) taxable property assessment;
 - (b) dwelling unit,
- in the area.

HRM Charter, clause 104 (1) (g) as follows:

(1) "The Council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for

(a) laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred

- (i) by the Municipality, or
- (ii) under an agreement between the Municipality and a person,"

By-Law P-1100, Private Road Maintenance By-Law, Subsection 2(6):

2 (6) Area Rates or Uniform Charges imposed pursuant to the provisions of this by-law may be adjusted by Council upon application from the Property Owner's Association.

Administrative Order 45, Respecting Private Road Maintenance.

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the amendment to

1. Adopt the *Private Road Maintenance Cost Recovery Administrative Order* as set out in Attachment 1 of this report, including repealing the *Private Road Maintenance Cost Recovery Policy* and Administrative Order 45, *Respecting Private Road Maintenance*; and
2. Adopt the amendments to By-Law Number P-1100, the *Private Road Maintenance By-Law*, as set out in Attachment 3 of this report.

BACKGROUND

This report is requesting Council consider the following:

- that the *Private Road Costs Recovery Policy (Recovery Policy)* and the Administrative Order 45, *Respecting Private Road Maintenance*, (AO 45) be repealed and replaced with one new consolidated Administrative Order; and
- that the uniform charge for South West Grand Lake Property Owners Association (SWGLPOA) be amended as requested by the Association.

Recovery Policy and AO 45

On January 16, 2007, Regional Council adopted the *Recovery Policy*. This Policy creates a financing procedure for the funding and repayment of private road maintenance. Basically, it provides owners of property accessed by private roads with the use of funds collected by the Municipality from the area rates or uniform charges (collectively "rate") imposed against their property to maintain private roads. The *Recovery Policy* does not define the area that is subject to the rate and does not set the amount(s) of the rate(s).

On May 13, 2008, Regional Council adopted AO 45 when the first Homeowner's Association applied to participate under the *Recovery Policy*. AO 45 defines the area that is subject to the rate(s) and sets the actual amount of the rate(s).

On June 16, 2015, Regional Council approved amendments to the *Recovery Policy* to update the references from the *Municipal Government Act* to the HRM Charter and to further define public meeting requirements.

SOUTH WEST GRAND LAKE PROPERTY OWNERS ASSOCIATION (SWGLPOA)

The SWGLPOA, in the community of Wellington in District 1, has funded road maintenance expenses through Schedule 4 of AO 45, since January 26, 2010. On March 21, 2017, Regional Council approved repealing Schedule 4 of AO 45, and adding Schedule 4A, which replaced the previous fee schedule, reducing the fee criteria from 12 different fees to the current 5 fees, effective April 1, 2017.

Road maintenance fees are collected from the owners of each of the 110 properties which must be accessed via Kings Road. The current fees vary from \$0 to \$600 depending on which road the property is located, and whether the property is vacant or has a dwelling on it. The fee schedule was developed as the result of discussions between the property owners. HRM staff were not involved in the development of the fee schedule. SWGLPOA's Schedule of Annual Uniform Charges with criteria to determine which fee amount applies to a property is included in Table 1.

DISCUSSION

Recovery Policy and AO 45

The Recovery Policy was approved by Regional Council on January 16, 2007. This included the process through which Council would consider imposing a rate. Administrative Order 45 was developed and approved by Regional Council on May 13, 2008, when the first Homeowner's Association applied to participate under the Private Road Area Rate. Prior to the adoption of Administrative Order 54, the *Procedures for Developing Administrative Orders*, on January 28, 2014, HRM did not have a defined policy process, and all policies were not developed, or implemented consistently in the form of Administrative Orders.

Administrative Orders are a form of policy adopted by Council on any matter that it considers conducive to the effective management of the Municipality or any other matter where the Council is required by an enactment to exercise its powers and duties by policy. Presently, the Recovery Policy, and AO 45, remain in two different documents and in two different formats. This results in AO 45 being searchable on the Legislation & By-law page of Halifax.ca while the Recovery Policy is not.

Staff recommends that the Recovery Policy and AO 45 should be consolidated under one new Administrative Order. This new Administrative Order will incorporate the current Recovery Policy in the front of the AO and add the existing Schedules in AO 45 as Schedules to the new AO. There will be no changes in the rates as a result of the consolidating except for the changes to Schedule 4A (discussed below).

There are a few housekeeping items that have been revised within the new Administrative Order compared to the current Recovery Policy, as follows:

1. The initial petitions from Homeowner Associations to initiate the Recovery Policy, are usually sent to staff, however the Policy states in the current Section 5 - Petitions, that it goes to Council. This will be updated to reflect actual practise.
2. Section 5 – Petitions, also states that it 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. However, the use of road frontage as a criteria would only be relevant if the road maintenance fee were based on a frontage charge. Since the *Private Road Maintenance By-Law* only permits Area Rates and Uniform Charges to be used for road maintenance fees, the requirement for property owners comprising two-thirds (66.7%) of the road frontage to sign the petition has been removed. It will now only be based on two-thirds (66.7%) of owners of the properties that would be subject to the rate.
3. In section 6 – Meeting of Property Owners, it states that HRM includes a self-addressed stamped envelope as part to the ballot letter. This is no longer valid, and has been removed.
4. There is a new option for staff to allow the notice of the proposed rate to be emailed to property owners where the owner resides elsewhere, such as in another country or province.
5. There is an option for the process to be discontinued where the applicant fails to provide the necessary information required for the rate to be billed. Before the option is exercised, the applicant is required to be notified that additional information is required, the nature of that required information, and provided an opportunity to provide it.

SWGLPOA

Schedule 4A

On March 9, 2018, the Revenue Dept. was notified by a property owner within the SWGLPOA catchment area that two of their properties were being charged the incorrect private road maintenance fee. The properties maintenance fees were inverted; with PID #40695132 being charged as having a dwelling (Area 3 - \$450), when it was land only, and the adjoining property PID#41394347 was being charged the land only fee (Area 1 - \$200); when there was a dwelling on this property. Although the full amount due from this property owner will not change, the tax is applied incorrectly to the two properties, and in the case of a sale, would be incorrect.

Staff confirmed with SWGLOA that the Association had made an error in classifying those two properties as per their criteria in Table 1 when it was subdivided. SWGLOA agreed that the annual fee for the two properties should be reversed. This amendment will not change the budget; nor the tax charged to the property owner. The amendment will simply apply the correct uniform charge to the correct PID based on the criteria listed below.

On July 03, 2018, staff were also informed by SWGLOA that the residents of PID #41435967 on Kings Road had built a home on their property. Therefore, this property should be transferred from a vacant land fee of \$200 (Area 1) to the \$450 fee (Area 3) for property with homes located on Alben Land and Kings Road.

The numbering of the Area's in Schedule 4A also require adjusting, from when the original number one was removed, as the \$1 fee was not charged. This is just an administrative correction.

Table 1 - SWGLPOA Annual Uniform Charges

Annual Fee	Area	Criteria
Not Applicable		Land which has a legal exemption.
\$200.00	1	Vacant land.
\$300.00	2	Homes and commercial properties on Kings Road from civic number 54 up to and including 104 & 106, and Canal Cays Drive; and all properties with Summer cottages.
\$450.00	3	Homes and commercial properties on Alben Lane and Kings Road from civic number 112 to 429
\$600.00	4	Homes and commercial properties beyond 429 Kings Road

This error will require a change to paragraph 1 of Schedule 4A in both Area 1 and Area 3. The paragraph currently reads as follows: (underlining indicates changes).

The following shows the changes to Areas 1 and 3 of Schedule 4A. The PID#s be added to an Area are in bold and underlined while the PID#s being deleted from an Area are bolded with strikeout.

- Area Rate charges for properties located on Kings Road, Wellington, or located on private roads in Wellington accessed from Kings Road, shall be as identified in the following areas:

Area 1. A Flat Area Rate Charge of no more than \$200.00 annually shall be applied to the following properties in ~~Area 2~~ **Area 1** which must be accessed by Kings Road, Wellington: PID numbers 00503680, 40551178, 40377228, 40455123, 503755, 40621807, 41266974, 41293994, 40480063, 568766, **40695132**, 40766347, 41026956, 41026964, 40813438, 41266966, 569103, 40621815, 40574394, ~~**41435967**~~, ~~**41394347**~~, and 41397696.

Area 2. A Flat Area Rate Charge of no more than \$300.00 annually shall be applied to the following properties in ~~Area 3~~ **Area 2** which must be accessed by Kings Road, Wellington: PID numbers 503524, 503664, 503631, 503573, 503771, 40383630, 40383648, 40392656, 40392649, 40392631, 40392623, 40852089, 40695603, 40607269, 569194, 503581, 40784795, 40304289, 40766370, 40304297, 40852071, 503656, 503706, 40589178, 40068348, 40068355, 40068371, 40255150, 40704165, and 40585523.

Area 3. A Flat Area Rate Charge of no more than \$450.00 annually shall be applied to the following properties in ~~Area 4~~ **Area 3** which must be accessed by Kings Road, Wellington: PID numbers 503565, 503599, 503722, 503607, 503615, 503698, 503797, 503805, 503847, 503870, 568790, 568865, 568931, 569087, 40301434, 40800625, 40304321, 40784787, 40304271, 40885337, 40742785, 41211491, 40304305, 40304313, 40151334, 40301251, 40695553, 40455115, 40455156, 40455149, 40533275, 40576001, 40608523, 40620296, 40688285, 40705089, 40761421, 40800088, 40885345, 41037052, 40607277, 41078205, 40872046, 41078213, ~~**40695132**~~, 40669798, **41394347**, **41435967**, and

41211509.

Area 4. A Flat Area Rate Charge of no more than \$600.00 annually shall be applied to the following properties in **Area 5 Area 4** which must be accessed by Kings Road, Wellington: PID numbers 569251, 40480055, 40574386, 40364028, 40068363, 40068389, 40068413, 40068405, 40068397, 568410, 40480071, and 41294000.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the recommendations in this report. All funding is from a uniform charge (i.e. no transfers from the general tax rate), so there is no impact on the HRM General Operating Budget.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in this report. The risks considered rate is Low.

COMMUNITY ENGAGEMENT

Not required for these corrections. As outlined in the staff recommendation report dated February 10, 2017, public consultations were held by SWGLPOA with regards to the original fee schedule in Schedule 4A. Also, the property owner of the 2 PID's impacted by this report initiated the correction, and staff has since notified both the property owner and the Association, that a correction via this report is going forward.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the recommendations in this report.

ALTERNATIVE

1. Council could decide not to adopt the new Administrative Order. In this case, staff would recommend Council amend AO 45 as requested by SWGLPOA. Staff has drafted the required amendments and have attached them as Attachment 5. To affect the amendment, Council could pass the following motion:

That Halifax Regional Council adopt the amendments to Administrative Order 45, *Respecting Private Road Maintenance*, as set out in Attachment 5 of the staff report dated August 7, 2018.

ATTACHMENTS

- Attachment 1: Private Road Maintenance Cost Administrative Order (New)
- Attachment 2: Showing Proposed Changes to By-law
- Attachment 3: Amending By-law
- Attachment 4: Private Road Maintenance Cost Recovery Policy
- Attachment 5: Amending Administrative Order for Alternative 1 of the staff report.

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

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER 2018-003-ADM
RESPECTING PRIVATE ROAD MAINTENANCE**

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality, as follows:

WHEREAS the Municipality is committed to facilitating public streets access for residents of the Municipality whose principal residences are accessed from private roads which do not form part of the street system of the Municipality;

AND WHEREAS facilitating the maintenance of private roads is a service that provides for safety and long-term usability of private roads situated on privately owned land;

AND WHEREAS, pursuant to clause 79(1)(ab) of the HRM Charter, the Municipality may expend funds for work on private roads ;

AND WHEREAS, pursuant to section 104 of the HRM Charter, the Municipality may make by-laws imposing, fixing and providing methods of enforcement of charges for maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred by the Municipality or under an agreement between the Municipality and a person;

AND WHEREAS Council may levy an area rate or uniform charge pursuant to section 96 of the HRM Charter;

Short Title

1. This Administrative Order may be cited as the *Private Road Maintenance Cost Recovery Administrative Order*.

Interpretation

2. In this Administrative Order;

- (a) "area rate" means an area rate set pursuant to subsection 96(2) of the HRM Charter;
- (b) "Association" means a Property Owner's Association incorporated as a society pursuant to the *Societies Act*; 1989 R.S.N.S., c. 42, as amended;
- (c) "By-law" means By-law P-1100, the *Private Road Maintenance By-law*;
- (d) "Council" means the Council of the Municipality;
- (e) "Director" means the director of the department of the Municipality responsible for administering private roads, and includes a person acting under the supervision and direction of the Director;
- (f) "HRM Charter" means the *Halifax Regional Municipality Charter*, 2008 S.N.S. c. 39, as amended;
- (g) "Municipality" means the Halifax Regional Municipality;
- (h) "private road maintenance" means all work required to maintain a private road in a serviceable condition year-round, including work respecting
 - (i) curbs, sidewalks, gutters, culverts, retaining walls, and signage that are associated with those private roads, and

(ii) snow removal, grading, ditch and culvert and bridge repair, brush clearing, and the creation of or repairs to street and traffic signage;

(i) "rate" means an area rate or uniform charge for private road maintenance; and

(j) "uniform charge" means a uniform charge levied pursuant to subsection 96(4) of the HRM Charter.

