



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

**Item No. 11**  
**Halifax Regional Council**  
**May 23, 2023**

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

**SUBMITTED BY:** Original Signed

---

Cathie O'Toole, Chief Administrative Officer

**DATE:** May 15, 2023

**SUBJECT:** Legislative Update – 2023 Spring Sitting

---

**INFORMATION REPORT**

**ORIGIN**

2023 spring sitting of the Provincial Legislature.

**LEGISLATIVE AUTHORITY**

The relevant statutes for each piece of legislation passed during the 2023 spring sitting, as well as Council's outstanding legislative requests, are outlined in the Discussion section of this report or in the attached legislative request tracking sheet (Attachment A).

**BACKGROUND**

Halifax Regional Municipality (Municipality) was created by, and gets its authority from, the Province of Nova Scotia (province). As a result, when the Municipality seeks to take an action outside the scope of its delegated authority, it must request that the province grant such authority through new legislation, legislative amendments, or by requesting that the province undertake an action on the Municipality's behalf.

Regional Council has several outstanding legislative requests with the province, with the oldest dating back to 2008. Council's legislative requests are tracked by Government Relations and External Affairs (GRE), who work with staff across the organization to coordinate efforts to advance requests. Following sittings of the Provincial Legislature, Council is provided with a report which outlines relevant legislative changes with potential impacts on the Municipality, as well as relevant updates on the status of outstanding requests.

The 2023 spring sitting of the Legislature commenced on March 21, 2023, and concluded on April 12, 2023. The sitting was comparatively short, with the Legislature sitting for a total of 14 days. Only eight (8) government bills passed during the sitting. The government's legislative agenda for the sitting was of limited direct relevance to HRM. The most notable legislation from HRM's perspective includes:

1. Bill No. 262 – Amendments to the *Interim Residential Rental Increase Cap Act*; and
2. Bill No. 273 – *Road Trails Act*.

An overview of these legislative changes is provided in the Discussion section below. The legislative overviews provided are not exhaustive but convey salient aspects of the new and/or amended legislation.

As of April 2023, HRM has fifteen (15) active legislative requests submitted to the province for consideration. None of HRM's active request were addressed during the brief spring sitting of the Legislature. An updated legislative tracking sheet is included with this report (Attachment A).

## **DISCUSSION**

### 1. Bill No. 262 – Amendments to the *Interim Residential Rental Increase Cap Act*

Bill 262 introduces amendments to the *Interim Residential Rental Increase Cap Act*, which will extend the temporary residential rental cap through to the end of 2025. The amount of the increase for 2024 and 2025 will now be set by regulation. The province may also, by regulation, set either a maximum permissible annual rent increase under the cap or a method to determine the maximum permitted rent increase. The government has noted that the amendments reflect an effort to balance the interests of tenants and landlords.

The 2 per cent temporary residential rent cap was introduced in November 2020 as a response to the COVID-19 pandemic. The cap applies to residential tenants who are renewing their lease or those in a fixed-term lease who are signing another fixed-term lease for the same unit. It does not apply to new tenants signing new leases or rent increases for lot fees in land-lease communities such as mobile home parks.

The rent cap was set to expire on December 31, 2023. Bill 262 extends the rent cap by two years, until December 31, 2025. The amendments enable the province to set the permissible annual rent increase under the cap via regulation; allowing the cap rate to be amended without having to bring it before the Legislature. The government has indicated its intention to increase the rent cap from 2 to 5 per cent per year starting January 1, 2024.

Link to Bill No. 262: <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-262>

### 2. Bill No. 273 – *Road Trails Act*

Bill 273 introduces the new *Road Trails Act*, which seeks to enable the operation of off-highway vehicles (OHV), such as ATVs and dirt bikes, on designated parts of highways to allow for greater trail and amenity connectivity. The Act additionally sets out a new permanent set of rules for OHV operators utilizing these designated highways.

The new Act enables the Minister of Public Works to designate, via regulation, a highway or part of a highway as a "road trail". A "road trail" would include the shoulder and travelled portion of a designated highway but excludes a ditch running along a highway and a controlled access highway. OHV operators will be permitted to operate on designated "road trails" to connect from trail to trail while following the prescribed rules set out in the Act. They are prohibited from travelling in a bicycle lane. Among other requirements, OHV operators will be required to have a valid driver's licence, insurance, registration and a licence plate.

