

COUNCIL MEETING MINUTES

TUESDAY, FEBRUARY 11, 2019 AT 5:15 P.M.

(LUNENBURG TOWN HALL)

PRESENT: Mayor Rachel Bailey
Deputy Mayor John McGee
Councillor Ronnie Bachman
Councillor Danny Croft
Councillor Peter Mosher
Councillor Matt Risser

ALSO PRESENT: Paul Bracken, Facilities Superintendent
Patrick Burke, Q.C., Town Solicitor
Lisa Dagley, CPA, CGA, Finance Director
Arthur MacDonald, Heritage Manager
Heather McCallum, Assistant Municipal Clerk
Bea Renton, Chief Administrative Officer
Dawn Sutherland, Planning and Development Manager

ABSENT: Councillor Joseph Carnevale

The Mayor called the meeting to order at 5:16 p.m.

1. Agenda

Motion: moved by Councillor Risser, seconded by Councillor Bachman to approve the agenda. Motion carried.

2. January 28, 2020 Council meeting minutes

Motion: moved by Councillor Croft, seconded by Councillor Mosher to approve the January 28, 2020 minutes. Motion carried.

3. Public Presentations

- a. Charlize Donat and Cameron Muir, Centre Scolaire de la Rive-Sud students, regarding disappearance of bees positive action plan and draft resolution

Ms. Donat and Mr. Muir presented their project proposal for Council consideration (**Schedule "A"**). The students' draft resolution was considered at under agenda item 7.a.i.

- b. Stewart Franck, Chair, Citizens for Public Transit (CPT), overview of "Feasibility Study: Public Transit for Citizens for Public Transit Final Report" concerning a proposed rural transit system

Mr. Frank presented the CPT Public Transit Final report (**Schedule "B"**). The CPT's draft resolution was referred to agenda item 7.a.ii.

- c. Roy Gordon, Wolff Avenue, on behalf of Extinction Rebellion, etc., requesting adoption of a "Climate Crisis Action Motion"

Mr. Gordon presented Extinction Rebellion's request for a motion (**Schedule "C"**). He noted that the seven Nova Scotia municipalities that have adopted climate crisis motions include the Town of Mahone Bay and the Municipality of the District of Lunenburg.

Council considered the motion further at agenda item 7.a.iv.

- d. Harold Pearse, President, Lunenburg Folk Harbour Society, request for property tax exemption for the Lunenburg Opera House, 290 Lincoln Street

Mr. Pearse presented the Lunenburg Folk Harbour Society's request (**Schedule "D"**) for property tax relief. He commented on the recent news that private donors, Guenther and Susan Reibling, paid off the balance of the Society's Lunenburg Opera House's mortgage.

Council deferred discussion regarding this request to agenda item 7.a.iii.

4. Correspondence

- a. Department of Municipal Affairs and Housing "A Guide to Land Use Planning for Economic Development 2019"

The PDM explained that the regulation introduces a level of standardization across the province and will be addressed in Project Lunenburg's work.

The following items of correspondence were noted for information.

- b. Lunenburg Board of Trade letter of appreciation for participation in Yuletide in Lunenburg 2019
- c. Department of Municipal Affairs and Housing notice of \$1,000. "911 Cost Recovery Fund" direct deposit
- d. NS Protocol Office "Order of Nova Scotia" notice and nomination form

5. Committee Meeting Minutes and Recommendations

- a. Regional Emergency Management Operations (REMO) Advisory Committee January 21, 2020 recommendations

Staff advised that the first recommendation proposing approval of the Town of Lunenburg's portion of REMO's 2020/21 Budget (5% of the total \$125,000; **Schedule "E"**) is included in the Town's draft 2020/21 operating budget for consideration during the budget review.

The second recommendation was regarding new procedures for comfort centres. In response to a Council question, the CAO confirmed that the Lunenburg and District Fire Hall meets the criteria outlined in the procedures.

Motion: moved by Deputy Mayor McGee, seconded by Councillor Mosher, that Council approve the Comfort Centre & Emergency Shelters Procedures as recommend by the REMO Advisory Committee (Schedule "E"). Motion carried.

b. Lunenburg County Accessibility Advisory Committee January 21, 2020

Staff advised that the Accessibility Advisory Committee's draft budget request (Schedule "F") is included in the Town's draft 2019/20 operating budget for Council review at an upcoming meeting. It is premised on a uniform assessment inter-municipal funding formula.

6. Unfinished Business

a. Corporate Services

i. Options for alignment of the revised Heritage Conservation Plan and Bylaw to Project Lunenburg

The PDM presented her report (Schedule "G").

Motion: moved by Councillor Risser, seconded by Councillor Mosher to defer further consideration of a draft revised Heritage Conservation District Plan and Bylaw until such time as the draft Municipal Planning Strategy, Land Use Bylaw and Subdivision Bylaw are prepared by Project Lunenburg. Motion carried.

The PDM advised that Project Lunenburg's draft Comprehensive Community Plan (CCP) is being written now and will be ready for review in April/May. The Municipal Planning Strategy, Land Use Bylaw, and Subdivision Bylaw are being written from scratch based on the CCP and will be circulated in August.

ii. Proposed adoption of the Council and Committee Meetings Proceedings Policy and repeal of Council Meeting Policy #88 which is incorporated in the former

Motion: moved by Deputy Mayor McGee, seconded by Councillor Croft to refer the draft Council and Committee Meetings Proceedings Policy (Schedule "H") back to the General Government Committee for further discussion. Motion carried.

iii. Proposed adoption of the Committees of Council Policy and repeal of Appointments to Boards and Committees Policy #19, Composition and Duties of Planning Advisory Committee Policy #19, Audit Committee Policy #85 and Committees and Boards Bylaw #6

Motion: moved by Councillor Mosher, seconded by Councillor Risser to refer the draft Committees of Council Policy (Schedule "I") back to the General Government Committee for further discussion. Motion carried.

iv. Draft 2020/21 Budget Council meeting reminders

Council was reminded of the following draft budget review sessions:

- February 13 at 12:00 p.m. – 3:00 p.m. approx. - Capital Budget; and
- February 19 at 12:00 p.m. – 3:00 p.m. approx. - Operating Budget.

b. Recreation

i. Lunenburg War Memorial Community Centre/Recreation Committee resident membership – 1 x application

Motion: moved by Councillor Risser, seconded by Councillor Croft, to appoint Kristi Tibbo to the Lunenburg War Memorial Community Centre/Recreation Committee as a citizen representative. Motion carried.

6:58 p.m. – 7:11 p.m. – Council recessed and resumed their meeting.