Purpose

3. The purpose of this Administrative Order is to provide a financing procedure for the funding and repayment of private road maintenance.

General Provisions

4. A rate under this Administrative Order shall only apply to costs associated with private road maintenance.

5. The Municipality will only administer the collection of the rate, and assist an applicant with the process for the establishment of the rate.

6. The Municipality will not provide to the Association:

(a) engineering, technical, or legal services;

(b) advice in respect of the private road maintenance; or

(c) private road maintenance.

7. In accordance with the By-law, this Administrative Order does not apply to construction of or capital improvements to private roads.

8. Unless otherwise stated, a uniform charge under this Administrative Order is levied on each taxable property assessment in the catchment area.

9. Nothing in this Administrative Order requires Council to pass a rate, pass a rate at a certain amount, or restricts Council's ability to impose, set, change, or terminate a rate.

PROCESS

Commencement by Petition

10. Upon application by a person, the Municipality may consider the establishment of a rate under this Administrative Order.

11. To commence the application process, a petition must be presented to the Director.

12. The presented petition shall:

(a) be signed by property owners comprising at least two-thirds (66.7%) of the properties located within the proposed area that would be subject to the rate; and

(b) contain the following information:

(i) the proposed area that would be subject to the rate,

(ii) the proposed rate,

- (iii) the nature of the private road maintenance being proposed, and
- (iv) whether the proposed rate would be an area rate or uniform charge.

13. Upon acceptance of the petition by the Director, an employee of the Municipality will be assigned to assist the applicant with the process.

Meeting of Property Owners

14. Subject to section 16, after the Municipality has accepted the petition, the applicant shall call a public meeting of the subject property owners.

15. (1) The applicant shall provide notice of the public meeting by:

(a) posting a notice in three (3) conspicuous places in the proposed area that would be subject to the rate, and the notice shall:

- (i) contain the information required by subsection 15(2), and
- (ii) be posted not less than fourteen (14) days prior to the date of the meeting; and

(b) subject to subsection 15(3), mailing a notice to the tax assessment addresses of all the property owners located within the proposed area that would be subject to the rate, and the notice shall:

- (i) contain the information required by subsection 15(2),
- (ii) contain the ballot and proxy form required by subsection 15(5), and
- (iii) be mailed not less than fourteen (14) days prior to the date of the meeting.

(2) The notices of the public meeting shall contain the following information:

- (a) the date, time, and place of the meeting;
- (b) the name or names of the applicant;
- (c) a description of the area that would be subject to the proposed rate;
- (d) a description of the nature of the road maintenance proposed;
- (e) a description of the type of rate proposed;
- (f) a description of the road maintenance plan and budget;
- (g) the proposed rate amount;
- (h) that the property owners are entitled to vote on the establishment of the rate;
- (i) the date of the vote, including only ballots received within 7 days of the meeting will be counted; and

(j) the method of voting, including that a proxy may vote on a property owner's behalf at the public meeting.

(3) If a property owner owns property located within the proposed area but resides at a location outside of the proposed area that would subject to the rate, such as residing in another province or country, the Director may approve emailing the notice of the public meeting to them rather than mailing it.

(4) An emailed notice shall

(a) contain the information required by subsection 15(2);

(b) contain the ballot and proxy form required by subsection 15(5); and

(c) be emailed not less than fourteen (14) days prior to the date of the public meeting.

(5) Any notice mailed or emailed shall contain proxy forms and ballots approved to form by the Director.

Waiver of Public Meeting

16. (1) The requirement for a meeting of the property owners may be waived where, in the opinion of Council, a meeting is not in the best interest of the property owners affected, or a meeting is unreasonable in the circumstances.

(2) Before Council determines whether to waive the public meeting, a staff report may be prepared listing the reasons for the request of the waiver.

(3) If the public meeting requirement is waived by Council, the applicant shall provide notice of the rate by

(a) posting a notice in three (3) conspicuous places in the proposed area that would be subject to the rate, and the notice shall:

(i) contain the information required by subsection 15(2), except for the information respecting proxy voting, and except for the information respecting the date, time and place of the meeting, and

(ii) be posted not less than fourteen (14) days prior to the date of the vote; and

(b) mailing a notice to the tax assessment addresses of all property owners that would be affected by the proposed rate, and the notice shall

(i) contain the information required by subsection 15(2), except for the information respecting proxy voting, and except for the information respecting the date, time and place of the meeting,

(ii) contain the ballot required by subsection 15(5), and

(iii) be mailed not less than fourteen (14) days prior to the date of the vote.

(4) If a property owner owns property located within the proposed area but resides at a location outside of the proposed area that would subject to the rate, such as residing in another province or country, the Director may approve emailing the notice of the public meeting to them rather than mailing it.

- (5) An email notice shall
 - (a) contain the information required by subsection 15(2), except for the information respecting proxy voting, and except for the information respecting the date, time and place of the meeting;
 - (b) contain the ballot required by subsection 15(5); and
 - (c) be emailed not less than fourteen (14) days prior to the date of the vote.

Public Meeting

- 17. (1) The public meeting shall be conducted by the applicant under the supervision of staff of the Municipality.
- (2) At the public meeting, the applicant shall:
 - (a) have a register available in which those property owners attending the meeting may place their names and addresses; and
 - (b) make a presentation setting out the amount of the proposed rate and the proposed uses of the funds arising from that rate.
- (3) After the presentation, a vote shall be conducted to determine if the property owners support the proposed rate.
- (4) Proxy voting shall be allowed by property owners not in attendance at the public meeting.

Votes

- 18. (1) Each property located within the proposed area that would be subject to the rate is entitled to one vote.
- (2) A person who owns more than one property in the proposed area may vote once for each property that is owned.

Counting Votes

- 19. (1) The votes cast at the public meeting, and the mailed and emailed ballots that are received by 4:30 pm on the seventh day after the date of the public meeting, will be counted to determine the level of support for the proposed rate.
- (2) For a vote to be successful, owners representing at least two-thirds (66.7%) of the assessed properties that are located within the proposed area that would be subject to the rate must have voted in favor of the rate.

Request to Establish

- 20. The applicant may only request a rate be established under this Administrative Order if the vote was successful.
- 21. (1) The request for the establishment of a rate shall include the following information:
 - (a) the area where the proposed rate would apply;
 - (b) whether the proposed rate is an area rate or uniform charge, and if a uniform charge is proposed, the request shall indicate whether the proposed uniform charge will apply to each taxable property assessment or each dwelling unit in the area;

- (c) a detailed proposed maintenance budget to support the proposed rate;
- (d) a declaration that the public notice requirements have been satisfied;
- (e) unless the public meeting requirement was waived by Council, a declaration that the requirement for the public meeting was satisfied; and
- (f) any additional information that, in the opinion of the Director, is necessary to process the application, bill the rate on the tax bills, and collect the funds arising from the rate.

(2) A request for the establishment of the rate may only proceed if the Director is of the opinion that the information provided pursuant to subsection 21(1) is sufficient to allow the Municipality to process the rate, bill the rate on the tax bills, and collect the funds arising from the rate.

(3) If the Director is of the opinion that the information provided pursuant to subsection 2(1) is insufficient to allow the Municipality to process the rate, bill the rate on the tax bills, and collect the funds arising from the rate, the Director may request additional information, and if the information is not received by the date indicated in such request, the Director may terminate the application process.

Establishment of Rate

22. Upon receipt of a complete request, Council may consider the establishment of a rate in accordance with the provisions of this Administrative Order, the By-law, and the HRM Charter.

23. Staff will prepare a report and recommendation for the consideration of Council respecting the establishment of a rate.

24. Upon receipt of the staff report, Council may consider the report and may establish

(a) an area rate based on so much on the dollar on the assessed value of the taxable property in the catchment area; or

(b) a uniform charge on each taxable property assessment, or dwelling unit, in the catchment area.

25. If a rate is established, Council will define the area that will be subject to the rate.

Property Owner's Association

26. If Council establishes a rate, the applicant shall incorporate a Property Owner's Association in the form of a society under the *Societies Act*.

27. The Association shall be comprised of the owners of the subject properties and all subject property owners shall be eligible for membership in the Association.

28. (1) The Municipality will enter into an agreement with the Association under which the Association shall accept responsibility for the implementing and administration of the maintenance services on the private road.

(2) Council hereby authorizes the Mayor and Clerk to enter into and execute on behalf of the Municipality the Agreement, and any amendments thereto, with an Association, providing such Agreements is generally in the form of the Agreement that was most recently approved by Council.

29. After the Agreement is signed by all parties, the Municipality will provide the funds collected from the rate to the Association.

30. The Association shall:

(a) direct and control all work resulting from the funds arising from the rate that are provided by the Municipality; and

(b) be wholly responsible for the application of the funds arising from the rate that are provided by the Municipality.

Meetings of the Association

31. (1) The Association shall have an annual general meeting prior to the end of each year at which meeting the majority of the quorum present shall review and approve the road maintenance plan and budget for the following year.

(2) The Municipality will review the plan and budget to ensure it complies with the purpose of the rate and that sufficient funding can be raised through the rate to fund it.

(3) Any changes to the amount of the rate requires majority approval at the annual general meeting, or at a special meeting of the Association that is called to determine the level of support for the rate increase.

(4) Notice of the special meeting or of the general meeting where a proposed rate increase will be considered shall comply with the public meeting notice requirements set out in section 15.

(5) All proposed rate increases are subject to Council approval.

(6) The Association may, by special meeting or at the general meeting, elect to request Council terminate the rate and, Council may consider such request.

Lien

32. A rate imposed under this Administrative Order constitutes a lien on the subject properties and is collectable in the same manner as rates and taxes under the *Assessment Act*.

33. Interest accrues on charges outstanding from the date of billing forward at rate set out in the By-law.

Installments

34. (1) In the first year a rate is established by Council, the amount payable from the rate will be invoiced entirely on the second regular tax bill.

(2) For any other year, the amount payable from the rate will be invoiced as installments in two billings on the regular property tax bills.

Administration

35. A one-time administration fee of \$200 is set by the By-law, and shall form part of maintenance funding for the first year the rate is levied.

Schedules

36. The Schedules attached to this Administrative Order shall form part of this Administrative Order.

Reference

37. A reference to the *Private Road Maintenance Cost Recovery Policy* and a reference to Administrative Order 45, *Respecting Private Road Maintenance*, shall be read as including a reference to the provisions of this Administrative Order relating to the same subject matter.

Repeals

38. The *Private Road Maintenance Cost Recovery Policy*, adopted by Council on January 16, 2007, and all amendments thereto, is repealed.

39. Administrative Order 45, *Respecting Private Road Maintenance*, adopted by Council on May 13, 2008, and all amendments thereto, is repealed.

RATE SCHEDULES

1. Area Rates or Uniform Charges are hereby imposed in those areas described in the attached Schedules as is more particularly set out in the Schedules.

Schedule 1

1. A Uniform Charge for properties fronting or abutting in whole or in part on Petpeswick Drive, Gaetz Brook as identified on the map dated July 18, 2007 attached hereto, shall be a Uniform Charge of no more than \$300.00 annually. If a property owner owns more than one property on Petpeswick Drive, the Uniform Charge shall apply only to one property.

2. The Charges collected under this Schedule shall be used by the Petpeswick Drive Improvement Society for the maintenance of Petpeswick Drive, including culverts, retaining walls, sidewalks, curbs and gutters that are associated with the road. 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.

Schedule 2

1. A Uniform Charge for properties fronting or abutting in whole or in part on the private streets located within the Three Brooks Sub-division, Hubley as identified on the map dated May 6, 2015 attached hereto, shall be a Uniform Charge of no more than \$750.00 annually.

2. The Charges collected under this Schedule shall be used by the Three Brooks Homeowner's Association for the maintenance of the private roads located within Three Brooks Subdivision, 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.

Schedule 3

1. A Uniform Charge for properties fronting or abutting in whole or in part on the private streets located within the Shag End Sub-division, Blind Bay as identified on the map dated November 29, 2017 attached hereto, shall be a Uniform Charge of no more than \$900.00 annually.

2. The Charges collected under this Schedule shall be used by the Shag End Lot Owner's Association for the maintenance of the private roads located within Shag End Sub-division, 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.

Schedule 4

Repealed Schedule

Schedule 4A

1. Uniform charges for properties located on Kings Road, Wellington, or located on private roads in Wellington accessed from Kings Road, shall be as identified in the following areas:

Area 1. A Flat Area Rate Charge of no more than \$200.00 annually shall be applied to the following properties in Area 1 which must be accessed by Kings Road, Wellington: PID numbers 00503680, 40551178, 40377228, 40455123, 503755, 40621807, 40695132, 41266974, 41293994, 40480063, 568766, 40766347, 41026956, 41026964, 40813438, 41266966, 569103, 40621815, 40574394, and 41397696.

