



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 12.1
Halifax Regional Council
June 6, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: May 23, 2023

SUBJECT: Noise Exemption Request – St. Mary's Boat Club

ORIGIN

February 21, 2023 staff request for an exemption from By-law N-200 for noise associated with private bookings of weddings and events at the St. Mary's Boat Club, as outlined in Appendix A.

LEGISLATIVE AUTHORITY

By-law N-200, Respecting Noise, Part 6; Grant of Exemptions by Council.

RECOMMENDATION

It is recommended that Halifax Regional Council approve the St. Mary's Boat Club's application for an exemption from the provisions of the Noise By-law pursuant to the contents of this report and any matters raised at the public hearing.

BACKGROUND

By-law N-200, Respecting Noise states under Section 3 of the **General Prohibition** section:

3. (1) No person shall engage in any activity that unreasonably disturbs or tends to disturb the peace and tranquillity of a neighbourhood.
- (2) Without limiting the generality of subsection (1), the activities listed in Schedule “A” during the prohibited times and places as set out therein are deemed to be activities that unreasonably disturb the peace and tranquillity of a neighbourhood.
- (3) For the purpose of a prosecution pursuant to subsections (1) or (2), evidence that one neighbour is unreasonably disturbed by a noise is prima facie evidence that the neighbourhood is unreasonably disturbed by the noise.

Part 6 of the By-law, “**Grant of Exemptions by Council**”, allows for any person to send an application to Regional Council requesting an exemption from any or all provisions of the Noise By-law for which that person may be prosecuted. The By-law states that an applicant or any person opposed to an application may be heard at a session of Council. Notice of the Council Session is required to be mailed to assessed property owners located within 100 feet of the properties which are subject to the hearing.

Part 6A of the By-law, “**Grant of Exemptions by Staff**”, allows the CAO or delegate to grant an exemption for a recurring event where a previous application was approved by Regional Council. The exemption may be granted if there are no significant changes to the scope of the event and associated benefits should all information in the application be substantively the same as the application approved by Council.

In deciding whether or not to grant an exemption, Council is to give consideration to:

- the social or commercial benefit of the proposed activity to the municipality;
- the viewpoints of community residents;
- the proposed hours of operation of the proposed noise-emitting activity; and
- the proposed duration of the subject activity.

An excerpt from the Noise By-law detailing the exemption process is attached as Appendix B.

DISCUSSION

The St. Mary’s Boat Club located at 1641 Fairfield Road, Halifax, has hosted weddings and special events for over 20 years. Weddings and events take place inside the St. Mary’s Boat Club’s Reception Hall at any time throughout the year. The events include food, bar services and light entertainment. Many of the events will also include music with amplified sound. The entertainment concludes by midnight so as not to disturb the closest residential neighbours. Staff also ensure all windows and doors facing the residential neighbourhood are closed as of 9:00 pm to help mitigate the travel of sound to the surrounding areas.

Staff are looking to expand the traditional wedding and events dates so that the public can book any night of the week (Monday to Sunday). Exemption requests can be made for a duration of six months at a time, therefore this request is for the period of June 6, 2023 to December 6, 2023.

Due to the prohibited times identified in the By-law, a noise exemption is requested to further support hosting the above noted weddings and events until midnight. Staff are requesting a noise exemption from By-law N-200, Respecting Noise for the following days of the week and times:

- Monday - Fridays – 9:30 p.m. to midnight
- Saturdays & Sundays – 7:00 p.m. to midnight
- Statutory Holidays (including Victoria Day, Canada Day, Natal Day, Labour Day, etc.) – 7:00 p.m. to midnight

Notice of the Council Session at which the hearing is proposed to take place is required to be sent to property owners within 100 feet of the location identified in Appendix C. There are no property owners directly within the specified 100 feet of where the events will be taking place and are considerably beyond this distance

Under subsections 6(3) and (5) of the Noise By-law, Council may consider any matters it deems appropriate at the hearing and either reject an application or approve it with or without conditions.

FINANCIAL IMPLICATIONS

There are no financial implications.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report. A request is being made for Council to approve a noise exemption request for the St. Mary’s Boat Club. The risks considered rate Low.

COMMUNITY ENGAGEMENT

St. Mary’s Boat Club has been hosting weddings and special events at this property for over 20 years. Staff are committed to continuing to take all reasonable precautions to mitigate the noise impacts from these events for the neighbouring properties. Staff advised that there has been no history of noise complaints received for events being held at this property.