The Act permits municipalities to designate public streets as "road trails" via a municipal bylaw as well, providing the streets is not a controlled access street or owned by the Crown. The Act also empowers municipalities to create offences in the by-law and authorizes peace officers to enforce the rules set out in the Act.

Link to Bill No. 273: <https://nslegislature.ca/legislative-business/bills-statutes/bills/assembly-64-session-1/bill-273>

### Additional Highlights from 2023 Spring Sitting

Other notable highlights from the 2023 spring sitting are outlined below. Refer to the links for greater detail.

- [Bill No. 256](#) (*Patient Access to Care Act*) – The Act includes measures to reduce administrative burdens on healthcare providers and make it easier for healthcare professionals from other parts of Canada to work in Nova Scotia. One measure under the Act will permit employers to request a sick note only if an employee is absent for more than 5 consecutive days or has already had 2 non-consecutive absences of 5 days or less in the previous 12-month period.
- [Bill No. 263](#) (Amendments to the *Public Utilities Act*) – Increases the total amount of administrative penalties that can be levied on Nova Scotia Power for outages in a year from \$1 million to \$25 million.
- [Bill No. 264](#) (Amendments to the *Electricity Act*) – Introduces amendments which seek to facilitate more storage solutions for renewable electricity. The amendments enable the Department of Natural Resources and Renewables to issue requests for proposals for energy storage solutions like large-scale batteries, as well as issue contracts for “innovative” energy storage projects that can be implemented quickly.
- [Bill No. 269](#) (Amendments to the *Construction Projects Labour Relations Act*) – The Act seeks to provide greater certainty and labour stability for larger construction projects by allowing unionized contractors and unions to enter into a collective agreement for specific projects to safeguard from work stoppages. The amendment expands the scope of the Act to include large-scale green hydrogen production facilities to facilitated greater investment in the sector.

### Legislative Requests Updates

None of HRM's fifteen (15) active legislative requests were directly addressed during the brief spring sitting. HRM staff continue to meet regularly with relevant provincial departments to discuss Council's outstanding legislative requests, partake in consultations on legislative proposals, and work to identify additional opportunities to advance requests. Below are some updates on active requests.

#### MGA / HRM Charter Legislative Review Consultations

Following the 2021 provincial election, the province announced that it would prioritize a review of the *Municipal Government Act* (“MGA”) and the *Halifax Regional Municipality Charter* (“HRM Charter”). The mandate letter issued to the Minister of Municipal Affairs and Housing in fall 2021 noted “the review will include their size and scope, the concept of shared services and regional service authorities, with a goal of refining the delivery and governance model for all municipalities.” The MGA / HRM Charter review is anticipated to be a multiyear project that is being conducted concurrently with Provincial / Municipal service exchange renegotiation, although they are two distinct processes.

Any consultations undertaken by the province as part of the MGA / HRM Charter review project will provide HRM with opportunities to highlight and bring forward outstanding legislative requests relating to the HRM Charter.

In fall 2022, the Department of Municipal Affairs and Housing issued consultation surveys to municipalities to gather targeted feedback as part of the review process. HRM was provided with a HRM-specific consultation survey in late 2022. The scope of the survey focused specifically on legislative proposals relating to planning aspects of the HRM Charter, but also touched upon modernizing public notice provisions and selling municipal property for less than market value. A combined staff response was prepared for HRM, which was submitted in March 2023 and incorporated several relevant outstanding requests from Council.

HRM staff will be engaged throughout the MGA/HRM Charter review project, including any potential future consultations.

### EV Infrastructure for New Buildings

As part of the Municipal Electric Vehicle Strategy, Council put forward a 2021 legislative request for the province to prescribe additional standards under the *Building Code Act* to require “EV Ready” parking stalls for the construction of new buildings within the Halifax Regional Municipality.<sup>1</sup>

Based on feedback from the province, a legislative amendment will not be forthcoming. At the suggestion of the province, HRM will be relying on its existing by-law making authority to mandate EV charging stations in parking areas, with no legislative amendments being required. Consequently, the request has been removed from the list of outstanding legislative requests.