7. New Business

a. Corporate Services

i. Disappearance of bees proposed positive action plan and draft resolution

Council discussed the Centre Scolaire de la Rive-Sud students' request (Schedule "A").

Motion: moved by Councillor Risser, seconded by Councillor Mosher to request a staff report about the students' recommended action items (a)-(e) regarding a declining bee population (schedule "A"). Motion carried.

ii. "Feasibility Study: Citizens for Public Transit Final Report" proposed rural transit system

Council discussed the Citizens for Public Transit request (Schedule "B").

Motion: moved by Councillor Mosher, seconded by Councillor Risser, that Council allow time and resources necessary for Planning and Administrative staff to review the Citizens for Public Transit "Feasibility Study: Public Transit Final Report" (Schedule "B"). Their task will be to dissect and study the Report results and findings. Motion carried.

Council requested that discussion of the Report also be added to the agenda of the next Mayors and Wardens meeting.

iii. Lunenburg Folk Harbour Society request for property tax exemption for the Lunenburg Opera House, 290 Lincoln Street

Council discussed the Lunenburg Folk Harbour Society request (Schedule "D").

The FD reported that the Draft 2020/21 Town Budget includes projected commercial tax revenue of approximately \$17,000 on the Lunenburg Opera House property; changing its rate from commercial to residential would save the organization close to \$10,000.

Motion: moved by Councillor Risser, seconded by Councillor Bachman that a staff report be prepared on the implications of the Folk Harbour Society request for tax relief (Schedule "D") on the finances of the Town. Motion carried. Deputy Mayor McGee voted in the negative.

iv. Proposed adoption of a "Climate Crisis Action Motion"

Council discussed the request (Schedule "C"). Councillors agreed with the principal of the motion, but do not wish it to be a symbolic gesture only.

Motion: moved by Councillor Risser, seconded by Councillor Bachman that a staff report be prepared on the proposed "Climate Crises Action Motion" (Schedule "C") addressing current and potential Town initiatives. Motion carried. Councillor Mosher voted in the negative.

v. Electric Utility flow through rate application to the NS Utility and Review Board (NSUARB)

Motion: moved by Councillor Croft, seconded by Councillor Risser approval of the submission of an application to the NSUARB for their approval of a per kWh increase to offset power purchase cost increases associated with the January 1, 2020, 2021 and 2022 NSPI Municipal Rate increase earlier approved by NSUARB (Schedule "J"). Motion carried.

vi. Provincial Human Rights Tribunal decision regarding proposed accessible washroom requirements for all restaurants

The Heritage Manager gave an overview of his report on the impact of the Tribunal's decision (Schedule "K").

Motion: moved by Councillor Mosher, seconded by Councillor Risser to approve sending the draft letter contained in the staff report (Schedule "K") to Richard Derible who is leading the working group with Restorative Justice. Motion carried.

vii. United Nations Mother Language Day

Motion: moved by Councillor Risser, seconded by Councillor Mosher the proclamation of February 21, 2020 as International Mother Language Day. Motion carried.

b. Public Works

i. Proposed Wastewater Treatment Plant hydrogen sulphide (H₂S) monitor equipment purchase

The CAO introduced the Town Engineer Consultant's staff report (Schedule "L").

Motion: moved by Councillor Croft, seconded by Councillor Mosher approval to purchase from the 2019/20 capital budget a H₂S gas detection monitor system for \$8,500 including net HST as per the staff report (Schedule “L”) to be funded from Town’s General Equipment Reserves. Motion carried.

The CAO noted that relevant staff recently completed a training course in H₂S safety.

ii. December 2019 Water and Wastewater Quality Test Results

The report was provided for information. All treatment tests met Provincial and Federal standards for the month (Schedule “M”).

iii. Proposed Lunenburg Front and Back Harbours water flood study for Wastewater Treatment Plant and other infrastructure preparedness information

Council discussed the staff report from the Town Engineer Consultant and Finance Director (Schedule “N”) needed as background information for Wastewater Treatment Plant upgrade design work.

Motion: moved by Deputy Mayor McGee, seconded by Councillor Bachman approval to undertake in the 2019/21 fiscal year a flood study as noted in Option B (Schedule “N”) in the amount of \$45,000, including net HST to be funded from Deed Transfer tax monies.

Motion: moved by Councillor Risser, seconded by Deputy Mayor McGee to defer the prior motion to when the Town Engineer can be present to provide further information. Motion carried.

8. Motion to meet in camera

Motion: moved by Councillor Risser, seconded by Councillor Mosher to meet in camera to consider contract negotiations, the sale and lease of Town lands matters pursuant to section 22 of the Municipal Government Act. Motion carried.

8:13 p.m. – 8:25 p.m. – Council recessed to meet in camera.

9. Consideration of any Council in camera meeting recommendations

Council reconvened in public session at 9:56 p.m. with no recommendations to make at this time.

10. Adjournment

Motion: moved by Councillor Risser, seconded by Councillor Bachman to adjourn the meeting. Motion carried.

The meeting was adjourned at 9:56 p.m.

Bea Renton, CAO and
Heather McCallum, Assistant Municipal Clerk

Keegan – Good evening, my name is Keegan Williams. I am in grade 5.
Cameron – Good evening, my name is Cameron Muir. I am in grade 4.

Hello we are members of the First Lego League team from Centre Scolaire de la Rive-Sud. We are participating in the Lego provincial competition at Acadia University. This year the theme is "City Shapers". Besides building and programming a robot, each team must identify a world problem related to the theme. Each team must design a solution.

We chose to work on the disappearance of bees which is why we are here today. We have a problem – bees are disappearing. Maybe you are wondering why this is a problem we must all concern ourselves about. The answer is simple. Without bees there will be no people, and without people there will be no towns, municipalities or cities.

We did some research and have some facts to share with you. In the USA – 30% of the bee population dies every year. In Europe – 20% of the bee population dies every year. Some private bee keepers sometimes lose 90% of their bees. In 1947, there were approximately 5.9 million bees in the world. In 2008, there were only 2.44 million bees. In Europe, the production of honey has gone from 32 000 tons to 9 000 tons. The members of our team also mentioned that when they were younger, there were bees in the flowers and now there are very few.

If the bees disappear completely, one third of the food we eat will be gone as many plants depend on bees for pollination.