Area 2. A Flat Area Rate Charge of no more than \$300.00 annually shall be applied to the following properties in Area 2 which must be accessed by Kings Road, Wellington: PID numbers 503524, 503664, 503631, 503573, 503771, 40383630, 40383648, 40392656, 40392649, 40392631, 40392623, 40852089, 40695603, 40607269, 569194, 503581, 40784795, 40304289, 40766370, 40304297, 40852071, 503656, 503706, 40589178, 40068348, 40068355, 40068371, 40255150, 40704165, and 40585523.

Area 3. A Flat Area Rate Charge of no more than \$450.00 annually shall be applied to the following properties in Area 3 which must be accessed by Kings Road, Wellington: PID numbers 503565, 503599, 503722, 503607, 503615, 503698, 503797, 503805, 503847, 503870, 568790, 568865, 568931, 569087, 40301434, 40800625, 40304321, 40784787, 40304271, 40885337, 40742785, 41211491, 40304305, 40304313, 40151334, 40301251, 40695553, 40455115, 40455156, 40455149, 40533275, 40576001, 40608523, 40620296, 40688285, 40705089, 40761421, 40800088, 40885345, 41037052, 40607277, 41078205, 40872046, 41078213, 40669798, 41394347, 41435967, and 41211509.

Area 4. A Flat Area Rate Charge of no more than \$600.00 annually shall be applied to the following properties in Area 4 which must be accessed by Kings Road, Wellington: PID numbers 569251, 40480055, 40574386, 40364028, 40068363, 40068389, 40068413, 40068405, 40068397, 568410, 40480071, and 41294000.

2. The Area and therefore the Uniform Charge applicable to a property shall be determined in accordance with the following criteria:

(a) if the property is otherwise legally exempt from a Uniform Charge, then the property will not be subject to a Uniform Charge; or

(b) if the property does not contain a dwelling unit, then it will be included in Area 1 and the applicable Uniform Charge will be no more than \$200.00 annually; or

(c) if the property is located on Kings Road, and

(i) the property is used year round and has civic number 54 or has a civic number between 54 and up to and including civic number 106, then it will be included in Area 2 and the applicable Uniform Charge will be no more than \$300.00 annually, or

(ii) the property has civic number 112 or a civic number between 112 and up to and including civic number 429, then it will be included in Area 3 and the applicable Uniform Rate Charge will be no more than \$450.00 annually, or

(iii) the property has a civic number greater than 429, then it will be included in Area 4 and the applicable Uniform Charge will be no more than \$600.00 annually; or

(d) if the property is located on Canal Cays Drive, it will be included in Area 2 and the applicable Uniform Charge will be no more than \$300.00 annually; or

(e) if the property is located on Alben Lane, then it will be included in Area 3 and the applicable Uniform Charge will be no more than \$450.00 annually; or

(f) if the property is used on a seasonal basis, it will be included in Area 2 and the applicable Uniform Charge will be no more than \$300.00 annually.

3. (1) The criteria pursuant to section 2 of this Schedule, will apply to any existing and new properties which become subject to a Uniform Charge under this Schedule.

(2) If the criteria applicable to a property changes such that another Area is indicated for the property other than the Area it is included in, then that property will become part of the Area for which it meets the criteria, and the appropriate Uniform Charge will apply.

4. The Charges collected under this Schedule be used by the South West Grand Lake Property Owners Association for the maintenance of the following private roads located within Wellington: Kings Road, Alben Lane, Twilight Lane, Sleepy Cove Road, and Turtle Cove Road, and shall include 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.

Schedule 5

1. A Uniform Charge for properties fronting or abutting in whole or in part on River Bend or River Court, private roads located in the community of Enfield as identified on the map dated January 15, 2010 attached hereto, shall be a Uniform Charge of no more than \$350.00 annually.

2. The Charges collected under this Schedule shall be used by the River Bend Road and River Court Home Owners Association for the maintenance of River Bend Road and River Court, 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.

Schedule 6

1. A Uniform Charge for properties with residential dwellings fronting or abutting in whole or in part on any of the private roads located in the St Margaret's Village sub-division, in the community of Upper Tantallon as identified on the map dated October 12, 2011 attached hereto, shall be a Uniform Charge of no more than \$450.00 annually.

2. The Charges collected under this Schedule shall be used by the St. Margaret's Community Association for the maintenance of the private roads located in the St. Margaret's Village subdivision, 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.

Schedule 7

1. A Uniform Charge for properties fronting or abutting in whole or in part on Rutter Court, a private road located in the community of Seaforth as identified on the map dated February 3, 2012 attached hereto, shall be a Uniform Charge of no more that \$350.00 annually.
2. The Charges collected under this Schedule shall be used by the Rutter Court Residents Association for the maintenance of Rutter Court, 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.

Schedule 8

1. A Uniform Charge for properties fronting or abutting in whole or in part on the private portion of Bald Rock Road, a private road located in the community of Bald Rock as identified on the map dated March 28, 2012 attached hereto, shall be a Uniform Charge of no more than \$385.33 annually.
2. The Charges collected under this Schedule shall be used by the Sambro Head Lot Owners Association for the maintenance of the private portion of Bald Rock Road, 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.

Schedule 9

1. A Uniform Charge for properties fronting or abutting in whole or in part on Range Road, a private road located in the community of Grand Desert as identified on the map dated April 12, 2013 attached hereto, shall be a Uniform Charge of no more than \$150.00 annually.
2. The Charges collected under this Schedule shall be used by the Range Road Land Owner's Association for the maintenance of Range Road, 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.

Schedule 10

1. A Uniform Charge for properties fronting or abutting in whole or in part on Seafarers Lane or Pioneer Hill, private roads located in Black's Subdivision in the community of White's Lake as identified on the map dated September 19, 2013 attached hereto, shall be a Uniform Charge of no more than \$150.00 annually.
2. The Charges collected under this Schedule shall be used by the Black's Subdivision Ratepayers Association for the maintenance of Seafarers Lane and Pioneer Hill, 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.

Schedule 11

1. A Uniform Charge for properties fronting or abutting in whole or in part on Fortress Drive, a private road located in the community of Ferguson's Cove as identified on the map dated November 12, 2013 attached hereto, shall be a Uniform Charge of no more than \$750.00 annually.

2. The Uniform Charges collected under this Schedule shall be used by the Redoubt Head Homeowner's Association for the maintenance of Fortress Drive, 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.

Schedule 12

1. A Uniform Charge for properties fronting or abutting in whole or in part on any of the private roads located in the Mariner's Anchorage sub-division in the community of Glen Haven, as identified on the map dated August 22, 2012 attached hereto, shall be a Uniform Charge of no more than \$300.00 annually.

2. The Charges collected under this Schedule shall be used by the Mariners Anchorage Residents Association for the maintenance of the private roads located in the Mariner's Anchorage sub-division, 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.

Schedule 13

1. A Uniform Charge for properties fronting or abutting in whole or in part on any of the private roads located in the St. Margaret's Bay Heights sub-division in the community of Head of St. Margaret's Bay, as identified on the map dated November 19, 2013 attached hereto, shall be a Uniform Charge of no more than \$240.00 annually.

2. The Charges collected under this Schedule be used by the St. Margaret's Bay Heights Subdivision Resident's Association for the maintenance of the private roads located in the St. Margaret's Bay Heights sub-division, 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.

Schedule 14

1. A Uniform Charge for properties fronting or abutting in whole or in part on Shiloh Drive or Karla Lane, private roads located in the community of Hatchet Lake, as identified on the map dated February 3, 2016 attached hereto, shall be a Uniform Charge of no more than \$700.00 annually.

2. The Charges collected under this Schedule shall be used by the Shiloh and Karla Drive Road Association for the maintenance of Shiloh Drive and Karla 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.

Schedule 15

1. A Uniform Charge for properties fronting or abutting in whole or in part on private roads located within the Kelly Point Sub-division, Prospect Peninsula as identified on the map dated November 16, 2017 attached hereto, shall be a Uniform Charge of no more than \$700.00 annually.

2. The Charges collected under this Schedule shall be used by the Kelly Point Lot Owners Association for the maintenance of private roads located within Kelly Point Sub-division 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.

Schedule 16

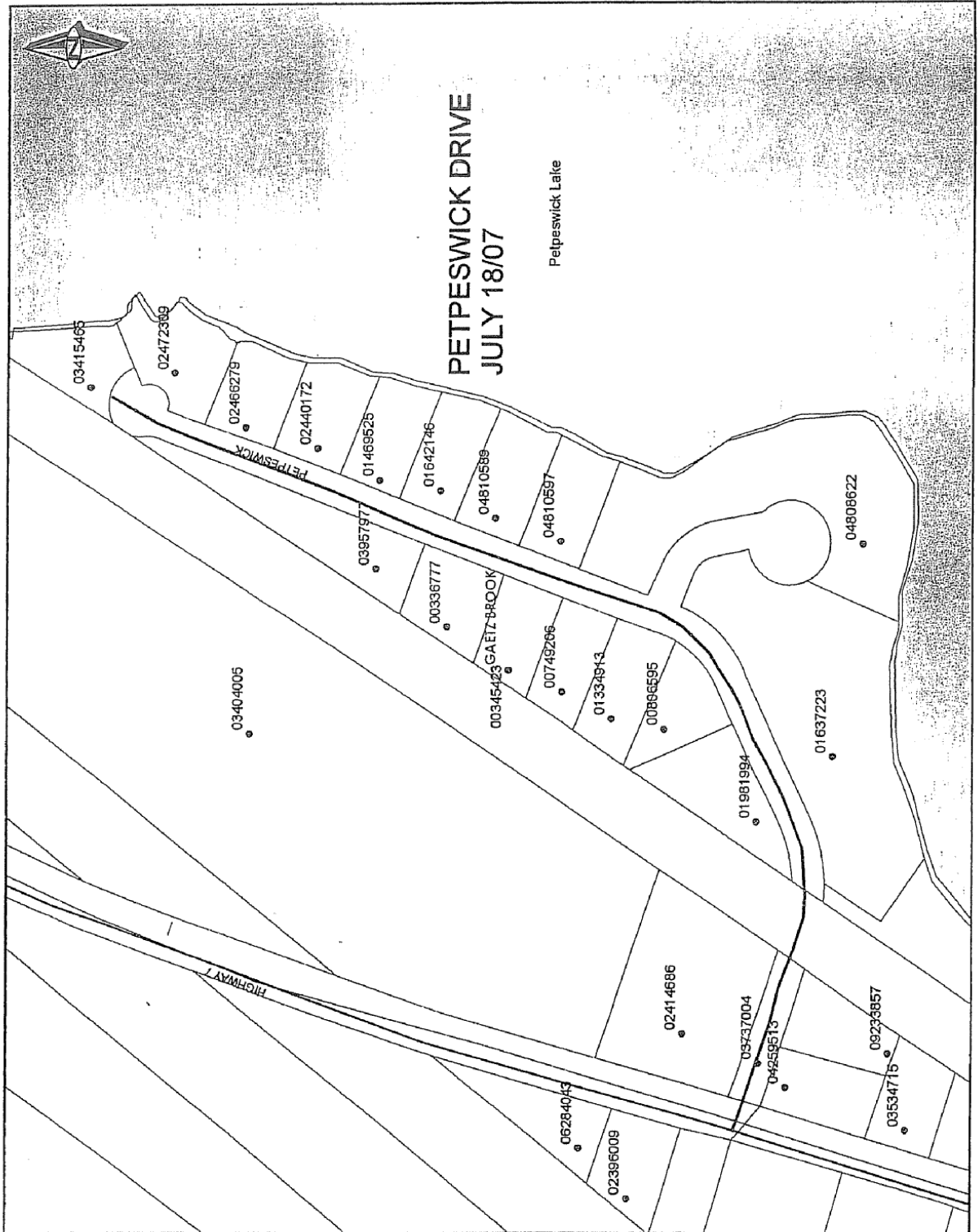
(a) A Uniform Charge for properties fronting or abutting in whole or in part on the private road of Jenna Lane, Hammonds Plains as identified on the map dated April 17, 2018 attached hereto, shall be a flat charge of no more than \$1,275.00 annually.

(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.

