

HALIFAX

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

Item No. 15.1.9
Halifax Regional Council
March 1, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: February 16, 2022

SUBJECT: **Amendment to Administrative Order #15, Respecting Licenses, Permits and Processing Fees, to Forgive Sidewalk Café Fees 2022**

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:

Fee Description	Fees
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 2020¹ and in April 2021², Regional Council passed amendments to Administrative Order 15 (AO 15) to waive the fees for sidewalk cafés for the 2020 and 2021 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 2022 season.

The amendments, if adopted, would waive the fees for sidewalk cafés for the period of March 2, 2022 until December 31, 2022. In addition, the amount of the fee for proprietors who paid fees during the period of January 1, 2020 and December 31, 2021 will be applied to a subsequent application made prior to 4:15 pm on March 31, 2026.

FINANCIAL IMPLICATIONS

There are no financial implications as the sidewalk café revenues were not included in the 2022/23 proposed operating budget.

¹ See [Halifax Regional Council, May 26, 2020 – Item No. 9.1.4](#)

² See [Halifax Regional Council, April 6, 2021 – Item No. 11.1.6](#)

RISK CONSIDERATION

Due to financial pressure caused by COVID-19, the potential annual revenue lost for the 2022/2023 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 Restaurant Association of Nova Scotia was received by HRM staff. 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 and 2021 have not changed for 2022.
2. Regional Council may choose to further amend Administrative Order 15 to extend the waiving of the sidewalk café fees to include the 2023 season to continue to support business and assist in economic recovery efforts.

ATTACHMENTS

Attachment 1: Showing proposed changes to Administrative Order 15

Attachment 2: Administrative Order 15 Amendments

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: Hilary Hayes, Supervisor – Licensing, 902/490/2550

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.

(1B) There are no fees prescribed under By-law S-1000, Respecting the Regulation of Sidewalk Cafes, for the period from March 2, 2022 until December 31, 2022, 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 ~~April 6, 2021~~ March 1, 2022, 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, ~~2025~~ 2026; 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 ~~April 6, 2021~~ March 1, 2022, including both dates.

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

Fees pursuant to By-law S-1000, Respecting the Regulation of Sidewalk Cafes		
Fee Description	By-Law Section	Fees
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):

(1B) There are no fees prescribed under By-law S-1000, Respecting the Regulation of Sidewalk Cafes, for the period from March 2, 2022 until December 31, 2022, including both dates.
2. amend subsection (2) by:
 - (i) striking out the date "April 6, 2021" and replacing with the date "March 1, 2022" after the word "until" and before the comma and word ", including" in the second line; and
 - (ii) striking the year "2025" and replacing it with the year "2026" in the date in clause (a);
3. striking out the date "April 6, 2021" and replacing with the date "March 1, 2022" after the word "until" and before the comma and word ", including" in subsection (3); and
4. adding the subsection and comma "(1B)," after the subsection and comma "(1A)," 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 , 2022.

MAYOR

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 , 2022.

Iain MacLean
Municipal Clerk