### **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report.

### **RISK CONSIDERATION**

N/A.

### **COMMUNITY ENGAGEMENT**

No community engagement was required or undertaken in the development of this report.

### **ATTACHMENTS**

Attachment A – Halifax Regional Council Legislative Request Tracking Sheet – April 2023

---

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: David Perusse, Intergovernmental Affairs Advisor, GREA 902.430.3143

Report Approved by: Paul Johnston, Managing Director, GREA 902.240.2759

---

---

<sup>1</sup> Originating August 10, 2021 Council Report on the Municipal Electric Vehicle Strategy:  
<https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/211123rc1522.pdf>

## Halifax Regional Council Legislative Requests

[Last updated April 2023]

Active Requests

| Particulars of Request |  |
|------------------------|--|
| 1.                     | <p><b><u>Crosswalk Penalties - Motor Vehicle Act/Traffic Safety Act</u></b></p> <p>Request for the Province to consider increasing non-monetary penalties for crosswalk violations.</p>  |
|                        | <p><b>Date of Request:</b> <a href="#">March 10, 2015</a> – Item 11.5.3</p>  |
| 2.                     | <p><b><u>Heritage Conservation District Development Moratorium – Heritage Property Act</u></b></p> <p>Request that the Province amend the <i>Heritage Property Act</i> and Heritage Conservation Districts regulations, where appropriate, to authorize the Council to adopt a by-law that would suspend specific types of development, for a period not exceeding one (1) year, within the boundaries of an area that Council has identified as part of a background study to establish a Heritage Conservation District.</p> |
|                        | <p><b>Date of Request:</b> <a href="#">February 23, 2016</a> – Item 9.1.2</p>  |
| 3.                     | <p><b><u>Sanctions for Code of Conduct Breaches – Halifax Regional Municipality Charter</u></b></p> <p><i>*May be enabled via regulations under development following <a href="#">Bill No. 50</a>.</i></p> <p>Request that the Province initiate legislative changes to the <i>Halifax Regional Municipality Charter</i> allowing for the ability to censure Members of Council by remitting remuneration for violations to AO 52, Code of Conduct for Municipal Officials.</p>  |
|                        | <p><b>Date of Request:</b> <a href="#">September 20, 2016</a> – Item 14.4.1</p>  |
| 4.                     | <p><b><u>Parking Fines - Summary Offence Ticket Regulations</u></b></p> <p>Request that the Province amend the Summary Offence Ticket Regulations to increase parking fines for “other” parking types only; not inclusive parking meter violations, as outlined in Option 1, Attachment D (Appendix A) of the <a href="#">staff report dated February 10, 2017</a>, with the following amendment:</p>  |
|                        | <p>The requested increase to the fine amounts be amended so:</p> <p>(a) all Category A (parking) offences are increased from \$25.00 to \$50.00 (rather than \$45.00 as</p>  |

## Halifax Regional Council Legislative Requests

[Last updated April 2023]

|    |  |
|----|--|
|    | <p>recommended by Committee of the Whole);<br/>                 (b) all Category B (parking) offences are increased from \$50.00 to \$100.00; and<br/>                 (c) all Category C (parking) offences are increased from \$100.00 to \$200.00 rather than \$150.00.</p>   |
| 5. | <p><b><u>Dooring – Motor Vehicle Act/Traffic Safety Act</u></b><br/> <i>*May be addressed under future TSA Regulations.</i></p> <p>Request that the Province amend the <i>Motor Vehicle Act</i> to prohibit people from opening their vehicle doors until it is reasonably safe to do so.</p>  |
| 6. | <p><b><u>Green Network Plan – Halifax Regional Municipality Charter</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Charter</i>, as set out in Actions 18 and 61 of the Halifax Green Network Plan, to:</p> <p>(a) enable the Municipality to acquire sensitive environmental lands (e.g. riparian areas, wetlands, steep slopes, etc.) as an environmental reserve through the land development and subdivision process, in addition to existing parkland dedication provisions; and</p> <p>(b) enable a greater range of legislative abilities, such as the ability to enact parkland dedication requirements based on density to address development that does not include the subdivision of land.</p> |
| 7. | <p><b><u>Lobbyist Registry – Halifax Regional Municipality Charter/Lobbyist Registration Act</u></b></p> <p>Request staff engage with the Province regarding the possibility of an amendment to the <i>Halifax Regional Municipality Charter</i> to expand the provincial <i>Lobbyist Registration Act</i> to include regulation of lobbying conducted at the local government level.</p>  |