Here is a video that we would like to share with you:

We are here to ask that you prepare a pollinator action plan. This plan could include:

- a) Educating your citizens about the disappearance of bees through pamphlets and what families can do in their own backyard to help. We have with us a handout which we have sent home to all the families at our school.
- b) Banning pesticides that contain neonicotinoids. This is an important step as these pesticides are very dangerous to bees
- c) Having more pollinator friendly places in public gardens with flowers that bees and other pollinators like
- d) Installing bee hotels in public spaces. The type of bees which live in these hotels – mason bees - are solitary. The males do not have a stinger, and the females will only sting if trapped or squeezed. This makes them an ideal neighbor for the home garden, since they pose little to no threat of stinging
- e) Having the recreation department organize information sessions about the disappearance of bees which include the construction of a bee hotel for the home

Thank you for listening to our presentation. Please help us save the bees. As we said in our presentation at NSCC – "It's our beesness to help the bees stay in their beesness."

Pétition
Les élèves du Centre scolaire de la Rive-Sud
Protégeons les abeilles

Nous, les élèves de la 4^e année à la 6^e année, appuyons la demande de l'équipe des Vipères, le club de Lego du Centre scolaire de la Rive-Sud. Cette équipe demande aux conseils élus de la ville de Bridgewater, de la ville de Lunenburg, de la ville de Mahone Bay, de la Municipalité de Chester et de la Municipalité du District de Lunenburg d'établir un plan d'action pour protéger les pollinisateurs, plus particulièrement les abeilles. Ce plan pourrait inclure :

- a) L'éducation des citoyens sur la disparition des abeilles grâce à des brochures et sur ce que les familles peuvent faire dans leur propre cour pour aider.
- b) L'interdiction des pesticides contenant des néonicotinoïdes. Ces pesticides sont très dangereux pour les abeilles
- c) L'accès à des lieux favorables aux pollinisateurs dans les jardins publics avec des fleurs que les abeilles aiment fréquenter
- d) L'installation d'hôtels pour les abeilles dans les espaces publics. Les types d'abeilles qui y vivent sont solitaires. Les mâles n'ont pas de dard et les femelles ne piqueront que si elles sont piégées ou serrées. Cela en fait un voisin idéal pour le jardin domestique car ils ne représentent pas ou peu de menace
- e) L'offre de séances d'informations sur la disparition des abeilles par les services de loisirs, y inclus la construction d'hôtels pour les abeilles

We, the students from grades 4 to 6, support the request from the Vipères team, the Lego club at Centre scolaire de la Rive-Sud. This team requests that the elected councils of the Town of Bridgewater, the Town of Lunenburg, the Town of Mahone Bay, the Municipality of Chester and the Municipality of the District of Lunenburg establish a pollinator action plan to protect pollinators, especially bees. This plan could include:

- a) The education of the citizens about the disappearance of bees through pamphlets and what families can do in their own backyard to help.
- b) The ban of pesticides that contain neonicotinoids. This is an important step as these pesticides are very dangerous to bees
- c) The access to more pollinator friendly places in public gardens with flowers that bees and other pollinators like
- d) The installation of bee hotels in public spaces. The type of bees which live in these hotels – mason bees - are solitary. The males do not have a stinger, and the females will only sting if trapped or squeezed. This makes them an ideal neighbor for the home garden, since they pose little to no threat of stinging
- e) The offer, by the recreation department, of information sessions about the disappearance of bees. These sessions could include the construction of a bee hotel for the home.



Protégeons les abeilles

Les abeilles disparaissent et on doit les aider.

Des faits :

- Aux États-Unis – 30% de leur population d'abeilles meurt chaque année.
- En Europe – 20% de leur population d'abeilles meurt chaque année.
- Des apiculteurs privés perdent jusqu'à 90% de leurs abeilles.
- En 1947, il avait 5,9 millions d'abeilles.
- En 2008, il avait 2,44 millions d'abeilles.
- En Europe, la production de miel est descendue de 32 000 tonnes à 9 000 tonnes.

On doit les aider parce que si on les perd, ON va perdre 1/3 de notre nourriture. On va aussi perdre les vêtements parce que les plantes de coton sont pollinisées par les abeilles. Les seuls aliments seraient le blé, le maïs et le riz parce qu'ils sont pollinisés par le vent.

Ce que tu peux faire:

- #1. Tu peux construire des hôtels d'abeilles
- #2. Tu peux être gentil avec les abeilles et les fleurs.
- #3. Tu peux planter des fleurs que les abeilles aiment.
- #4. Si tu trouves un nid d'abeilles, appelle un apiculteur pas un exterminateur parce que l'exterminateur va tuer les abeilles mais l'apiculteur va apporter le nid ailleurs.
- #5. Tu peux garder les pissenlits qui poussent dans l'herbe.

Voici des vidéos qui peuvent vous aider à aider les abeilles

<https://www.nationalgeographic.org/media/build-your-own-bee-hotel>

<https://www.youtube.com/watch?v=TklME77Ow-A>

Aidez-nous à protéger les abeilles!

L'équipe Vipères 1 – club de Lego robotique



Let's Protect the Bees

The bees are disappearing and we need to help them.

Some facts :

- In the United States – 30% of the bee population dies every year.
- In Europe – 20% of the bee population dies every year.
- Private beekeepers are losing up to 90% of their bees.
- In 1947, there were 5,9 millions bees.
- In 2008, there 2,44 millions bees.
- In Europe, the production of honey has decreased from 32 000 tonnes to 9 000 tonnes.

We have to help them because if we lose them, we will lose one third of our food. We will also lose our clothing because cotton plants are pollinated by bees. The only food that will be left is wheat, corn and rice because they are pollinated by the wind.

What you can do:

- #1. You can build bee hotels .
- #2. You can be kind to bees and to the flowers .
- #3. You can plant flowers that bees like.
- #4. If you find a beehive, call a beekeeper and not an exterminator. The exterminator will kill the bees but the beekeeper will transfer the nest elsewhere.
- #5. Don't cut the dandelions.

Here are two videos which can give you ideas on how to help the bees.

<https://www.nationalgeographic.org/media/build-your-own-bee-hotel>

<https://www.youtube.com/watch?v=TkIME77Ow-A>

Please help us protect the bees!

L'équipe Vipères 1 – club de Lego robotique

Link to video to be shown during the presentation. The students will announce when it is time to show the video. The video should be stopped at 2:45 (mins) as the rest of the video is strictly ads.

<https://www.youtube.com/watch?v=JilYBvFiLA>



Facebook Group: CitizensforPublicTransit

2020 January 13 (via email)

Ms. Bea Renton, CAO
Town of Lunenburg
119 Cumberland Street, P.O. Box 129
Lunenburg, NS B0J 2C0

Dear Ms. Renton:

RE: Citizens for Public Transit – request to meet

The CPT Market Survey and Feasibility Study for the area has been released and distributed widely. We would now like to meet with you – and perhaps your Planning staff – to discuss the process of moving forward to initiate a proposed rural transit service for the Towns of Lunenburg, Mahone Bay, Bridgewater and the Municipality of the District of Lunenburg.

