

# HALIFAX

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

**Item No. 11.1.6**  
**Halifax Regional Council**  
**April 6, 2021**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** March 15, 2021

**SUBJECT:** **Amendment to Administrative Order #15, Respecting Licenses, Permits and Processing Fees, to Forgive Sidewalk Café Fees**

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## **ORIGIN**

The COVID-19 pandemic has created an unprecedented environment of economic uncertainty that has directly and immediately impacted residents and businesses in HRM. The Municipality wishes to provide support to assist restaurant and café proprietors with economic recovery from COVID-19 by providing relief of the sidewalk café fee.

## **LEGISLATIVE AUTHORITY**

- *Halifax Regional Municipality Charter*, subclause 60(1)(c)(i) as follows:  
60 (1) The Council may make policies  
(c) setting and amending the fees to be paid for  
(i) licences issued pursuant to a by-law of the Municipality,
- By-law S-1000, the *Sidewalk Café By-Law*, clause 13(f) as follows  
13. An application for a café license shall include:  
(f) any fee prescribed by Administrative Order 15; and
- Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*, section 21A.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order 15, the *License, Permits and Processing Fees Administrative Order*, as set out in Attachment 2 of this report.

**BACKGROUND**

The Current fee schedule for sidewalk cafés is as follows:

<b>Fee Description</b>	<b>Fees</b>
Seasonal Sidewalk Café License Fee for unenclosed sidewalk café.	\$250 per Seasonal Sidewalk Café
Seasonal Sidewalk Café License fee for unenclosed sidewalk café where the tables and chairs are removed from the sidewalk each day by the closing time of the principle use property.	No fee
Seasonal Sidewalk Café License Fee for enclosed sidewalk cafés smaller than 9.29 square meters.	\$400 per Seasonal Sidewalk Café
All other Seasonal Sidewalk Café License Fee.	\$800 per Seasonal Sidewalk Café
Annual Sidewalk Café License Fee.	\$1,000 per Annual Sidewalk Café
Parking Meter Removal and Reinstatement Fee.	\$150 per meter per sidewalk café season
Street Post Removal and Reinstatement Fee.	\$150 per street post per sidewalk café season

Because of the financial impacts of COVID-19 on local restaurants, in May 2020<sup>1</sup>, Regional Council passed amendments to Administrative Order 15 (AO 15) to waive the fees for sidewalk cafés for the 2020 season.

**DISCUSSION**

To continue assisting restaurant and café proprietors with economic recovery from COVID-19, staff is recommending further amendments to Administrative Order 15 to provide relief of the sidewalk café fees for the 2021 season.

The amendments, if adopted, would waive the fees for sidewalk cafés for the period of April 7, 2021 until December 31, 2021. In addition, the amount of the fee for proprietors who paid fees during the period of January 1, 2020 and April 6, 2021 will be applied to a subsequent application made prior to 4:15 pm on March 31, 2025.

**FINANCIAL IMPLICATIONS**

Based on historical data, a waiver of the fees for sidewalk cafés is forecast to result in a decrease of revenues by approximately \$40K in fiscal year 2021/22. Building permit revenues have been above budget in the last six months. If this trend continues into fiscal 21/22, the loss of revenues will likely be offset by increased building permit revenues.

<sup>1</sup> <https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/200526rc914.pdf>

**Incremental Financial Impact**

<b>Fiscal Year</b>	<b>2021/22</b>	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>
<b>Operating – Cost Centre S330</b>	\$40,000	\$0	\$0	\$0

\*assumes revenues return to pre-COVID levels in fiscal year 2022/23

**RISK CONSIDERATION**

Due to financial pressure caused by COVID-19, the potential annual revenue lost for the 2021/2022 season has a small impact on budget. If Regional Council decides not to approve the proposed amendments to AO15 to forgive sidewalk café fees, there is a risk of reputational harm to the Municipality as being viewed as not being supportive of businesses that are experiencing financial hardships during this time.

**COMMUNITY ENGAGEMENT**

No direct community engagement was completed to aid in the development of this report. Correspondence from the Business Improvements Districts in support of waiving fees for sidewalk cafés was submitted to Council on March 15, 2021. External stakeholders include: Business Improvement Districts, Halifax Partnership and industry members.

**ENVIRONMENTAL IMPLICATIONS**

There are no Environmental Implications.

