

Do Not Move – Or Edit

NOTICE OF A REQUEST TO DISCHARGE PORTIONS OF A RESTRICTIVE COVENANT LAKE LOON, NOVA SCOTIA

PLANAPP-2025-01839

Application by property owner to discharge three clauses of the private covenant registered at 43 Braeloch Court (PID 40548752), Lake Loon, Nova Scotia.

Planning staff invite you to provide feedback and share any comments you may have about this request to discharge three clauses of a restrictive covenant. Further details about this specific request are on the reverse side of this page.

Restrictive covenants are agreements between two parties, such as developers and property owners. Although the municipality does not apply restrictive covenants in the application of municipal land use regulations, recent changes to the *Halifax Regional Municipality Charter* (Section 257A) allow the CAO of the municipality to discharge or modify private covenants when they are more restrictive than the current zoning with respect to height or density. It is important to note that if the CAO does not approve the modification or discharge of this restrictive covenant, HRM could still issue a permit for the proposed use if it meets the land use by-law and other municipal regulations, because the municipality does not enforce private covenants when processing permit applications.

The application is currently in the **staff review and notification stage**. We are inviting questions and comments on the request. HRM staff will prepare a staff report for decision by the Chief Administrative Officer (CAO) of HRM. The feedback you provide will be included in the report provided to the CAO.

You can find more details about this application and the planning application process at: www.halifax.ca/planning (scroll down to PLANAPP 2025-01839).

All comments and feedback are welcome.
Please provide your feedback by November 12, 2025, to Sahar Ghasemshahi at the contact information below.

PLANAPP 2025-01839 – FACT SHEET

A request has been submitted to discharge three clauses of the restrictive covenant registered to 43 Braeloch Court (PID 40548752), with the intent to develop a backyard suite according to the R-1 (Residential) zone of the Cole Harbour/Westphal Land Use By-law. Specifically, this request is to discharge specific covenants. The covenants requested to be discharged are as follows:

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."

16. No trailers or mobile homes, either with or without wheels attached, shall be placed or permitted to remain on the said lands.

43 Braeloch Court is in the R-1 zone of the Cole Harbour/Westphal Land Use By-law, which allows for single-unit dwellings in areas requiring on-site well and/or septic. In addition, backyard or secondary suites are permitted in this zone with limitations on their size and placement, and backyard suites must be used as a dwelling. This brings more permitted use options for the subject property, which is currently being used for a single-family home. The applicant is requesting to discharge the covenants as they relate to height and density.



Image showing the subject site outlined in red.

The report provided to the CAO will include the feedback received from neighbouring property owners. All matters specific to built form will be reviewed at the time a permit application for the proposed use has been submitted. Once a decision is made by the CAO, you will be notified through another mailout. The decision is appealable to the Nova Scotia Regulatory and Appeals Board. Information on the grounds for an appeal and the process will be provided at that time.