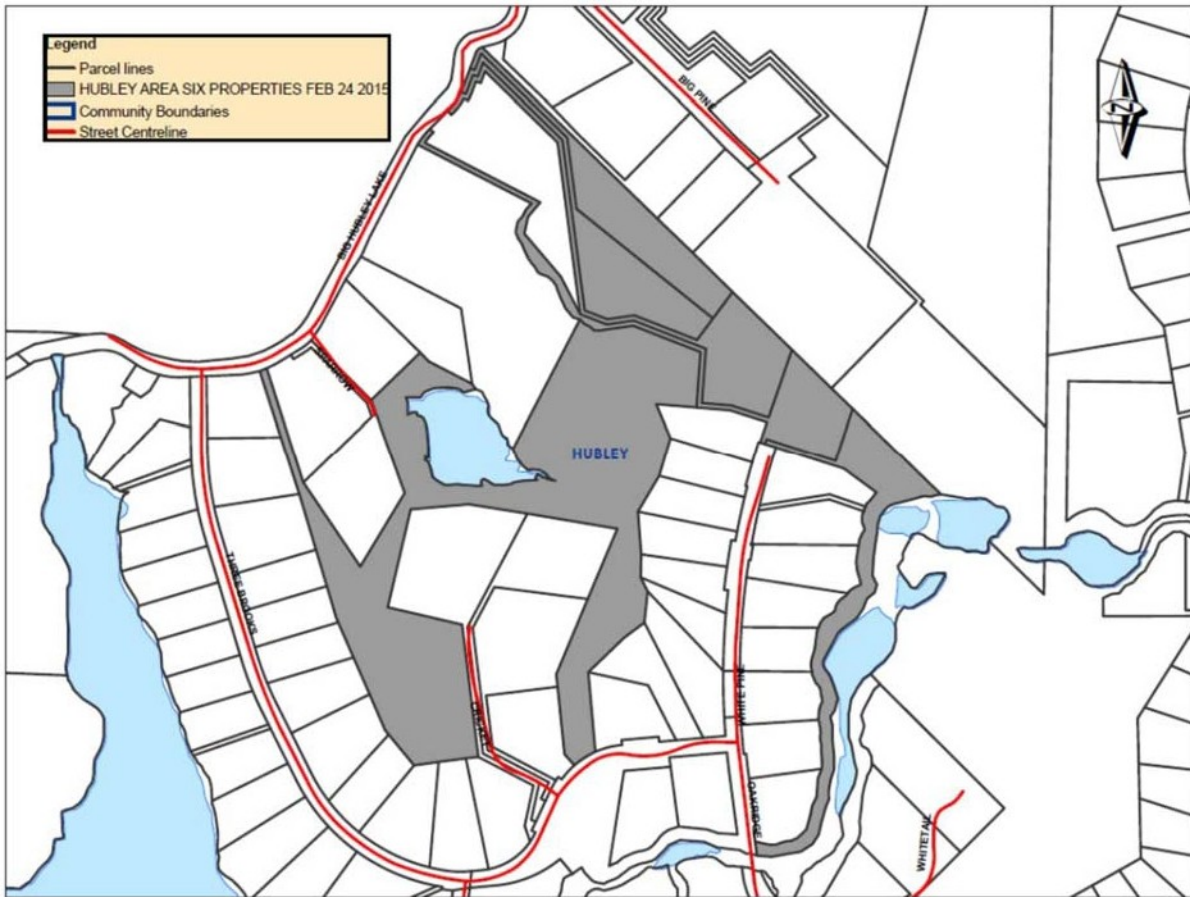
Done and passed in Council this day of , 2018.