**ALTERNATIVES**

1. Regional Council may refuse the amendments to Administrative Order 15 as set out in Attachment 2 to this report. This is not recommended as the economic circumstances that resulted in the fees being waived for 2020 have not changed for 2021.
2. Regional Council may choose to further amend Administrative Order 15 to extend the waiving of the sidewalk café fees to include the 2022 season to continue to support business and assist in economic recovery efforts.

**ATTACHMENTS**

Attachment 1: Showing proposed changes to Administrative Order 15

Attachment 2: Amending Administrative Order 15

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Hilary Hayes, Supervisor – Licensing, Planning and Development 902.490.2550

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**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 15  
Respecting License, Permit and Processing Fees**

**21A.** (1) There are no fees prescribed under By-law S-1000, Respecting the Regulation of Sidewalk Cafes, for the period from May 27, 2020 until December 31, 2020, including both dates.

(1A) There are no fees prescribed under By-law S-1000, Respecting the Regulation of Sidewalk Cafes, for the period from April 7, 2021 until December 31, 2021, including both dates.

(2) If a fee prescribed under subsection (4) of this section has been paid to the Municipality during the period from January 1, 2020 until ~~May 26, 2020~~ April 6, 2021, including both dates, the fee for a subsequent café license or a subsequent removal and reinstatement shall be reduced by the amount paid during such period, until either:

(a) 4:15 pm on March 31, ~~2024~~2025; or

(b) the full amount paid during the period has been applied against the fee for the subsequent café license or a subsequent removal and reinstatement,

whichever occurs first.

(3) The reduction under subsection (2) of this section may be applied to reduce a fee under subsection (4), providing the applicant is the same applicant that paid the fee for the period from January 1, 2020 until ~~May 26, 2020~~April 6, 2021, including both dates.

(4) Subject to subsections (1), (1A), (2), and (3) of this section, the fees prescribed under By-law S-1000 are as follows:

<b>Fees pursuant to By-law S-1000, Respecting the Regulation of Sidewalk Cafes</b>		
<b>Fee Description</b>	<b>By-Law Section</b>	<b>Fees</b>
Seasonal Sidewalk Cafe License Fee for unenclosed sidewalk café.	13	\$250 per Seasonal Sidewalk Café
Seasonal Sidewalk Café License fee for unenclosed sidewalk café where the tables and chairs are removed from the sidewalk each day by the closing time of the principle use property.		No fee
Seasonal Sidewalk Café License Fee for enclosed sidewalk cafés smaller than 9.29 square meters.	13	\$400 per Seasonal Sidewalk Café
All other Seasonal Sidewalk Café License Fee.	13	\$800 per Seasonal Sidewalk Café
Annual Sidewalk Café License Fee.	13	\$1,000 per Annual Sidewalk Café

Parking Meter Removal and Reinstatement Fee.		\$150 per meter per sidewalk café season
Street Post Removal and Reinstatement Fee.		\$150 per street post per sidewalk café season

**HALIFAX REGIONAL MUNICIPALITY**  
**ADMINISTRATIVE ORDER NUMBER 15**  
**RESPECTING LICENSE, PERMIT AND PROCESSING FEES**

**BE IT ENACTED** by the Council of Halifax Regional Municipality that section 21A of Schedule A of Administrative Order 15 the License, Permits and Processing Fees Administrative Order, is further amended as follows:

1. adding the following subsection after subsection (1) and immediately before subsection (2):

(1A) There are no fees prescribed under By-law S-1000, Respecting the Regulation of Sidewalk Cafes, for the period from April 7, 2021 until December 31, 2021, including both dates.
2. amend subsection (2) by:
  - (i) striking out the date “May 26, 2020” and replacing with the date “April 6, 2021” after the word “until” and before the comma and word “, including” in the second line; and
  - (ii) striking the year “2024” and replacing it with the year “2025” in the date in clause (a);
3. striking out the date “May 26, 2020” and replacing with the date “April 6, 2021” after the word “until” and before the comma and word “, including” in subsection (3); and
4. adding the subsection and comma “(1A),” after the subsection and comma “(1),” and before the subsection “(2)” in the list of subsections in the first sentence in subsection (4).

Done and passed in Council this     day of                   , 2021.

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MAYOR

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MUNICIPAL CLERK

I, Iain MacLean, Municipal Clerk for the Halifax Regional Municipality, hereby certify that the above-noted administrative order was passed at a meeting of the Halifax Regional Council held on                   , 2021.

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Iain MacLean  
Municipal Clerk