



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 15.6.1

Request for Council's Consideration

<input checked="" type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by Noon Thursday)	<input type="checkbox"/> Added Item (Submitted to Municipal Clerk's Office by Noon Monday)	<input type="checkbox"/> Request from the Floor
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Date of Council Meeting: February 6, 2024

Subject: Private Road Policy Report

Motion for Council to Consider:

THAT Halifax Regional Council direct the Chief Administrative Officer (CAO) to prepare a staff report and return to Council with recommendations on how the municipality can more adequately address HRM's private road policies to ensure they meet Council's stated strategic priorities.

Reason:

HRM aims to ensure that "residents and visitors feel safe and are supported by a network of social and transportation infrastructure that helps community members thrive."

Per clause 104 (1) (g) of the HRM Charter: the municipality may make By-laws imposing, fixing and providing methods of enforcement of charges for maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads where the cost is incurred by the municipality or under an agreement between the municipality and a person.

By-law P-1100 Respecting Charges for Private Road Maintenance is applicable when residents have a legal agreement with the road owner, or the property owners living on the private road are the road owners, or a legal title search is conducted to permit property owners to take over the road maintenance from an unknown owner.

In HRM, there are many property owners who live on private roads where the owner of the road can't be located, is unknown, or refuses to respond to road maintenance requests, and where the roadway infrastructure and stormwater drainage system continue to deteriorate without adequate maintenance, cause issues for nearby public stormwater infrastructure, pose safety concerns for those living on the street, visitors, and service vehicles, including emergency services.

In HRM's *Administrative Order 2018-003-ADM Respecting Private Road Maintenance*, Section 7 states: "7. In accordance with the By-law, this Administrative Order does not apply to construction of or capital improvements to private roads."

Due to the infrastructure maintenance oversight in the Admin Order, infrastructure gaps continue to widen for residents living on private roads. The municipality must consider the magnitude of public safety concerns with deliberately restricting infrastructure maintenance on private roads. People living on private roads pay the same tax rate as their neighbours living on public roads and could benefit from a legislative approach that corrects and responds to the municipality's previous policy approach to allowing

subdivisions and development on private roads without the requirement to maintain them to safe engineering standards, such as maintenance of bridges and cross-culverts. Should residents living on private roads request HRM to take over ownership of a private road, the costs associated with upgrading the roads to municipal standards is far more than if the municipality had permitted the private road infrastructure to be upgraded all along. It is cost prohibitive for property owners to upgrade property they do not own in order to have HRM take the road over and designate it as public infrastructure. It's important to note, property owners on private roads are not able to purchase insurance for the private road since they do not own it, posing more risk to the travelling public.

While "private streets" can no longer be created as part of the subdivision process as required by Policy S-26 of the Regional Plan: "HRM shall, through the Subdivision By-law, prohibit approval of new private roads throughout HRM"; the municipality continues to permit development as-of-right on "private lanes," also known as shared driveways.

Properties on private roads, which were approved by the former municipalities prior to amalgamation, HRM, and/or provincial Department of Transportation, require improved policy so the municipality can continue to deliver services to properties, including solid waste collection, emergency services, parks maintenance, etc.

Outcome Sought:

Staff report on policy direction to resolve longstanding inequities and permitted infrastructure deficits on private roads in HRM.

Moved by <i>Councillor Pam Lovelace</i>	<i>District</i> <i>13</i>
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