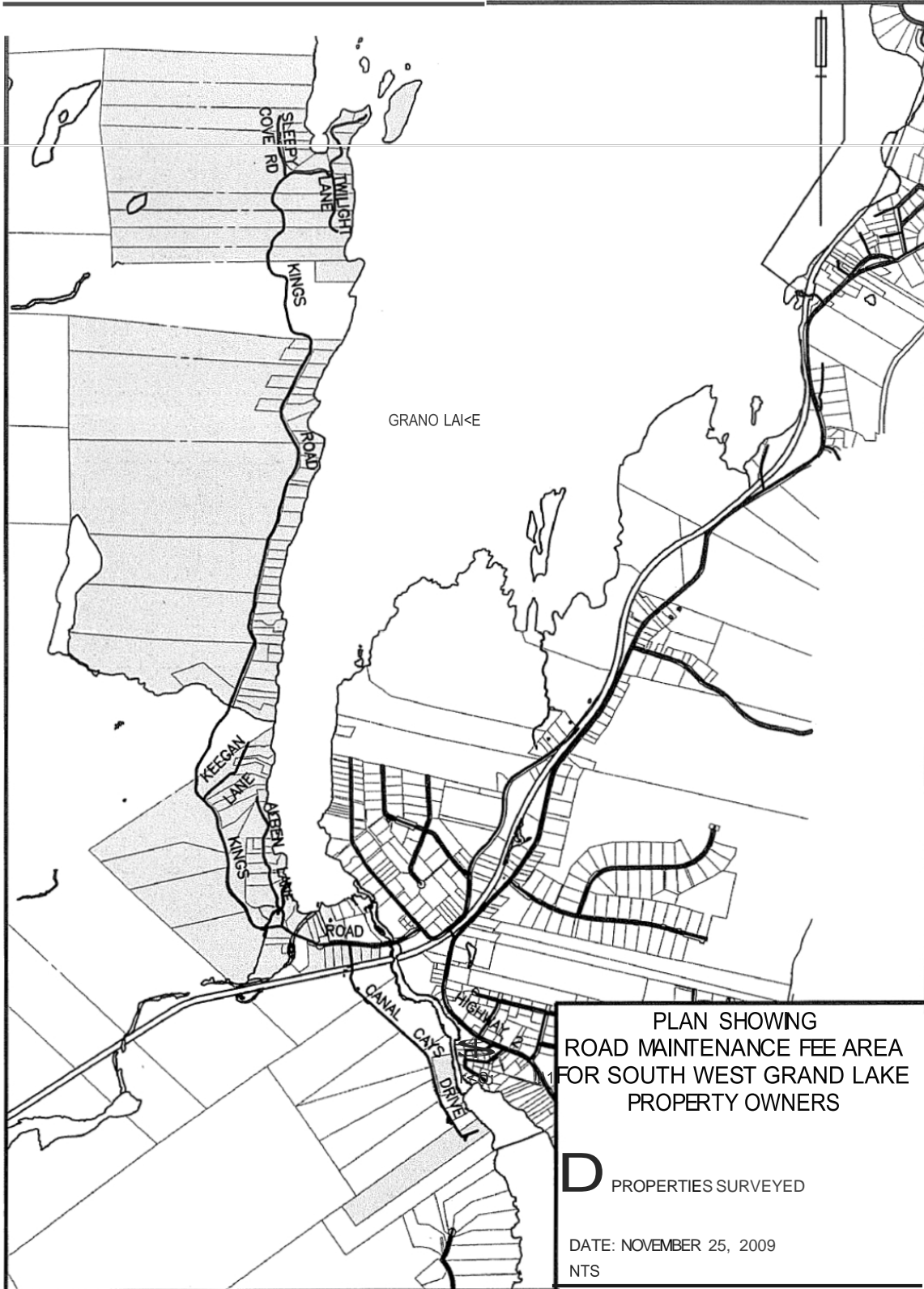
Mayor

Municipal Clerk

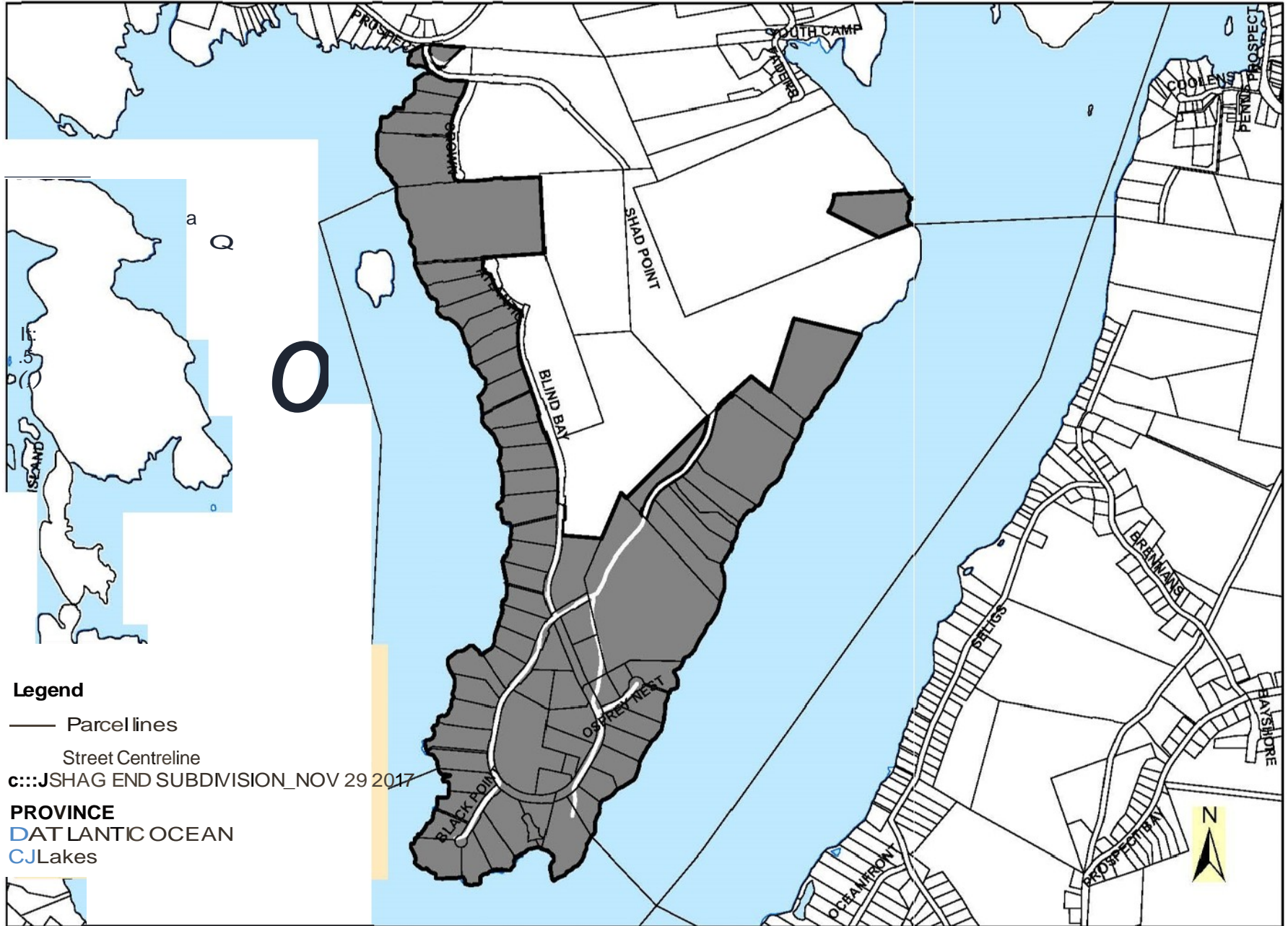


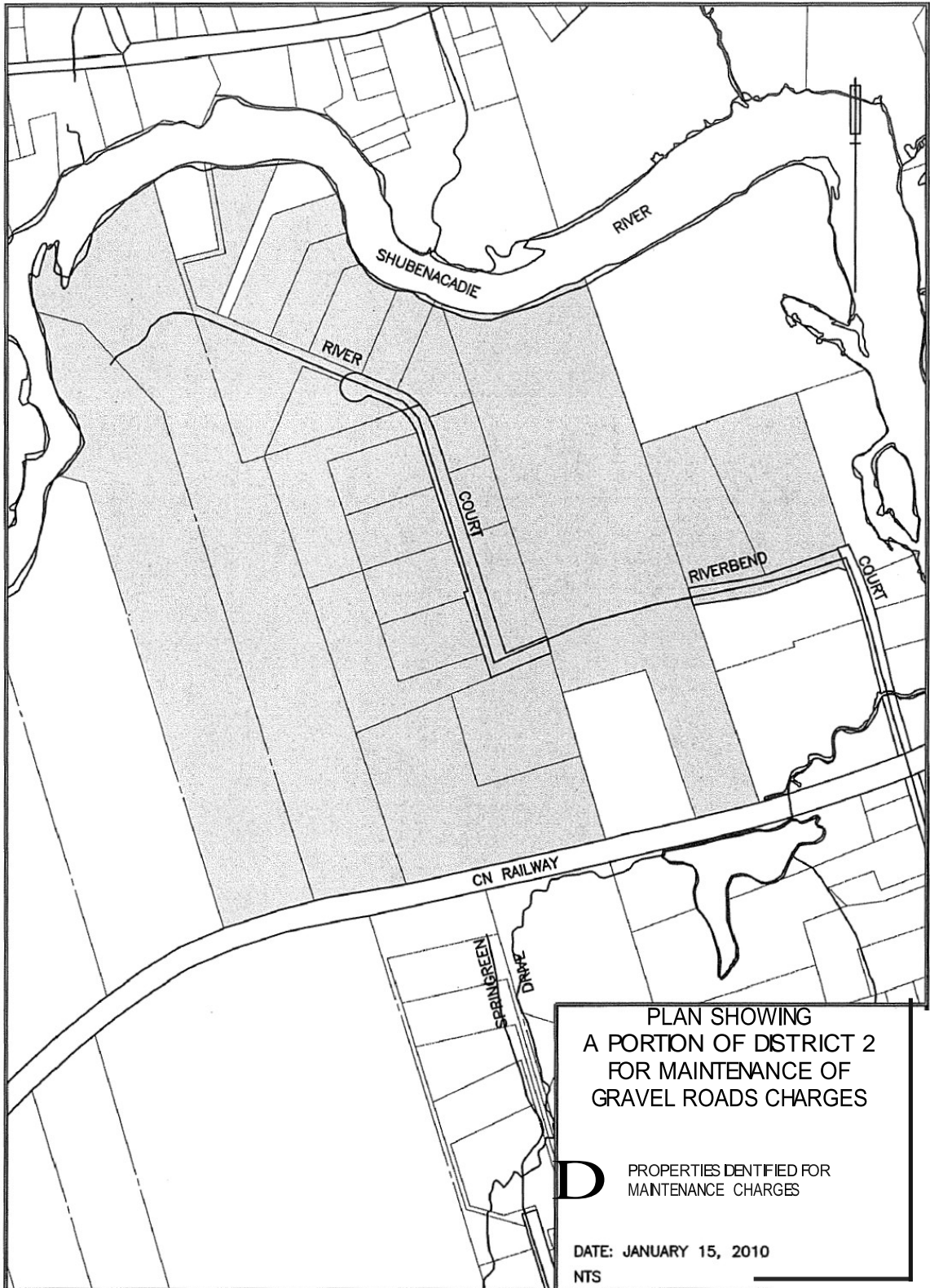
HUBLEY AREA



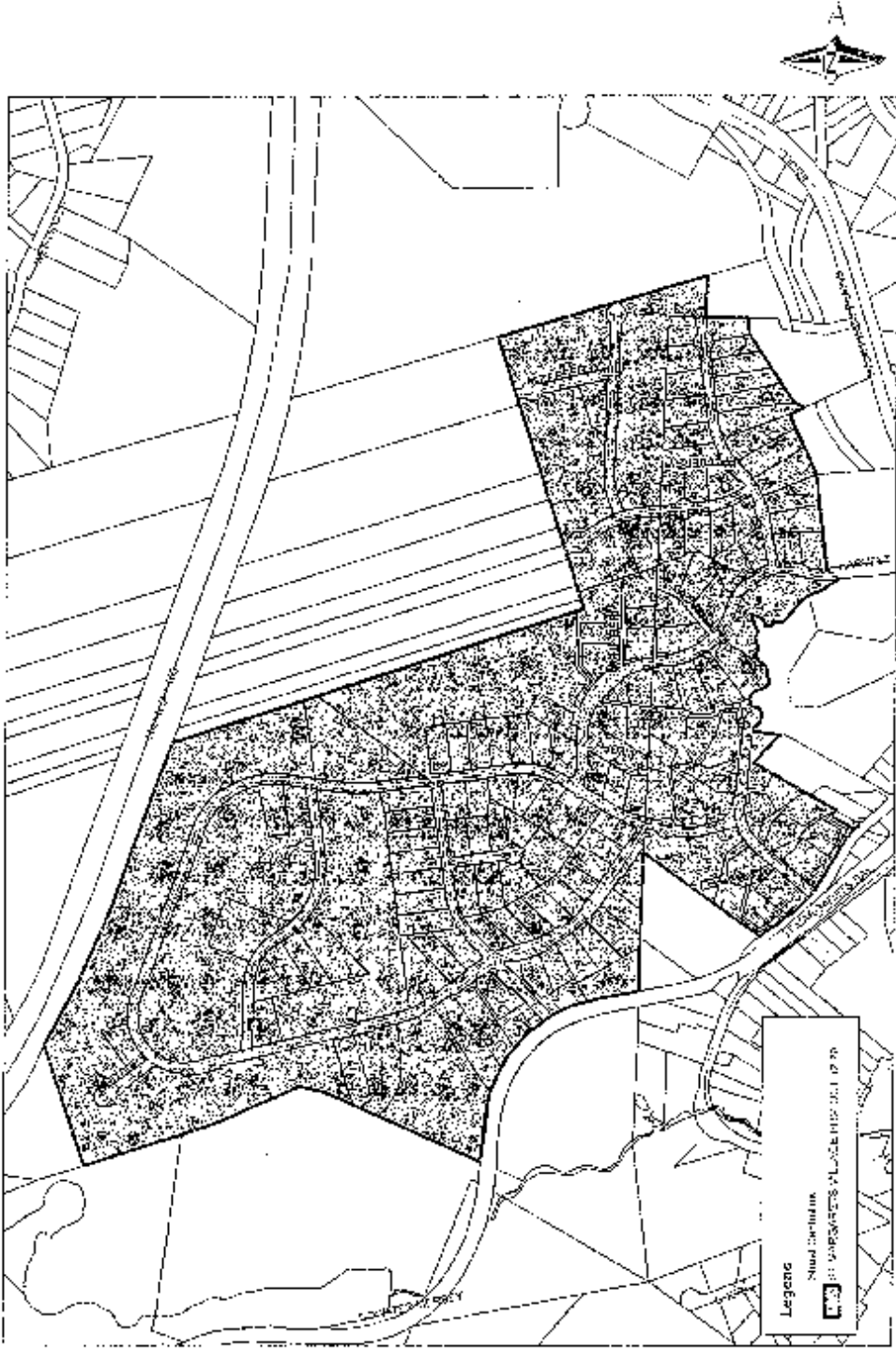


SHAG END PRIVATE ROAD

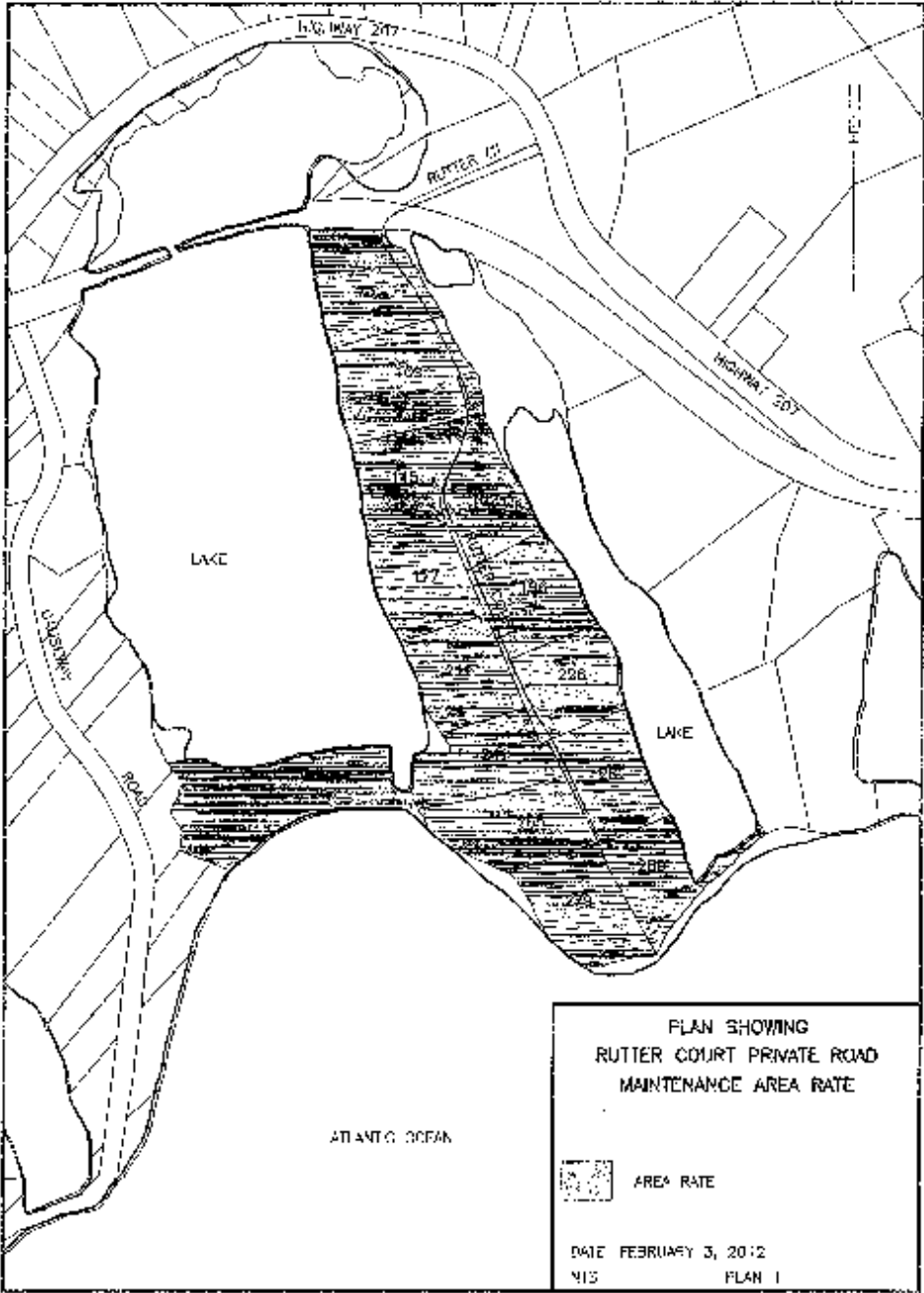