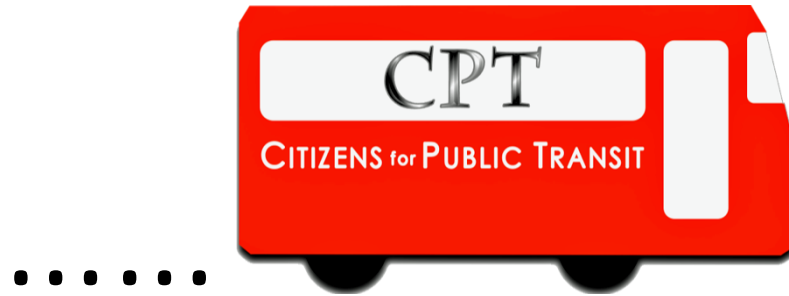
As you are aware, in October, we met with staff and planners from Mahone Bay, MODL and Bridgewater. It is unfortunate you were unable to attend. We want to include Town of Lunenburg staff in the discussion, to be fully aware of our plan to soon approach respective Town Councils. We will propose that planning and administration staff from the Towns and Municipality work together to prepare recommendations to implement a public transportation system based on the above-mentioned study.

Would you please call or reply via email at your earliest convenience to arrange a meeting date and time. Your prompt reply will be greatly appreciated, and we look forward to our meeting.

Sincerely,

CITIZENS FOR PUBLIC TRANSIT

Stewart Franck, Chair
8 Evergreen Road
Bridgewater, NS B4V 1J2



Citizens for Public Transit

Presentation to Lunenburg Town Council

2020-02-11





Why are we here?

- CPT... Who are we? What is our role?
- Why we do what we do
- Market Survey / Feasibility Study
- Benefits of public transportation
- Next steps
- What we Ask of Council



We are *Citizens for Public Transit*

- Volunteers, Advocates, Lobbyists, Promoters, Activists
- For public transportation in Lunenburg County
- We've been at this for ~15 years
- Small, effective Board of Directors;

Barbara Carthew

Bill Snyder

Jack Schoon

Megan Williams

Norma Carey

Penelope (Penny) Mundell

Stewart Franck



CONTACT your local town or municipal councillor
Bridgewater - 902-543-4651 Lunenburg - (902) 634-4410 Mahone Bay - 902-624-8327
Municipality of the District of Lunenburg - (902) 543-8181



CPT... Why do we do what we do?

- We Believe...
 - We ALL win whenever a person takes the bus
 - We ALL pay to get people around; with or without public transit
 - In the Environmental, Economic, Social, Health and Equity benefits of public transportation
- We take small credit for influencing;
 - Creation of a Joint Transportation Committee
 - Start up of Bridgewater Transit
 - Initiation of Maritime Bus service



This report is dedicated to the memory of

Norman Haslett

long-standing member and former Chair of Citizens for Public Transit.



Funded by the Department of Communities, Culture & Heritage



The REPORT is a Conversation *STARTER*...



Research;
Travel demand, Pop'n
analysis, Largely DONE



Stakeholder
consultation;
Largely DONE



Routes, corridors;
Decide on coverage and
stops. Some work DONE



Service options?
Several to choose from



Implementation;
By whom? When?



Financial parameters;
Cost sharing



Funding options;
e.g. PTIF



Governance;
e.g. Local Authority

It requires *LOCAL* flavour and perspective



Benefits of Public Transportation



Environmental

Promotion of a healthier more sustainable environment

Reduced CO, CO², Greenhouse gas emissions

Improved environmental stewardship



Economic

Staff wages and maintenance support the local economy

Increased supply of workers for business/industry

Savings in costs of transporting medical out-patients

Stimulus for local business and industry

Savings in infrastructure - reduced parking, road maintenance cost

Reduce out-migration



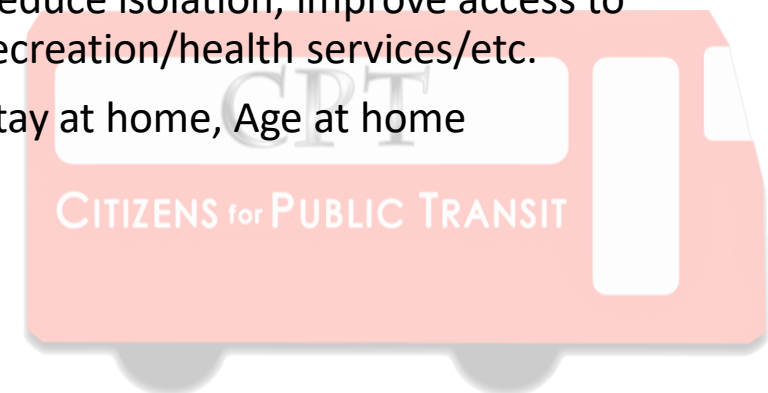
Societal

Increase mobility/independence for families, seniors, youth, students, Social Services clients

Increase access of workers to potential jobs and services

Reduce isolation, improve access to recreation/health services/etc.

Stay at home, Age at home



“By not having a regional public transit system within Lunenburg County, it could be argued that access to specific services such as health, education, employment and social development are limited by the lack of affordable, accessible and available transportation.”



Goals for the Service

- Connect Lunenburg, Mahone Bay, Bridgewater, and significant populations of MODL
- Expand, over time, service to more MODL communities
- Effective, efficient service to meet community needs
- Provide access for residents to services
- Reflect New realities and “complement” other transportation options



NEXT STEPS, How We Get There



Partnership building

CPT, Mayors,
Councils and the
communities



Engage staff

Planning and
Administrative
Municipal and
Provincial
Recommendations
to respective
Councils



Establish a Transit Authority

Effective
representation
Terms of Reference
and Operations



Pilot

Demonstration



Monitoring and evaluation

Continue
Adjust
Expand
Network
Connect



CPT... We ASK Council to;

Allow the Town of Lunenburg Planning and Administrative staff the necessary time and resources to work with counterparts from the Towns of Mahone Bay and Bridgewater and the Municipality of the District of Lunenburg.

Their tasks would be to;

- Dissect and study the Report results and findings
- Identify a working model suitable to address local needs
- Investigate potential funding options
- Prepare a shared governance and operations model
- Present a jointly-developed recommendation(s) to their respective Councils

CPT will assist in this process as needed upon request



Questions?



