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MEMORANDUM

TO: Members of Regional Council

CC: Cathie O'Toole, CAO
Jacqueline Hamilton, Executive Director- Planning and Development

FROM: Erin MacIntyre, Director- Development Services

DATE: September 11, 2023

SUBJECT: Additional Information- Commercial Hours of Business By-law B-800

On September 27th of 2022, [a report](#)^[1] was forwarded to Council for first reading of proposed By-law B-800, Respecting Hours of Operation of Food Service Businesses in Residential Neighbourhoods in the Regional Centre. The report responded to a November 23, 2021 motion of Council, which directed staff to prepare a report and recommendations with respect to a by-law to limit the hours of operation for commercial businesses situated within the Regional Centre's Established Residential District. Council expressed concern regarding the impact that commercial businesses have on established residential communities, given the associated sale of ready-to-eat food and ability to operate late into the evenings.

Additional information was requested on two particular aspects of the By-law:

- Which businesses would be affected by the adoption of the new By-law, and
- The history of complaints received in regards to disturbance in the vicinity of the intersection of Jubilee Road and Preston Street.

Affected Businesses

The report makes reference to 25 properties that were located in the former RC-1 Zone of the now-repealed Halifax Peninsula Land Use By-law, and then categorizes those 25 properties. Of those 25 properties, 2 properties are now in a zone which permits a restaurant use, 1 property is subject to a development agreement which limits the hours of operation, and 11 properties are residential with no ability to re-develop as commercial uses except by development agreement. There are 5 properties that have a food service use or have the potential to have a food service use accessory to their existing commercial use.

The 5 businesses at the following locations currently operate Local Commercial or Restaurant uses:

- 6273 Jubilee Road - Jubilee Junction Convenience
- 6279 Jubilee Road - Triple A Convenience and Pizzeria
- 1358 Birmingham Street - Backoos Korean To Go Food
- 1360 Birmingham Street - Nova Grocery Convenience Store

^[1] [First Reading Proposed By-Law B-800, Respecting Business Opening Hours in Residential Neighbourhoods – Case 22020 - Sept 27/22 Regional Council | Halifax.ca](#)

6085 Coburg Road - Coburg Coffee

Of those 5 businesses only the 2 located on Jubilee Road currently operate a food service business after 11pm. The food service businesses at 1358 Birmingham Street and 6085 Coburg Road do not operate late hours but could do so by-right. The business at 1360 Birmingham Street does not serve food but could provide food service accessory to the convenience store by-right.

Complaint History

A request was made of Halifax Regional Police, who responded with provision of statistics relative to noise, verbal disputes and physical disturbances from January 1, 2012 to December 31, 2022, between the hours of 11pm and 3am. The area researched was a 4-block radius approximately from the 2 food service businesses located on Jubilee Road.

There were 66 complaints over that period, with the greatest number in 2021, when there were 18 complaints. Most complaints were noise related (44) and overall most of the complaints (41) occurred during the hours of 11pm – 1am.

HRP has advised that this is one of the areas in its Central Division where officers regularly spend police resources and time to manage disturbances and liquor offences and manage crowds in a residential setting, often during the same times when police resources are already stretched due to concurrent activities in the downtown core and other heavily visited or populated areas. It is evidenced most clearly through deployments related to the St Patrick's Day and Homecoming events.

In this instance the nature of the nuisance complaints is related to persons, not property. Our service request capture through 311 does not include these complaints as it ties inquiries to identifiable properties. Furthermore, the 311 system provides statistics for region-wide occurrences but is not able to provide data for localized occurrences. There is also the possibility of duplicate complaints as complaints received by 311 may be redirected to HRP.