ENVIRONMENTAL IMPLICATIONS

The applicant has committed to follow appropriate waste and recycling practices. Containers are provided on site to facilitate proper sorting with additional sorting takes place on site after each event.

ALTERNATIVES

1. Regional Council may grant the St. Mary’s Boat Club application for an exemption from the Noise By-law with conditions; or
2. Regional Council may refuse to grant the St. Mary’s Boat Club application for an exemption from the Noise By-law in its entirety.

ATTACHMENTS

- Appendix A: February 21, 2023 Application for Exemption from By-law N-200, Respecting Noise
- Appendix B: Excerpt from By-law N-200 respecting Noise re: Granting Exemptions by Council
- Appendix C: Map of the area

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Tanya Phillips, Program Manager By-Law Standards 902.490.4491

Appendix A

February 21, 2023

Hello HRM Staff and Regional Council,

We would like to officially request a noise exemption for the St. Mary's Boat Club from May 23, 2023 to November 23, 2023.

Staff are looking to expand the traditional wedding and events dates so that the public can book any night of the week (Monday to Sunday). Due to the prohibited times identified in the by-law, a noise exemption is required to be able to host the above noted weddings and events until midnight. Staff are requesting a daily noise exemption from By-Law N-200, Respecting Noise for the following times:

- Monday - Fridays – 9:30 pm to midnight
- Saturdays & Sundays – 7:00 p.m. to midnight
- Including Statutory Holidays (such as Victoria Day, Canada Day, Natal Day and Labour Day, etc.) – 7:00 pm to midnight

St. Mary's Boat Club has been hosting weddings and special events at this property for over 20 years. Staff take all reasonable precautions to mitigate the noise impacts from these events for the neighbouring properties.

Thank you,

Original Signed

Lee Moore
Manager, Youth Programs
Parks & Recreation
Halifax Regional Municipality

Cell [REDACTED]

Email [REDACTED]

Website: [REDACTED]

Appendix B

Excerpt from By-Law N-200 Respecting Noise re: Grant of Exemptions by Council and Grant of Exemptions by Staff.

Grant of Exemptions By Council

6. (1) Notwithstanding anything contained in this By-Law, any person may make application to Council to be granted an exemption from any of the provisions of this By-Law with respect to any emission of noise for which that person might be prosecuted; and Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect; and any exemption granted shall specify the time period, not in excess of six months, during which the exemption shall be effective and the exemption shall be in written form and shall include such terms and conditions as Council deems appropriate.
- (2) In deciding whether or not to grant an exemption, Council shall give consideration to the social or commercial benefit of the proposed activity to the municipality, the views of any residents of the municipality which may be expressed to Council, the proposed hours of operation of the proposed noise-emitting activity and the proposed duration of the subject activity.
- (3) In deciding whether or not to grant an exemption, Council shall give the applicant, and any person opposed to the application, an opportunity to be heard during a Council Session and may consider such other matters as it deems appropriate.
- (4) Notice of the time, date and purpose of the Council Session at which the hearing is proposed to take place shall be mailed to the assessed owner or owners as shown in the records of the Regional Assessment Office, of property located within 100 feet of the property which will be the subject of the hearing;
- (5) Any alleged breach by the applicant of any of the terms or conditions of any exemption granted by Council, shall be investigated by municipal staff, reported to Council in writing and Council shall determine whether or not a breach has taken place. If a breach has taken place, Council may pass a resolution revoking the exemption, without the necessity of giving notice of rescinding motion, and such exemption shall be null and void as of the passing of such resolution.

Appendix B

Grant of Exemptions by Staff

6A (1) Subject to section 6,

- (i) where a person makes an application for an exemption from the provisions of this By-law for a reoccurring event, and
- (ii) a previous application for an exemption from the provisions of this By-law for the event was approved by Council, the exemption may be granted by the CAO.

(2) An exemption may be granted by the CAO where:

- (a) the date, time, location and duration are consistent with the previous application;
- (b) the applicant states the social, economic and community benefit in their application; and
- (c) all other information contained in the application is substantively the same as the application approved by Council.

(3) The CAO may delegate the authority under subsections (1) and (2) to the staff that oversees the noise exemption application process

Appendix C