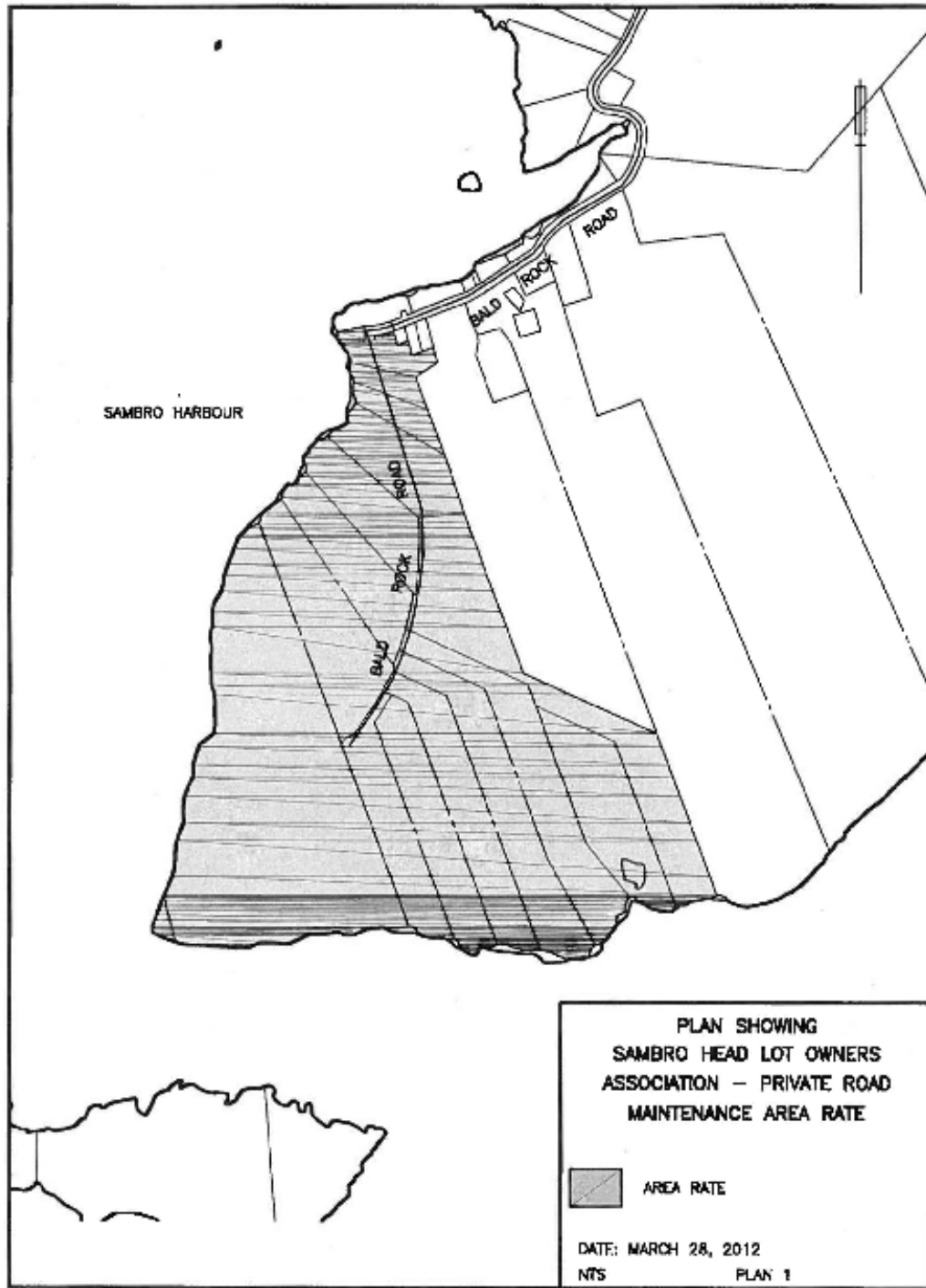


PRIVATE ROAD MAINTENANCE FOR ST. MARGARET'S VILLAGE



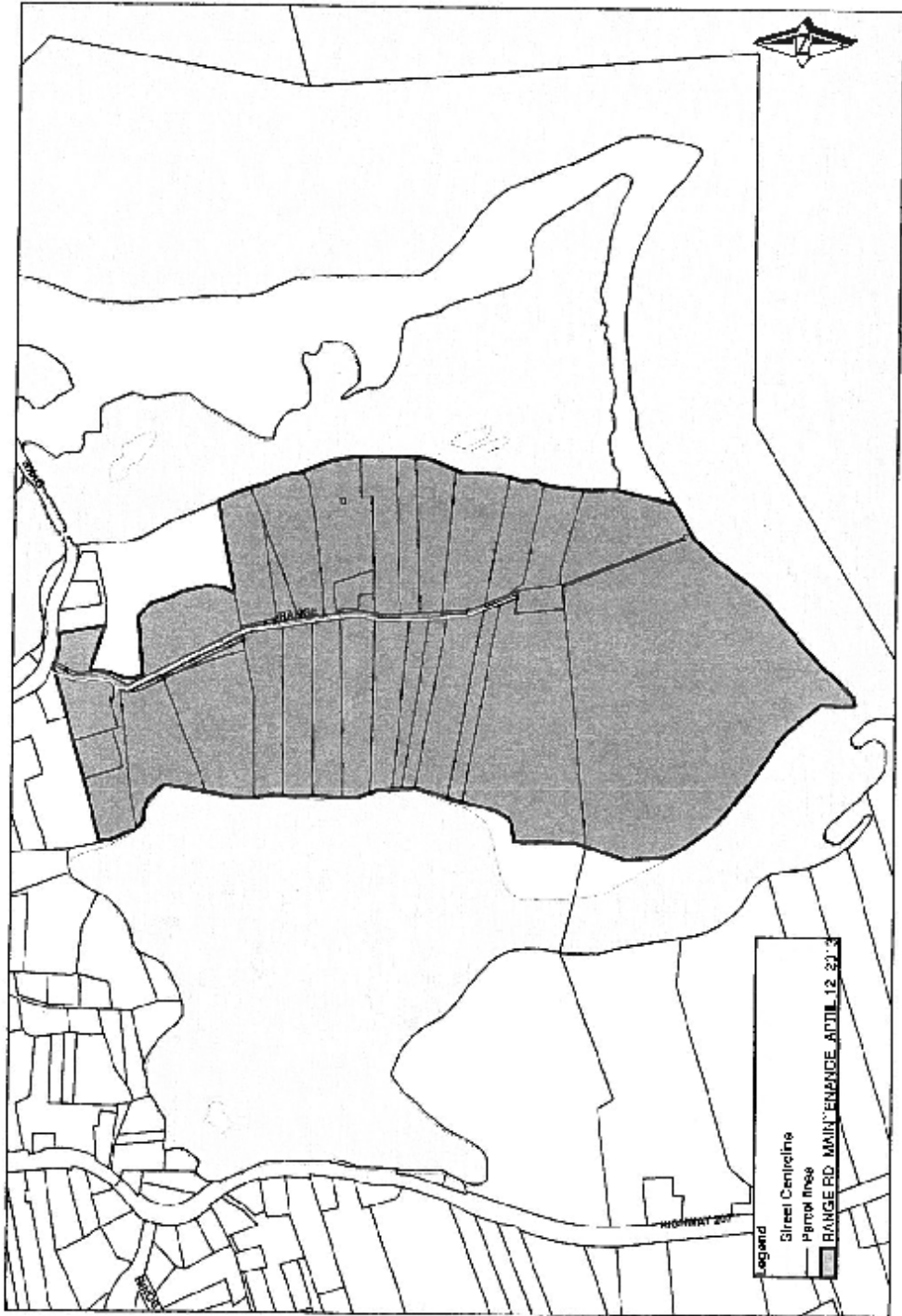
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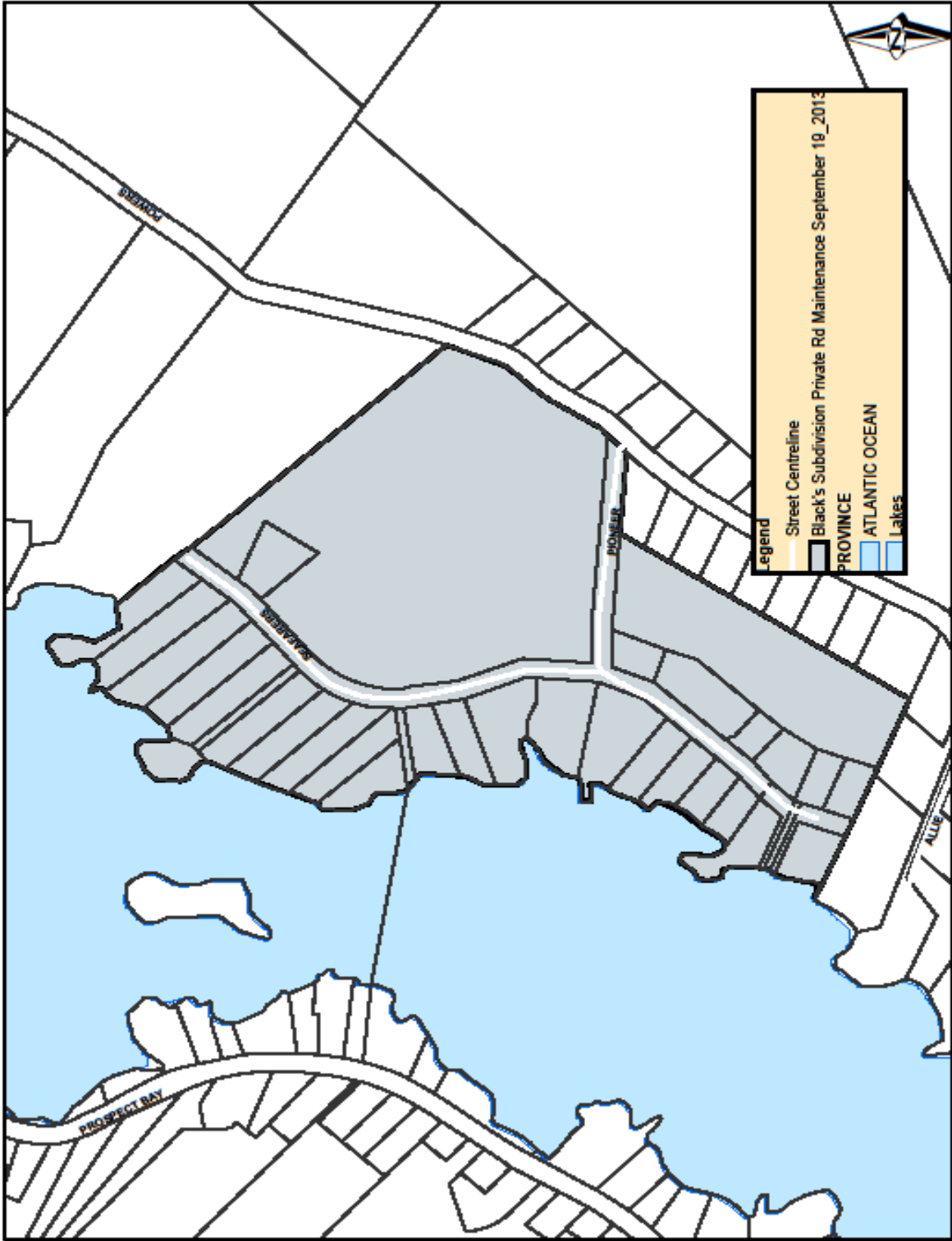