**Halifax Regional Council Legislative Requests**  
*[Last updated April 2023]*

|     |  |
|-----|--|
|     | <b>Date of Request:</b> <a href="#">October 2, 2018</a> – Item14.3.2   |
| 8.  | <b><u>Transportation Network Company Fees - Motor Vehicle Act/Traffic Safety Act</u></b><br>Request that the Province amend the <i>Motor Vehicle Act</i> to enable the Municipality to charge Transportation Network Companies (TNCs) per-trip fees. This will enable the Municipality to generate additional revenues as part of the forthcoming regulation of TNCs like Uber and Lyft.   |
|     | <b>Date of Request:</b> <a href="#">January 14, 2020</a> – Item 15.3.1   |
| 9.  | <b><u>Construction Mitigation Fund – Halifax Regional Municipality Charter</u></b><br>Request that the Province amend the <i>Halifax Regional Municipality Charter</i> to enable HRM to establish a construction mitigation fund to assist with marketing and promotions for business impacted by lengthy construction projects, as well as to provide direct compensation to private sector businesses in those cases where reasonable parking and access cannot be maintained. |
|     | <b>Date of Request:</b> <a href="#">February 25, 2020</a> – Item 15.1.7  |
| 10. | <b><u>Halifax Water Fees for Non-profit Affordable Housing – Public Utilities Act</u></b><br>Request that the Province amend the <i>Public Utilities Act</i> to allow Nova Scotia Utility and Review Board to give Halifax Water the ability to waive their fees for non-profit affordable housing.  |
|     | <b>Date of Request:</b> <a href="#">November 10, 2020</a> – Item 11.1.1  |
| 11. | <b><u>Zero Emission Vehicle Mandate Alignment - Environmental Goals and Climate Change Reduction Act</u></b><br>Request that the provincial Zero Emission Vehicle mandate, introduced in the <i>Environmental Goals and Climate Change Reduction Act</i> , be strengthened to better align with the targets set in HalifACT.   |
|     | <b>Date of Request:</b> <a href="#">November 23, 2021</a> – Item 15.2.2  |

**Halifax Regional Council Legislative Requests**  
*[Last updated April 2023]*

|            |  |
|------------|--|
| <b>12.</b> | <p><b><u>Photo Enforcement Radar – Traffic Safety Act</u></b></p> <p>That the CAO develop a program of photo enforcement in anticipation of the eventual proclamation of the <i>Traffic Safety Act</i> and in accordance with the recommendations set out in the January 2022 consulting report prepared by Stewart Solutions Inc., which includes:</p> <ul style="list-style-type: none"> <li>Request that staff engage with the Province to establish the necessary framework, including legislation, to enable a successful photo enforcement program under the <i>Traffic Safety Act</i>.</li> </ul> |
|            | <p><b>Date of Request:</b> <a href="#">March 1, 2022</a> – Item 15.1.1</p>   |
| <b>13.</b> | <p><b><u>Authority to Set Speed Limits – Motor Vehicle Act/Traffic Safety Act</u></b></p> <p>Request that the Province delegate the authority to set speed limits below 50 km/hr to the HRM Traffic Authority.</p> <p>*2017 request for the Province to reduce the speed limit in residential districts identified in section 101(2) of the <i>Motor Vehicle Act</i> to forty kilometres per hour (40 km/h).</p>   |
|            | <p><b>Date of Request:</b> <a href="#">November 22, 2022</a> – Item 15.1.8 &amp; <a href="#">April 11, 2017</a> – Item 14.4.1</p>  |
| <b>14.</b> | <p><b><u>Community Benefit Agreements – Halifax Regional Municipality Charter</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Charter</i> to add the power to develop, enter into and enforce Community Benefit Agreements.</p>  |
|            | <p><b>Date of Request:</b> <a href="#">November 22, 2022</a> – Item 15.1.11</p>  |
| <b>15.</b> | <p><b><u>Auditor General Term of Appointment – Halifax Regional Municipality Charter</u></b></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Charter</i> to grant Halifax Regional Council the authority to determine the length of a fixed-term appointment for HRM’s Auditor General for a non-renewable term not to exceed 10 years.</p>  |
|            | <p><b>Date of Request:</b> <a href="#">February 21, 2023</a> – Item 15.1.4</p>   |