Thank you for
“Getting on the Bus!”



FEASIBILITY STUDY: PUBLIC TRANSIT for Citizens for Public Transit

Final Report



CBCL LIMITED

Consulting Engineers

Prepared for



This report is dedicated to the memory of Norman Haslett, long-standing member and former Chair of Citizens for Public Transit.

Contents

- Chapter 1 Introduction.....1**
 - 1.1 Acknowledgements.....1
 - 1.2 Background.....1
 - 1.2.1 Existing Transit Services and Initiatives in the Study Area.....2
 - 1.2.2 Rural Transit in Nova Scotia.....2
 - 1.2.3 Government Policy Regarding Public Transit3
 - 1.3 Project Understanding.....4
 - 1.4 Project Goals5
- Chapter 2 Research and Preparation.....6**
 - 2.1 Research6
 - 2.1.1 Baseline Conditions.....6
 - 2.1.2 Review of Previously Conducted Transit Studies7
 - 2.2 Travel Demand9
 - 2.2.1 Mode Split9
 - 2.2.2 Trip Generators14
 - 2.2.3 Population/Demographics.....16
- Chapter 3 Stakeholder Consultation.....20**
 - 3.1 Focus Groups.....20
 - 3.2 Participatory Map and Survey22
 - 3.3 Stakeholder Interviews25
 - 3.4 Major Findings.....26
 - 3.4.1 Benefits of Transit.....29
 - 3.4.2 Vision Statement.....30
 - 3.4.3 Service Routes.....31
 - 3.4.4 Service Features31
 - 3.4.5 Stakeholders and Large Organisations32
- Chapter 4 Technical Feasibility Assessment.....33**
 - 4.1 Route Options33
 - 4.2 Service Options34

4.3	Vehicle Options	35
4.4	Fare Technology Options	38
4.5	Bus Stop Options	39
4.6	Estimated Ridership	40
4.7	Implementation Plan and Phasing of Transit Service	41
Chapter 5	Financial Feasibility Assessment.....	47
5.1	Costing	47
5.2	Funding Options	49
	5.2.1 Federal Funding Streams	49
	5.2.2 Provincial Funding Streams	49
Chapter 6	Governance Assessment.....	51
Chapter 7	Conclusions.....	53
7.1	Next Steps.....	54

Appendices

- A Focus Group Invitation and Materials, Responses
- B Survey Form
- C Route Options
- D Financial Assessment

Chapter 1 Introduction

1.1 Acknowledgements

At the outset of this report, the CBCL and Dr. Habib team would like to acknowledge the assistance and support of a number of key individuals and departments who provided information and knowledge based on their own experiences or operational responsibilities. Without them, our task would have been much more difficult in trying to navigate our way through a complex labyrinth of policies, historic background, real life costing and ridership data, procedures, licensing and governance, among other things.

- Jessica McDonald, Mackenzie Childs, Jim Coleman – Town of Bridgewater / Bridgewater Transit
- Glen Bannon, General Manager, Kings Transit Authority
- William Cutler, Manager, Bus Maintenance, Halifax Transit
- Nova Scotia Communities, Culture and Heritage

1.2 Background

Citizens for Public Transit (CPT) was formed in 2006 to address the need for scheduled fixed-route public transit, accessible to all, in Lunenburg County. Their focus has been for a service primarily connecting Bridgewater, Lunenburg, Mahone Bay and adjacent portions of the Municipality of the District of Lunenburg (MoDL). The four municipalities formed the Joint Transportation Committee (JTC) which was established to explore transit possibilities. For the purpose of this study, the boundaries of these four municipalities form the study area. Although the Municipality of the District of Chester has not been part of this group to date, it is hoped that the transit concept could easily be expanded to connect the District of Chester, and also Queens County in the future.

For over a decade, CPT, both independently and through the JTC framework, which brings together representatives of the municipal governments within Lunenburg County, have commissioned and supported a number of studies to assess the need for public transit and to assess the feasibility of a transit system in the region. The results of these efforts have been mixed. While the JTC did not achieve common ground on the establishment of a Regional Transit Service, two independent transit systems have since come into play: the Town of Bridgewater system - Bridgewater Transit, and the Maritime Bus service.

1.2.1 Existing Transit Services and Initiatives in the Study Area

These two systems are now at opposite ends of the service spectrum; Bridgewater Transit has proven very successful providing focused service at the local municipal level, while Maritime Bus has experienced difficulty in growing its inter-city service as hoped at the regional level.

Maritime Bus, as of March 16, 2019, now operates a one trip per direction per day service from Lunenburg County to Halifax, renamed the “Halifax Connector”.

<https://maritimebus.com/locations/bus-stops-nova-scotia/lunenburg-county/?submit=view>

The Nova Scotia Community Transportation Network recognizes its role as the innovative think-tank for community transportation in Nova Scotia. This work involves extensive research into options, identification of best practices, and evaluation of applicability across the province.

<http://communitytransitns.ca/resources/>

The Nova Scotia Transit Research Incentive Program (NS-TRIP) provides funding to help assess the need for and develop transit services in rural areas and underserved urban areas. The program provides cost sharing at various funding levels depending on the scope of the project. Funding is available for one project per year per organization.

<https://beta.novascotia.ca/apply-funding-help-assess-need-and-develop-transit-service-rural-or-underserved-urban-area-nova-scotia-transit-research-incentive-program>

Lunenburg County currently remains without a viable Regional Transit Service. The opportunity therefore exists for this CPT undertaking to 1) fill the regional transit service gap, and 2) maintain and build upon the considerable momentum sparked by the Bridgewater Transit experience.

1.2.2 Rural Transit in Nova Scotia

Currently, there is little in the way of rural transit in Lunenburg County. This is much the same as many other rural areas within Nova Scotia. The exception to this situation is the Kings Transit service, which has been operating successfully since 1981. Kings Transit Authority is a public transit service funded by a group of municipalities, the County of Kings, as well as the towns of Berwick, Kentville, and Wolfville. When the service started, the system serviced only between the towns of Wolfville and Kentville. However, the service has grown and today includes Annapolis County as well as the Municipality of Digby. The Kings Transit Authority was founded on an inter-municipal service agreement (IMSA) that was signed by the partner municipalities, each with a representative on the Board of Directors. Each municipality funds the operational costs of the service through payments calculated based on the ratio of costs to population served. The smallest partner, the Town of Berwick pays the smallest percentage, while the largest partner, the Municipality of Kings, contributes the largest percentage.

