

From: [REDACTED]
To: [Holm, Maggie](#)
Cc: [REDACTED]
Subject: [External Email] Application to Modify or Discharge a Restrictive Covenant - 43 Braeloch Court, Dartmouth
Date: Thursday, August 7, 2025 5:00:35 PM

Dear Ms. Holm,

Thank you for your prompt email. I can confirm the following:

- Name & Address: [REDACTED] 43 Braeloch Court, Lake Loon,
[REDACTED]
- Preferred Email Address: [REDACTED]
- Yes, that is the correct property and customer profile for this application.

I am requesting to discharge the restrictive covenant in question. The covenants I am seeking to have discharged are contained in Schedule B – Lake Loon Developments Limited Restrictive Covenants, registered as Document #42243 on August 14, 1990.

Specifically, I am requesting removal of the following clauses:

1. “The lands shall not be used for any use other than private residential purposes only and no building shall be erected on the said lands other than a detached private dwelling house to and for the use of a single family with or without an appropriate garage or carport.”
2. “No dwelling house shall be erected or stand upon the said lands or any part thereof which shall have a ground floor area less than:
 - a. 1,200 square feet in the case of a dwelling of less than two stories;
 - b. 1,000 square feet in the case of a dwelling of two stories or more provided that the total habitable floor area of any such dwelling shall not be less than 2,000 square feet.”
3. “No trailers or mobile homes, either with or without wheels attached, shall be placed or permitted to remain on the said lands.”

Time is of the essence in this matter. My mother, who has lived with us for over 20 years, is now having significant difficulty managing the stairs in our multi-level home. The backyard suite has been designed to meet her needs, and we have already invested considerable time and money into obtaining permits, as well as purchasing and preparing the unit itself.

[REDACTED]

<image002.png>

From: [REDACTED]
Sent: Saturday, August 2, 2025 6:57 AM
To: Office, Clerks <clerks@halifax.ca>
Cc: [REDACTED]
Subject: [External Email] URGENT: Request for Modification of Restrictive Covenant under Section 257A – Backyard Suite for Family Care

To: Chief Administrative Officer

Halifax Regional Municipality

From: [REDACTED] [43 Braeloch Court, Dartmouth, NS](#)

Date: August 2, 2024

Introduction

We are writing to formally request the Chief Administrative Officer exercise the authority granted under Section 257A of the Halifax Regional Municipality Charter to modify or discharge a private restrictive covenant that currently prevents us from completing a small, municipally compliant backyard suite on our property at 43 Braeloch Court in Dartmouth.

This request is based on a deeply personal and time-sensitive family care need. The restrictive covenant in question is more prohibitive than current HRM zoning regulations and stands in direct conflict with the goals and intent of HRM's evolving housing strategy—particularly around aging-in-place and multigenerational living.

Our Situation

My elderly mother has lived with us for more than 20 years [REDACTED]
[REDACTED]
[REDACTED]



To support her, we are in the process of placing a 730 sq ft, pre-fabricated backyard suite on our property. The suite has been designed to be low-profile, elegant, and complementary to our existing home. It meets all HRM zoning and permitting requirements. Our application for full permits is underway; occupancy has not yet been reached.

This is not an income-generating unit. It is a compassionate housing solution for a vulnerable family member, supported by modern planning policy and grounded in love and responsibility.

The Restrictive Covenant in Question

The subdivision our home is located in is subject to a 35-year-old private restrictive covenant that prohibits additional dwellings on a single lot. While this covenant remains on title, it has not been uniformly enforced. Many neighbouring properties feature design elements, detached structures, or materials that deviate from the original restrictions.

The covenant was drafted long before the current housing pressures, accessibility awareness, and aging population were part of the municipal conversation. Its continued application in cases like ours—where the use is modest, family-driven, and fully aligned with HRM zoning—serves little practical purpose and creates undue hardship. Please see attached copy of covenants.

Application of Section 257A

Section 257A of the Halifax Regional Municipality Charter grants the CAO the authority to modify or discharge private covenants that are more restrictive than municipal zoning, especially where they relate to density or height. This legislative change reflects HRM's recognition that outdated private restrictions can no longer stand in the way of thoughtful, necessary housing solutions.

We respectfully submit that this situation represents the exact type of conflict Section 257A was designed to resolve. Our suite:

- Fully complies with HRM's planning policies;
 - Aligns with the municipality's housing priorities;
 - Poses no risk to the neighbourhood's character or value;
 - Motivated solely by a need to care for our aging mother at home.
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Conclusion

We are not developers. We are a family trying to care for a loved one in a dignified way, in our own backyard. The restrictive covenant currently preventing

this care solution is out of step with modern planning needs and public interest. We are confident that Section 257A exists to allow compassionate exceptions like this, and we ask that your office consider our application with understanding and urgency.

Thank you for your time, your leadership, and your dedication to housing flexibility in our municipality. We are committed to working cooperatively with HRM and welcome any further information or steps required to complete this request.

Warm Regards,

[REDACTED]

[REDACTED]

<RESTRICTIVE COVENANTS 43 BRAELOCH.pdf>
<CAO Restrictive Covenants flowchart - July 14 2025.pdf>