RANGE ROAD GRAND DESERT ROAD MAINTENANCE

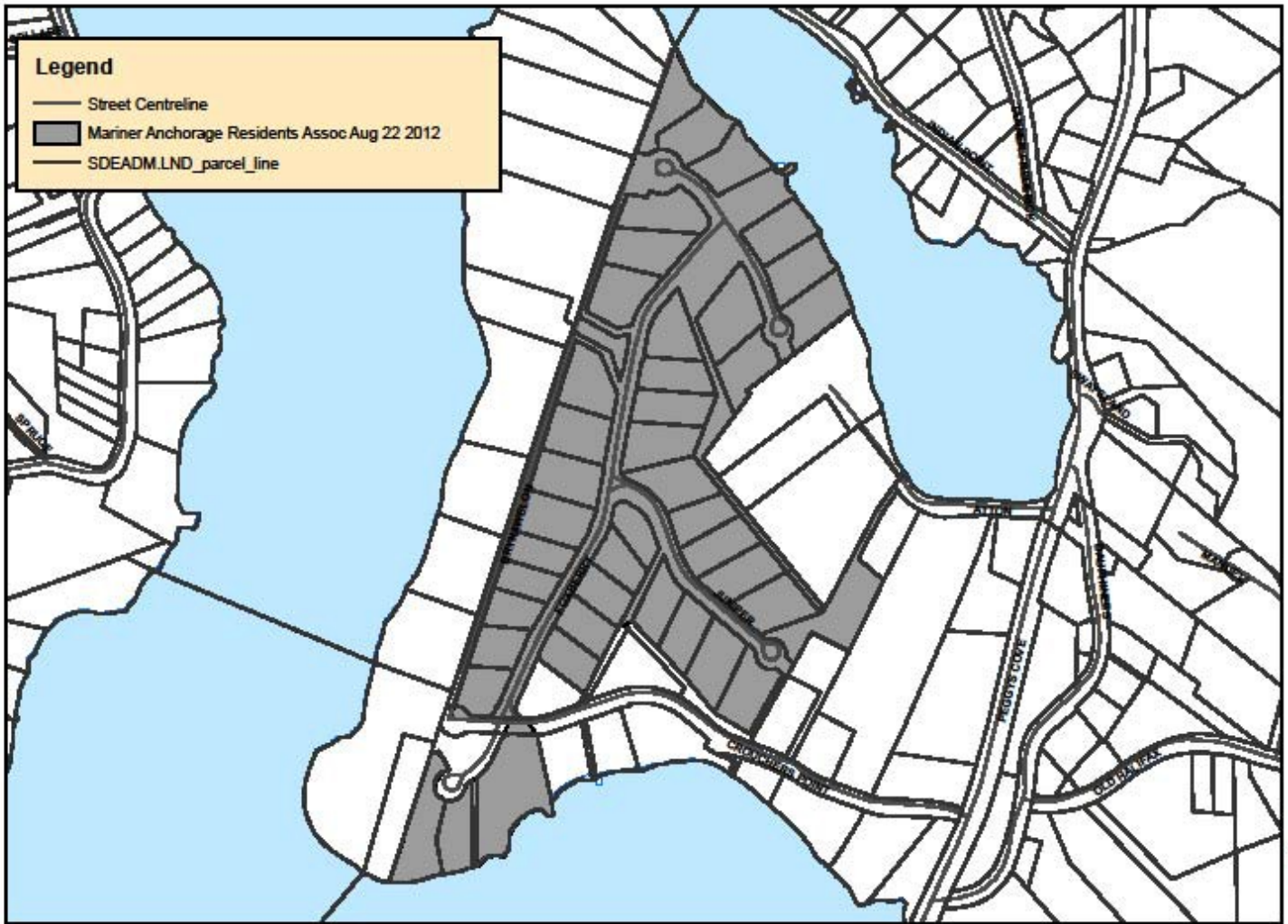
Appendix A



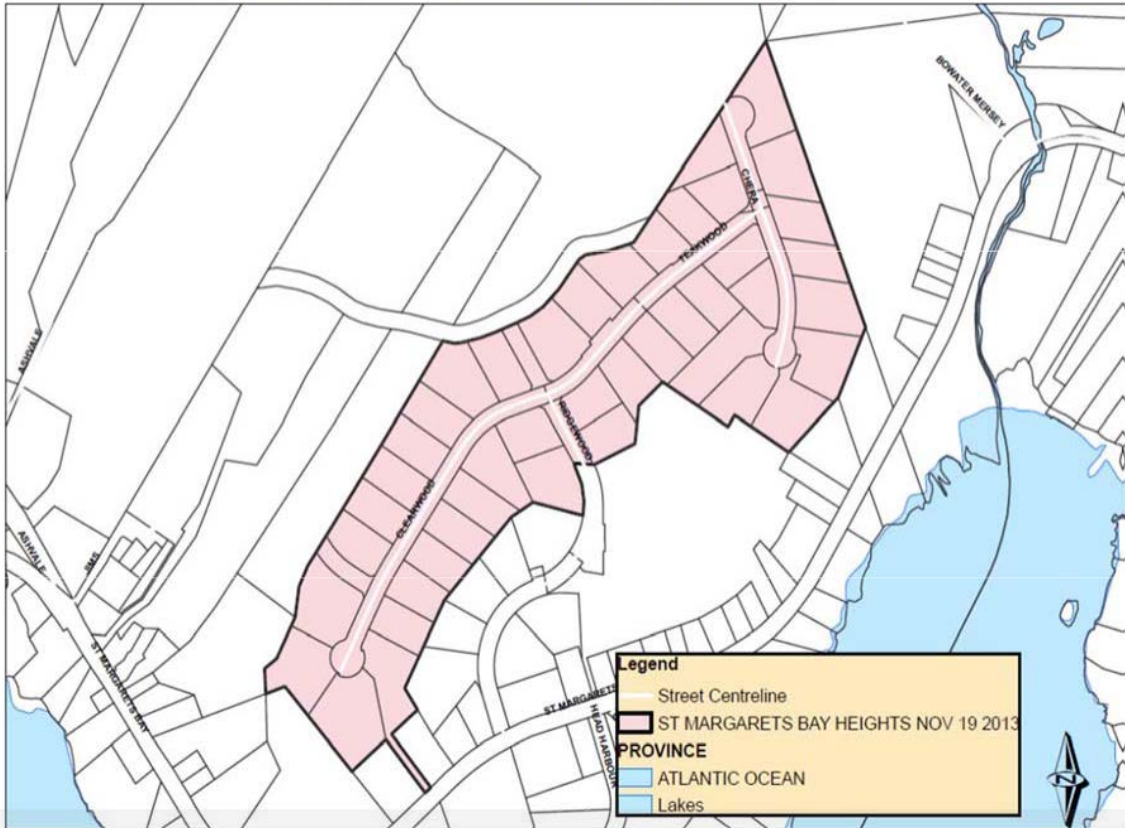
BLACK'S SUBDIVISION PRIVATE ROAD MAINTENANCE



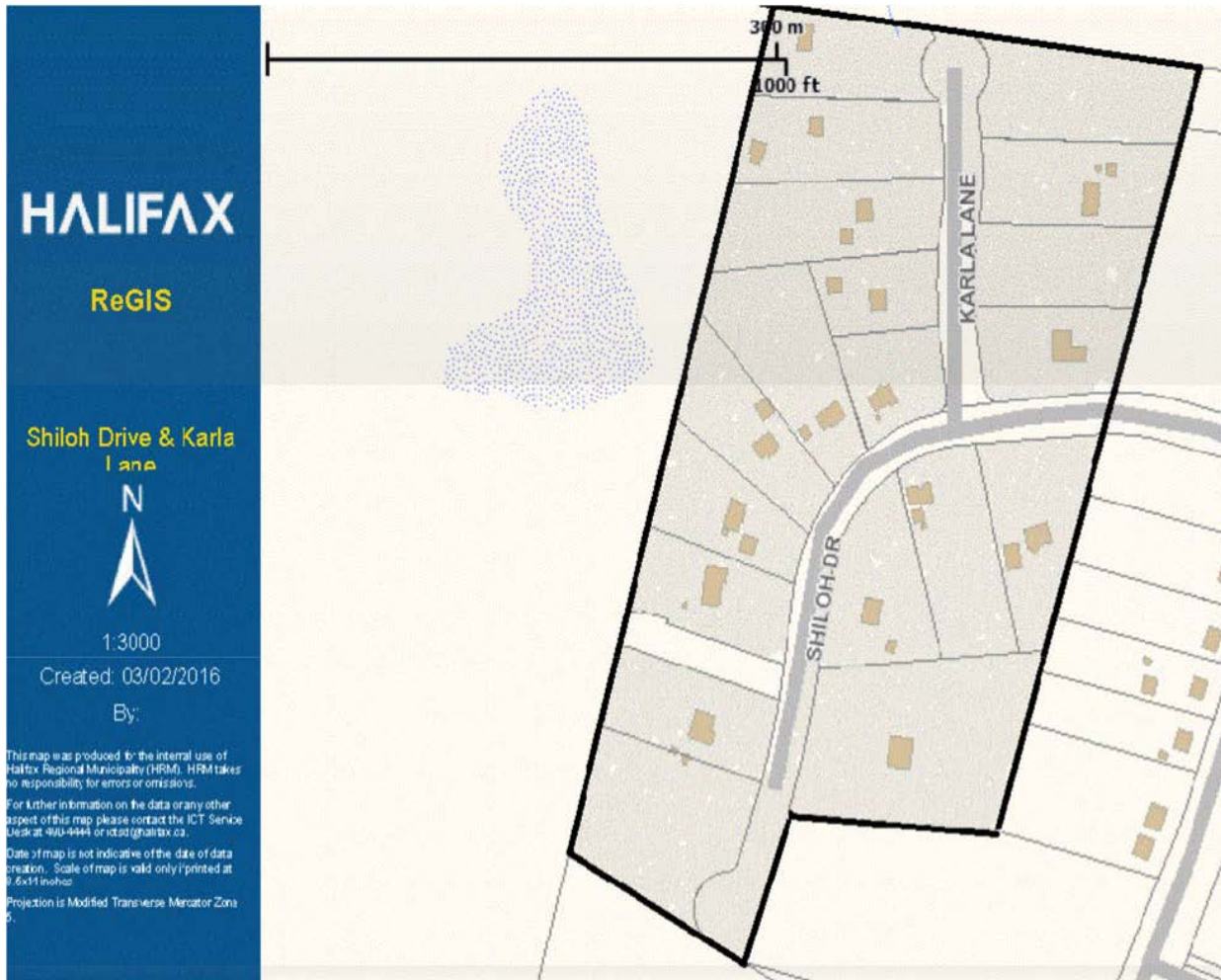
MARINER ANCHORAGE RESIDENTS ASSOCIATION



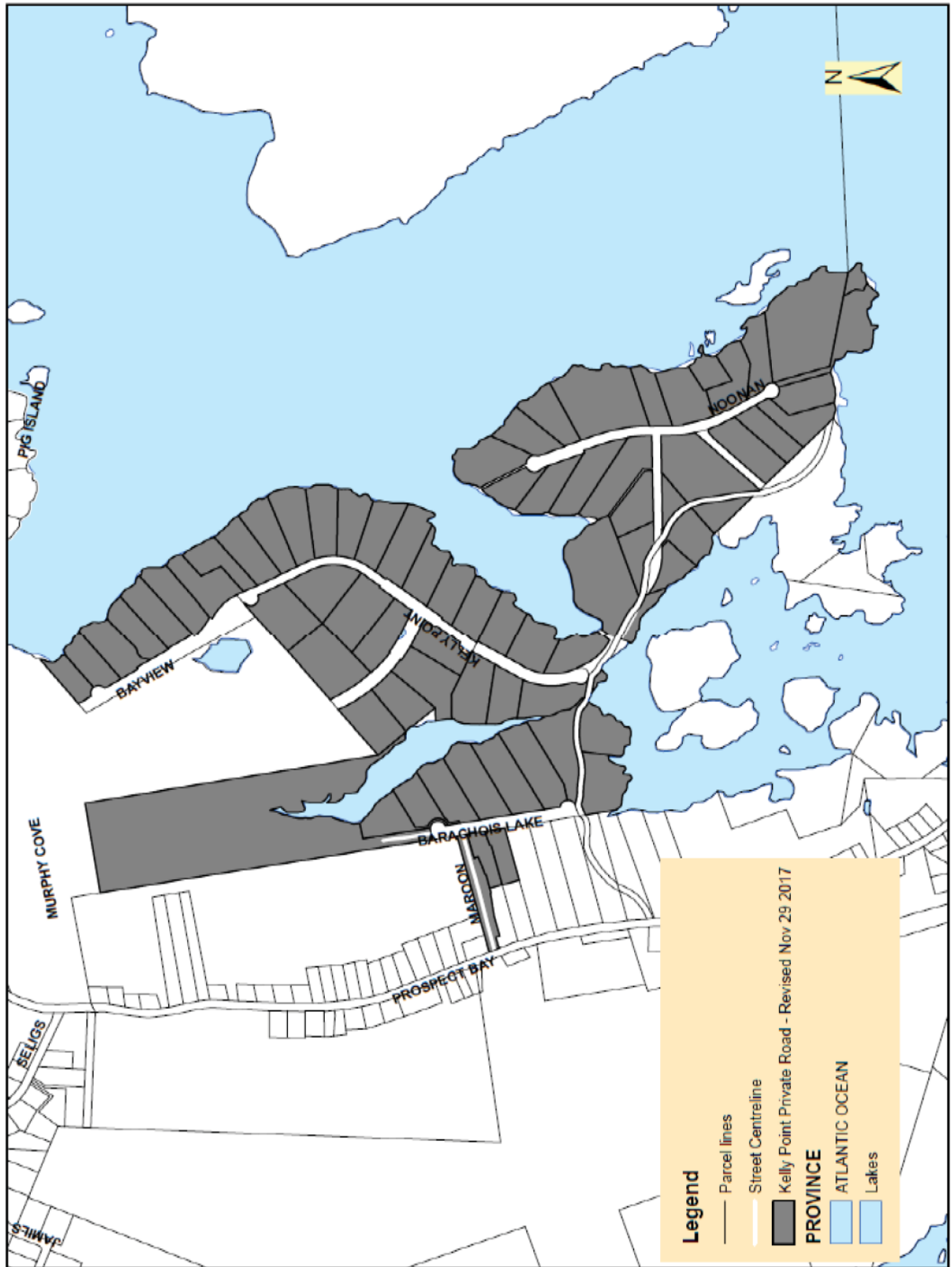
ST MARGARETS BAY HEIGHTS NOVEMBER 19, 2013



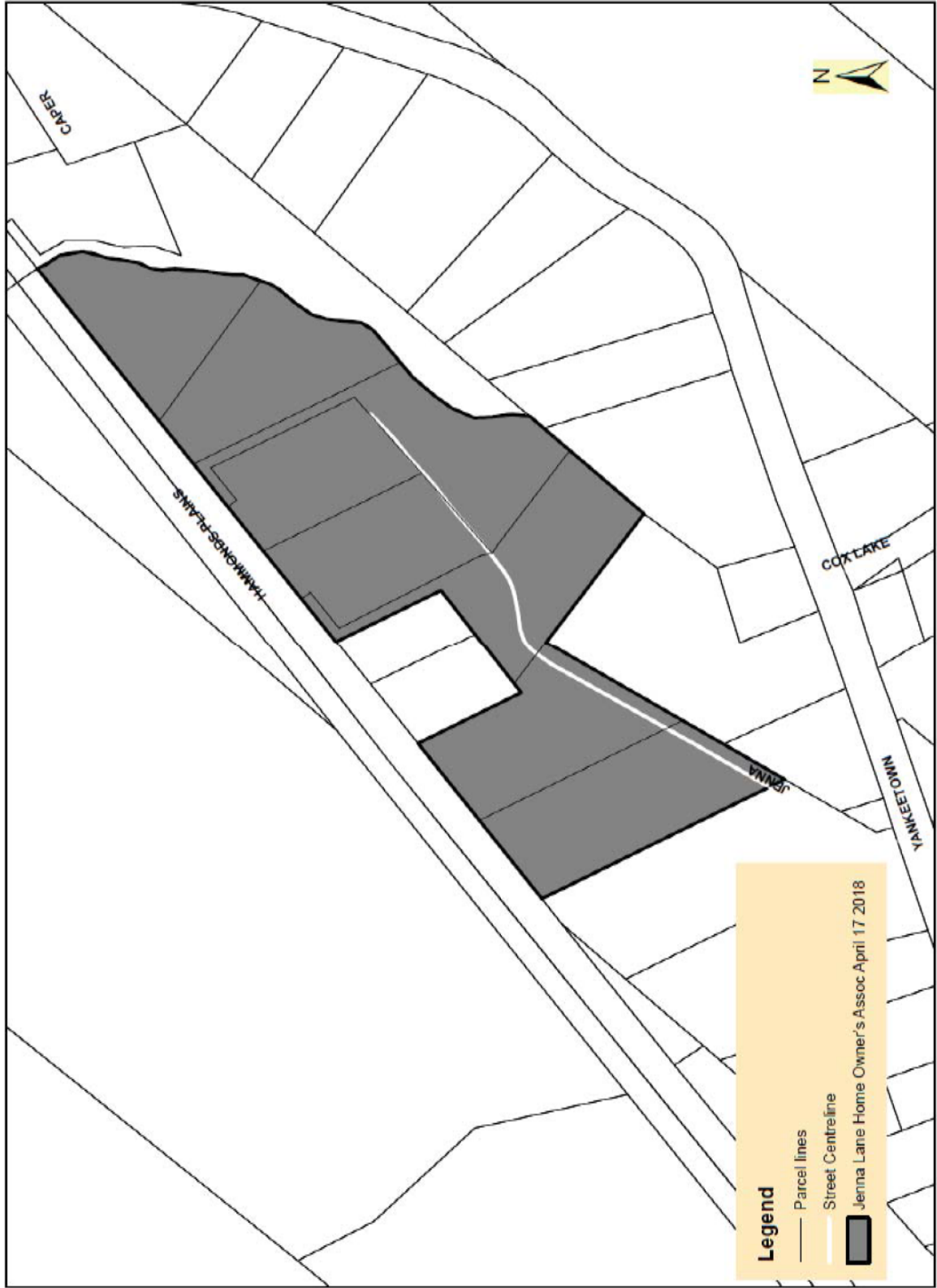
Map of Catchment Area for Shiloh and Karla Drive Road Association



KELLY POINT PRIVATE ROAD



THE JENNA LANE HOME OWNER'S ASSOCIATION



ATTACHMENT 1

ATTACHMENT 2
(Showing Proposed Changes to By-law)

Halifax Regional Municipality
By-Law Number P-1100
Respecting Charges for Private Road Maintenance

Be It Enacted by the Council of the Halifax Regional Municipality as follows:

Short Title

1. This by-law shall be known as Bylaw P-1100 and may be cited as the “Private Road Maintenance By-Law”.

Charge Imposed

2. (1) Upon request of a Property Owner’s Association incorporated for the purpose of managing the maintenance of a Private Road, the Municipality may enter into an agreement with the Property Owner’s Association under which the Association shall accept responsibility for the implementation and administration of the maintenance services on the private road.