Currently, within Lunenburg County residents rely heavily on their own vehicles, sometimes on neighbours giving them a lift, or a number of taxi services that operate mostly in the Towns of Lunenburg and Bridgewater. Taxi services can be expensive, and most people could not afford to use them every day, or even a few times per week, therefore many people struggle to get around because they do not have access to a car, or cannot afford a taxi.

Having a regional public transit system that services the towns and the rural communities in Lunenburg County would provide much needed access for residents to services in the towns, including trips to the hospitals, health appointments, their place of employment, or for leisure purposes.

There are a number of independent travel initiatives that operate in the towns, and in the wider area, such as the Senior Wheels. The Rural Transportation Association provides a door-to-door service on a pre-booked basis, such as the Chester Community Wheels which serves the Municipality of the District of Chester and has been operating since 2007. We are also aware of the Queens County Transit which is currently in its pilot phase. This service is for all residents of Queens County and currently operates a Maritime Bus Connector service between Liverpool and Bridgewater.

There are a number of private shuttle, charter and limousine services that operate in the County, however, there is a lack of an affordable regional service that serves the needs of the people of Lunenburg County. The independent travel initiatives are described in more detail later in this report to provide context to the requirement for a public transit system within Lunenburg County. There is definitely a need for these private enterprises to operate in the region as there will always be gaps in a regional service given the large geographical area to be covered, and there will always be the issue of “the first and last mile”, as with a any public transit service as it is not a door-to-door service that is being provided.

1.2.3 Government Policy Regarding Public Transit

All levels of government are looking at ways of encouraging a move away from the private vehicle trips to more sustainable ways of living and travelling. Using this philosophy should allow initiatives to be developed using current government policy. There are a number of ways in which policy initiatives could support a regional public transit system in Lunenburg County including:

- Government of Canada – Aging In Place (<https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/aging.html>)
- The Nova Scotia Positive Aging Strategy (https://novascotia.ca/seniors/strategy_for_positive_aging.asp)
- The Nova Scotia Poverty Strategy (<http://www.canadasocialreport.ca/PovertyReductionStrategies/NS.pdf>)

Aging in place is becoming an important aspect of living in such a beautiful and diverse province. It is recognised that Nova Scotia has an aging population. For some, this means selling the family home, and moving into the city, usually Halifax, or a larger town like Truro or Bridgewater, to access medical facilities, hospitals, doctors, and even to be closer to their families. Not everyone wants to leave their rural home or small town community, and so it is very important for those folks to be able to stay where they want but to have access to important services, especially when driving a car is no longer an option.

The SHIFT program is Nova Scotia’s Action Plan for an Aging Population. The aim of SHIFT is to change how older adults are “perceived” in our communities, and to help to create more vibrant

communities. Under “rural community transportation”, the link directs the reader to the Department of Municipal Affairs. The department headed by the Minister, the Honorable Chuck Porter, MLA, includes responsibilities such as:

- supporting municipalities in providing effective local governance and planning healthy communities;
- providing funding for municipalities.

Priorities for the department from 2018 to 2019, include:

- setting future direction for the province and municipalities through a partnership agreement;
- supporting new infrastructure programs that address local priorities.

In terms of a regional public transit system for Lunenburg County, this could be facilitated through the terms of the Municipal Government Act, specifically Section 60, Municipality and village service agreements. This would of course require buy-in by each of the towns, Bridgewater, Mahone Bay and Lunenburg, and the Municipality of the District of Lunenburg.

1.3 Project Understanding

Throughout the project, we have been working closely with the CPT Board members in attempting to achieve the goal of a Regional Transit System in Lunenburg County, and to respond to the increasing mobility needs of its citizens through a number of initiatives and unique experiences.

The CBCL and Dr. Habib team successfully delivered the Town of Bridgewater Public Transit Feasibility Study in 2017. The study evaluated the Town’s latent mobility needs, proposed a public transit service plan with a fixed route, evaluated its costs and potential returns, and provided the guidance needed for the Town to successfully implement the recommended service. Through a recent discussion with the Town, they observed that ridership has steadily increased over the duration of the initial 9-month pilot project, eventually surpassing the estimates of the Feasibility Study. Furthermore, the Town recorded an influx of people moving to Bridgewater and reducing their private vehicle ownership, specifically due to the convenience and reliability provided by the town’s transit service. These two trends have led Council to adopt the pilot public transit project as a permanent core service.

Evaluating the feasibility of a Regional Transit System has required interface with all of the municipal jurisdictions within Lunenburg County, as well as discussions with Bridgewater Transit, Kings Transit Authority, Halifax Transit, the department of Municipal Affairs, and the Utilities and Review Board (UARB).

1.4 Project Goals

The study has a number of project goals. As mentioned, there is currently no form of regional public transportation within Lunenburg County. There have been recent feasibility studies into public transit between Bridgewater, Lunenburg and Mahone Bay but the project remained in limbo as of early 2015. In this context, CPT issued an RFP to examine the feasibility of implementing a Regional Transit System within the part of old Lunenburg County presently represented by the Municipality of the District of Lunenburg (MODL), the Town of Bridgewater, the Town of Lunenburg, and the Town of Mahone Bay. The following tasks have been undertaken:

1. Collate all existing information and previous analysis of local regional transit;
2. Develop an understanding of the regulatory framework governing regional transit in the area, and the impacts of existing regulations on service levels and boundaries;
3. Provide an overview of existing transit technologies; and
4. Undertake an examination of the feasibility of different transit service types and route options.

The ultimate goal and challenge of this study has been to provide a feasible strategy and operations plan for the Lunenburg County that meets the needs of the community. The specific objectives of the project were identified as follows and have been considered throughout the duration of the study:

- To assess the various elements required to implement a public transit service in a medium density rural area;
- To understand how people move around and within the study area and what their current and potential future transit needs are;
- To engage targeted stakeholder groups to assess their interest, potential uses and support for public transit within the study area;
- Identify technologies that are efficient, environmentally beneficial, and cost-effective for both the municipalities and users;
- To understand and document the regulatory requirements for public transit within the study area and when transit systems cross municipal boundaries;
- To assess the potential costs of a transit system start-up and ongoing operation for at least two different models for transit within the study area.

By not having a regional public transit system within Lunenburg County, it could be argued that access to specific services such as health, education, employment and social development are limited by the lack of affordable, accessible and available transportation.

Chapter 2 Research and Preparation

2.1 Research

Unlike previous studies undertaken within a single jurisdiction, the current study spans several municipal jurisdictions. The study area focuses on the Municipality of the District of Lunenburg, and the Towns of Bridgewater, Lunenburg and Mahone Bay. Secondary consideration is being given to the feasibility of expanding of a public transit service to other neighbouring rural communities, including the Municipality of the District of Chester, and Queens County.