**Halifax Regional Council Legislative Requests**  
*[Last updated April 2023]*

**Inactive Requests**

| Particulars of Request |   |
|------------------------|---|
| 1.                     | <p><b><u>Heritage Registration Sunset Clause - Heritage Property Act</u></b><br/>                     Requesting sunset clause of 90 days for impact clerical errors have on heritage registration.</p> <p><b>Date of Request:</b> <a href="#">April 22, 2008</a> – Item 12.3</p>   |
| 2.                     | <p><b><u>Permanent Resident Municipal Voting Rights – Municipal Elections Act</u></b><br/>                     Include permanent residents as qualified electors to vote in municipal and school board elections in the <i>Halifax Regional Municipality Charter</i> and the <i>Municipal Elections Act</i>.</p> <p><b>Date of Request:</b> <a href="#">December 2, 2014</a> – Item 11.3.3</p>  |
| 3.                     | <p><b><u>Commercial Tax Options – Halifax Regional Municipality Charter</u></b><br/>                     *Partially addressed during 2016 fall sitting by <a href="#">Bill 52</a>.</p> <ol style="list-style-type: none"> <li>1) Request that the Province make changes to legislation governing the assessment process so that (a) the annual valuation is averaged over a three-year period, or (b) the full assessment roll is updated every 3-4 years as is the current policy in Saskatchewan and Ontario.</li> <li>2) Request amendments to the <i>Halifax Regional Municipality Charter</i> that would provide Council with greater legislative authority in setting taxes and charges respecting the general tax rate and area rates for both residential and commercial properties.</li> <li>3) Request to work with Service Nova Scotia and the Property Valuation Services Corporation (PVSC) to change the commercial tax assessment so it is based on 3 past years of assessment rather than one year. This would increase predictability in annual commercial tax bills by evening out increases.</li> </ol> <p><b>Date of Request:</b> <a href="#">November 10, 2015</a> – Item 14.1</p> |

**Halifax Regional Council Legislative Requests**  
*[Last updated April 2023]*

|           |  |
|-----------|--|
| <b>4.</b> | <p><b><u>Traffic Control Persons for Special Events – Motor Vehicle Act/Traffic Safety Act</u></b></p> <p>Request that the Government of Nova Scotia:</p> <ul style="list-style-type: none"> <li>• Amend the Nova Scotia <i>Motor Vehicle Act</i> to permit Traffic Control Persons to direct the movement of traffic for special events;</li> <li>• Modify the Province’s training and accreditation processes to reflect special events-related roles for Traffic Control Persons and Temporary Workplace Signers; and ‘</li> <li>• Revise the Province’s TC Manual to include standards, principles and guidelines applicable to special events-related traffic control scenarios.</li> </ul> |
|           | <p><b>Date of Request:</b> <a href="#">April 25, 2017</a> – Item 14.3.1</p>  |
| <b>5.</b> | <p><b><u>Removal of Market Levy Cap – Halifax Regional Municipality Charter</u></b></p> <p><i>*Partially addressed during 2022 fall sitting by <a href="#">Bill No. 204</a>: levy increased but not removed.</i></p> <p>Request that the Province amend the <i>Halifax Regional Municipality Marketing Levy Act</i> (Repealed – Levy provisions now in the HRM Charter) to remove the cap on the marketing levy.</p>   |
|           | <p><b>Date of Request:</b> <a href="#">February 23, 2021</a> – Item 11.2.1</p>   |