(2) Funding of the costs of private road maintenance and associated administration costs shall be collected by an Area Rate or Uniform Charge from the owners of properties benefiting from the road maintenance, including a one-time administration fee of two hundred dollars (\$200) for the first year the Area Rate or Uniform Charge is levied.

(3) Payment of the Area Rate or Uniform Charge collected by the Municipality will be made only to the Property Owner’s Association.

(4) All private road maintenance shall be performed under the control and direction of the Property Owner’s Association and the Property Owner’s Association shall be solely accountable for the proper expenditure of the funds collected by the Municipality and forwarded to the Property Owner’s Association.

(5) An Area Rate or Uniform Charge is hereby imposed in those areas described in the Schedules to Administrative Order Number 45 as is more particularly set out in the Schedules.

(6) Area Rates or Uniform Charges imposed pursuant to the provisions of this by-law may be adjusted by Council upon application from the Property Owner’s Association.

Lien

3. (1) An Area Rate or Uniform Charge imposed pursuant to this by-law constitutes a lien on a property in the same manner and with the same effect as rates and taxes under the ~~Municipal Government Act~~ **Municipal Government Act** *Halifax Regional Municipality Charter*.

(2) A charge imposed pursuant to this by-law is collectible in the same manner as rates and taxes under the ~~Municipal Government Act~~ **Municipal Government Act** *Halifax Regional Municipality Charter* and, unless the Treasurer directs otherwise, is collectible at the same time and by the same proceedings as are rates and taxes.

(3) The lien provided for in this by-law shall remain in effect until the charge plus interest has been paid in full.

(4) Where a property subject to a lien is subdivided, the amount of the charge plus interest then unpaid shall be apportioned among the new lots created including any residual land in the proportion that the value of each new lot including any residual land bears to the total market value of the lands subdivided including any residual lands.

(5) The market value of the lots so created must be confirmed by an accredited appraiser and written confirmation submitted to the Treasurer or his/her designate, in the prescribed form.

Interest

4. Interest shall accrue on **Area Rates and Uniform** ~~€~~Charges outstanding from the date of billing at a rate equal to the prime rate of the Municipality's banker plus **two** ~~four~~ percent.

Capital Improvements

5. Recovery for costs related to the construction or capital improvement of private roads is not provided for in this by-law.

Done and passed in Council this 13th day of May, 2008.

Mayor

Municipal Clerk

**Halifax Regional Municipality
By-Law Number P-1101
Respecting Charges for Private Road Maintenance**

Be It Enacted by the Council of the Halifax Regional Municipality that By-law P-1100, *the Private Road Maintenance By-Law*, is amended as follows:

1. Subsection 2(2) is amended by adding the words and comma “, including a one-time administration fee of two hundred dollars (\$200) for the first year the Area Rate or Uniform Charge is levied,” after the word “maintenance” and before the period at the end of the subsection.
2. Section 3 is amended by:
 - (a) striking out the words “Municipal Government Act” after the words “under the” and before the period in subsection (1);
 - (b) adding the words “*Halifax Regional Municipality Charter*” after the words “under the” and before the period in subsection (1);
 - (c) striking out the words “Municipal Government Act” after the words “under the” and before the word and comma “and,” in subsection (2); and
 - (d) adding the words “*Halifax Regional Municipality Charter*” after the words “under the” and before the word and comma “and,” in subsection (2).
3. Section 4 is amended by:
 - (a) capitalizing the word “charges” after the word “on” and before the word “outstanding”;
 - (b) adding the words “Area Rates and Uniform” after the word “on” and before the newly capitalized word “Charges”;
 - (c) striking out the word “four” after the words “banker plus” and before the word “percent”;
and
 - (d) adding the word “two” after the words “banker plus” and before the word “percent”.

Done and passed in Council this day of , 2018.

Mayor

Municipal Clerk

Private road maintenance cost recovery policy

Principles. The Halifax Regional Municipality is committed to facilitating public road access for municipal residents whose principal residences are accessed from private roads which do not form part of the HRM municipal street system. It is recognized by HRM that facilitating the maintenance of private roads is a necessary municipal service that will ensure the safety and long term usability of roads situated on privately owned land. Authority to fund work on private road is pursuant to clause 79 (ab) of the Halifax Regional Municipality Charter ("HRM Charter").

Scope of Assistance. The purpose of this policy is to provide a financing procedure for the funding and repayment of work to maintain private roads, including culverts, retaining walls, sidewalks, curbs and gutters that are associated with those private 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. Cost recovery facilitation under this policy is not available for the construction or capital improvement of private roads.

The municipality will not be involved in the provision of engineering, technical or legal services or advice in respect of the private road maintenance. Involvement will be limited to the administration of the area flat rate. This policy applies only to applications for private road maintenance costs recovery facilitation made under this policy. Private road maintenance programs implemented prior to the adoption of this policy by HRM shall continue in effect unmodified.

Repayment. Pursuant to section 104 of the HRM Charter, the municipality has the authority to make by-laws imposing, fixing and providing methods of enforcement of charges for maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred under an agreement between the municipality and a person. In particular subsection 104(3) of the HRM Charter provides that the charges may be determined pursuant to the plan or method set out in the implementing by-law.

Eligibility. 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. The private road includes the portion of the road and right of way which is not used for vehicle traffic and is available for installation of services or is shoulder, ditch or buffer. 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 situate must consent in writing to the maintenance of the road.

Petition. An application for private road maintenance financing assistance under this policy shall be commenced by presenting a petition to the HRM council. Collectively those signing the petition shall be the applicant for the private road maintenance funding. 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. The petition shall set out 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) and the projected annual area flat rate. Upon acceptance of the Petition a municipal staff co-ordinator will be assigned to assist the applicant in processing the application.

Meeting of Property Owners. Subsequent to HRM acceptance of the petition an applicant shall call a meeting of the subject property owners. Not less than fourteen (14) days prior to the date of the meeting, notice of the meeting shall be posted in three (3) conspicuous places in the area to which the rate is to be applied. 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 municipal staff co-ordinator.

Notwithstanding section 6, the requirement for a meeting of the property owners may be waived where Council determines it is not in the best interest of the residents or it is unreasonable to hold such a meeting.

If the public meeting requirement is waived by Council, an applicant shall post notice in three (3) conspicuous places in the area to which the rate is to be applied. Notice shall also be provided to all property owners that will be affected by the area rate through prepaid mail to their tax assessment addresses. The notices must contain 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, the date of the voting and the method of voting. In addition, the notice must provide the contact information for the applicant and the municipal staff co-ordinator so that property owners can seek clarification or provide

feedback regarding the proposed area flat rate or the nature of the road maintenance proposed. The report to Regional Council recommending the area flat rate must seek Council approval in the recommendation for the waiver of the meeting, and the reasons for request of the waiver must be clearly explained in the report.

Support. The meeting, if the requirement has not been waived by Council, shall be conducted by the applicant under the supervision of the municipal staff co-ordinator and the applicant shall have a register in which those rate payers attending the meeting may place their names and addresses. Prior to a vote being called, 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. The support for the proposed area flat rate shall be the owners of at least two-thirds (66.7%) of the affected properties. Mail in ballots and proxy voting shall be allowed by property owners not in attendance at the public meeting.

Application. Upon receipt of an application, Halifax Regional Council will consider the establishment of an area flat rate in accordance with the provisions of this policy. 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 area shall be defined by resolution at Council at the time of setting of the area flat rate. An application shall include a budget in support of the proposed area flat rate, a definition of the area to which the rate shall apply, a declaration setting out the fulfilment of the public notice and public meeting process required under the policy.

Area Flat Rate. Pursuant to this policy Halifax Regional Council will establish an area flat rate for private road maintenance services to be applied on a per dwelling unit service or adjoining property basis. It is the responsibility of the applicant to determine the method of calculating the area flat rate and to have that stated in the application.

Property Owner's Association. Upon Halifax Regional Council establishing an area the Applicant shall form, under the Societies Act, an incorporated association of the owners of the subject properties. All subject property owners will be eligible for membership in the association. the municipality will enter into an agreement with the association under which the association shall accept responsibility for the implementing and administration of the maintenance services on the private road. Payment of the area rates collected will be made only to the association. All work performed under private road policy financing arrangements will be under the control and direction of property owner's association and the association shall be wholly responsible for the application of the funds provided.

Meetings of the Association. The Property Owner's Association shall have an annual general meeting prior to the end of September in each year, at which meeting the majority of a quorum present shall review and approve the road maintenance plan and budget for the following year. The municipality will review the plan and budget to ensure it complies with the purpose of the area flat rate and that sufficient funding can be raised through the area flat rate to fund it. Any changes to the amount of the flat rate shall require majority approval at a special meeting of the Property's Owner's Association called for the purpose of determining the rate increase issue. Notice of the special meeting shall conform to the standards set out above for the application meeting. All proposed area flat rate increases are subject to HRM approval. The Property's Owner's Association may also by special meeting elect to terminate the financial assistance agreement with the municipality and upon the termination of the agreement the area flat rate will discontinue.

Charge to be Lien. A charge imposed under this policy constitutes a lien on subject properties in the same manner and with the same effect as rates and taxes under the Assessment Act, and is collectable in the same manner as rates and taxes under this Assessment Act. The lien becomes effective on the completion of the payment of money out of Halifax Regional Finance. Interest shall accrue on charges outstanding from the date of billing forward at rate equal to the prime rate of the banker plus two percentage points.

Installments. The amount payable as an area charge will be invoiced as installments in two billings during the year on the regular property tax bills.

Administration Charges. Pursuant to section 102 of the HRM Charter a charge shall be imposed by HRM for the provision and administration of private road maintenance costs recovery under this policy, which includes, inter alia, billing, collecting and forwarding the area rate funds. The administration fee shall be a set up charge of \$200.00 for each area rate. Applicants should include this fee in their budget calculation in area rate submissions. This administrative charge shall form part of project funding subject to lien and is collectable together with interest as provided for herein.

**HALIFAX REGIONAL MUNICIPALITY
ADMINISTRATIVE ORDER NUMBER 45
RESPECTING PRIVATE ROAD MAINTENANCE**

BE IT ENACTED by the Council of the Halifax Regional Municipality that Administrative Order 45, Respecting Private Road Maintenance, is further amended as follows:

1 Section 1 of Schedule 4A is amended by:

(a) striking out the PIDs# and commas “41435967, 41394347,” before the word and PID# “and 41397696” and after the PID# “40574394,” in Area 1;

(b) adding the PID# and comma “40695132,” before the PID# “40766347” and after the PID# and comma “568766,” in Area 1;

(c) striking out the words and number “Area 2” in Area 1 after the words “properties in” and before the word “which” and adding the words and number “Area 1” after the words “properties in” and before the word “which”;

(d) striking out the words and number “Area 3” in Area 2 after the words “properties in” and before the word “which” and adding the words and number “Area 2” after the words “properties in” and before the word “which”;

(e) striking out the words and number “Area 4” in Area 3 after the words “properties in” and before the word “which” and adding the words and number “Area 3” after the words “properties in” and before the word “which”;

(f) striking out the comma and PID# “40695132,” before the PID# “40669798,” and after the PID# “41078213,” in Area 3;

(g) adding the PID#s and commas “, 41394347, 41435967,” after the PID# “40669798” and before the word and PID# “and 41211509” in Area 3; and

(h) striking out the words and number “Area 5” in Area 4 after the words “properties in” and before the word “which” and adding the words and number “Area 4” after the words “properties in” and before the word “which”.

Done and passed this _____ day _____ of, 2018

Mayor

Municipal Clerk