The major tenet of this undertaking is the understanding of the mobility needs within the study area, and the specific potential for that need to be met by a public transit service. An understanding of existing travel and mobility patterns has been achieved using a number of methods.

Our approach to this project has been multi-faceted, employing multiple lines of enquiry to develop a correct understanding of existing patterns and to formulate a comprehensive statement of needs and opportunities within Lunenburg County. Most importantly, ours has been a participatory approach, recognizing that the future users of a transit service are best suited to define it. The broad geographic coverage of the study area also required innovative methods to reach all of the affected population, beyond traditional surveys and interviews.

2.1.1 Baseline Conditions

Establishing the baseline of existing conditions has consisted of a background review, collecting and aggregating existing sources of information, and determining how people currently travel within the study area. While this has been a citizen-led undertaking, we understand that the municipalities and towns within Lunenburg County are aware and are in general supportive of this endeavour, and they have provided GIS data, and other local information that has helped during the study. They have also provided in-person support by attending the focus groups held in various locations within the County. Some of the current Mayors have also been involved with the Joint Transportation Committee and are long-time supporters of a public transit system in the area.

Population data were extracted from Statistics Canada at the Census Tract (Dissemination Area) level.

By using the available information, we have developed a baseline of existing transportation and mobility conditions and needs in the region.

Our experience with the Town of Bridgewater Transit Feasibility Study taught us the value of broad stakeholder engagement and targeted participatory mapping. For the purposes of this project, we set up a web page providing open access to a participatory web map on the ESRI online platform, an online survey using the Survey Monkey service, along with a discussion platform.

These services were rolled out in the early stages of the project and were carried through until the report writing stage. They have provided us with a base level of public participation, which has complemented the focus groups and the completion of paper survey forms.

We have also reached out to large employers and organisations in the County, as well as to the Mayors of each of the four municipal areas.

Social Dimension

Through our discussions with the CPT Board, and during some of the consultations, we are aware that there are social aspects of transportation that would be beneficial to many people living in the region. Often taxi services are used by Social Services to allow people, families, to travel to appointments on a regular basis. This can be costly, and is not always convenient for the user or the taxi driver as the user may not be ready when the taxi arrives. With a scheduled bus service this could provide more options for users, and may perhaps be more efficient for Social Services as they could provide transit tickets instead of paying for and coordinating taxi fares.

2.1.2 Review of Previously Conducted Transit Studies

Municipality of the District of Lunenburg Public Transportation Feasibility Study, December 2009

In 2009, the four municipalities within Lunenburg County commissioned a study on the feasibility of public transportation in the region. Through stakeholder consultation, it was determined that there was a need for a publicly funded transportation service. The study went on to identify what form the service should take, and to estimate the resources required to provide a service.

A service framework was developed including recommending a scheduled fixed route, using multiple routes to provide greater service area. It was estimated that at full service (year 5), approximately 45,000 passengers would use the service on an annual basis. This would equate to an average of 8 passengers per vehicle per hour. The vehicle types envisaged for the service were a bus or a van. In terms of governance, whether the service was publicly or privately run would depend on the availability of federal or provincial funding. The cost estimate at the time indicated that the capital and net operating cash flows would be almost negative \$1 million, although the figure could have been less if funding was available.

Joint Transportation Committee Public Transportation Study, March 2014

The Joint Transportation Committee (JTC) has been working together for a number of years. In March 2014, they received a report on a Public Transportation study that had been undertaken by Transit Consulting Network (Wally Beck). Some key findings from the study are summarised as follows:

- Seven technical memoranda were produced and presented to the JTC in early 2014;
- Summary of recommendations:

- Need for a public transportation Coordinator “champion”;
- The new service can build on committed and established local expertise from qualified volunteers to help guide service delivery while municipal partners can provide in-kind services to start and on an as-needed basis;
- During the early stages of developing the service, the municipalities should first take ownership and responsibility of the service on a temporary basis to get service started. During this period, efforts would be made to establish a non-profit public transportation organization that would then have full responsibility for the service. In this business model, the municipalities would still own the vehicles while the new Board of Directors of the service would be responsible for the day to day operation and planning. The Coordinator would then report to the Board of Directors.

We do not wish to replicate the work of the Transit Consulting Network, but rather complement the good work undertaken and to update various costs and operational aspects with new information. Having undertaken our study on behalf of the CPT, we agree with the above findings, and have found through our own research that this is how many of the public transit services currently in operation started out. The need for a pilot study, is also a key component of discovering the actual needs and demands of the communities that you are trying to serve with public transit, and this approach proved very successful in the case of Bridgewater Transit.

Town of Bridgewater Transit Feasibility Study, February 2017

CBCL Limited and our partner Dr. Ahsan Habib undertook the feasibility study on behalf of the Town. By reviewing available information, and through holding public and stakeholder consultation, there was no doubt that the people living and working in the Town of Bridgewater were ready for a public transit service. Through the technical feasibility assessment, we adopted the guiding principles and design criteria obtained through the consultations. The recommendation was that the Town start out with a hybrid fixed route service focussing on all trips (including work and non-work trips). We also recommended that the Town purchase a new gasoline powered Community Bus capable of holding up to 20 passengers. We know of course, that the Town received a vehicle through a donation of an older vehicle from Halifax Transit, and this helped to reduce the start-up costs for the service. Along with a number of other recommendations, we noted that it was clear that there was support from town residents and stakeholders that the service be extended outside of the town limits to make connections with other transit initiatives, namely out at Highway 103 Exit 12, near Osprey Village.

2.2 Travel Demand

Review of 2011 and 2016 Census data for Lunenburg County reveals a number of noteworthy trends with regards to transportation. The Census probes work commuting behaviour and reports the place of work, mode of travel and trip duration, for trips made by persons of working age, 15 years and over. While this does not cover leisure or education trips, it provides a very good indication of the primary trip patterns in the County. Additional information was gleaned from the 2016 NovaTRAC survey, which aims at identifying travel patterns throughout Nova Scotia.

This transportation behavioural profile of Lunenburg County suggests that, while the vast majority of trips are made by car, with some noteworthy exceptions, travel patterns are dominated by short, local trips. The opportunity therefore exists to reverse the trend towards auto dependence, by improving the availability of public transportation and also non-motorized mobility.

2.2.1 Mode Split

First of all, review of the mode of travel for commuting to work indicates that in 2016, 93% of work trips were made by car drivers, while 5% of trips were made by walking. Some residual trips were reported as being made by transit and other modes, although there is no regional transit service in the County (see Figure 1). The overall pattern remained constant from 2011.

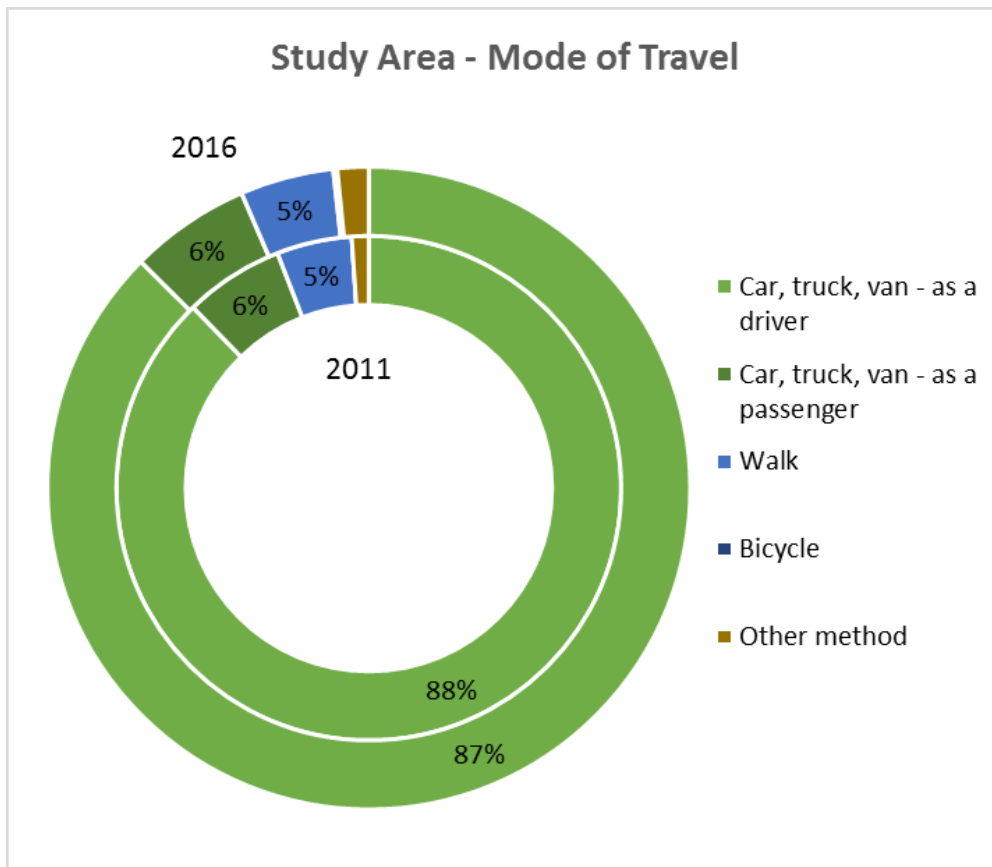


FIGURE 1 STUDY AREA MODE SPLIT

The picture for individual towns and municipalities is equally diverse. While the Municipality of the District of Lunenburg and the Town of Bridgewater exhibit very high auto usage, the Town of Lunenburg and the Town of Mahone Bay show much higher rates of active transportation (see Figure 2). In the Town of Lunenburg, over 20% of work trips were made by walking, consistent between 2011 and 2016. In Mahone Bay, we observe a slightly different dynamic; while 23% of work trips were made by walking in 2011, this proportion fell to 13%, concurrent with an increase of 8% in the proportion of auto passengers. We can infer that 8% of work commuters shifted from walking to being driven to their destinations.



FIGURE 2 MODE SPLIT CHANGE

The NovaTRAC survey roughly confirms these patterns. Lunenburg County residents undertook a combined 71% of their work and school trips by auto (Figure 3). NovaTRAC provides also provides a look at non-work/school trips. Compared to the provincial patterns, we find that

residents of Lunenburg County undertake more of their work/school trips by active modes of transportation than the provincial average (24% vs. 11%), while they undertake more of their non-work/school trips by auto (88% vs. 71%).

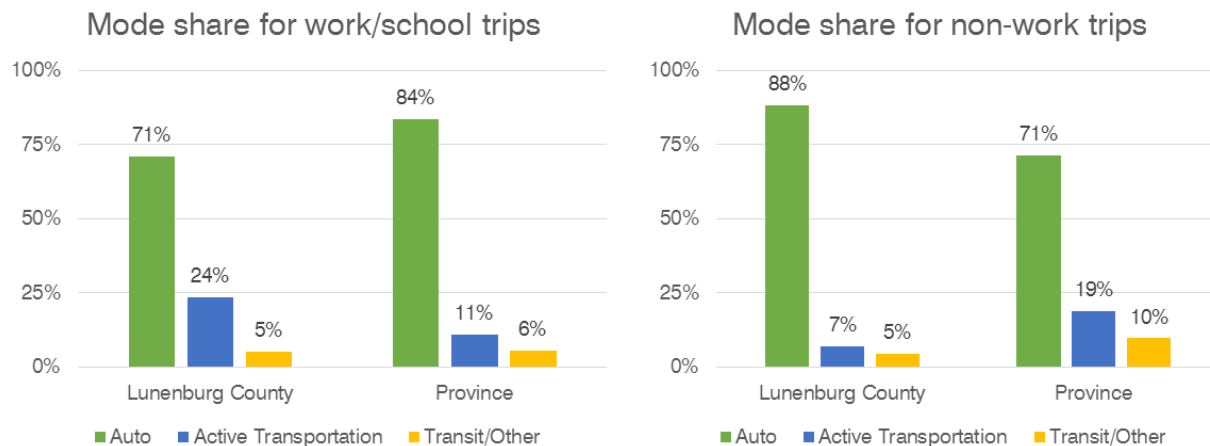


FIGURE 3 STUDY AREA MODE SPLIT - NOVATRAC

This suggests that more of the work/school trips are local, while more discretionary non-work/school related trips are more regional.

Review of work commute destinations in 2016 (see Figure 4) shows that close to 40% of all work trips were made within the municipality of residence, and another 50% of trips remained within Lunenburg County. The Town of Bridgewater exhibits very high internal capture of work trips, with close to 70% of work commuting being undertaken within the Town. Conversely, MoDL and the Town of Mahone Bay exhibit the lowest internal capture and highest proportion of work trips outside of the Towns. Anecdotally, we know that the majority of these County-destined trips are Bridgewater-bound, where a significant portion of the County’s employers are based.

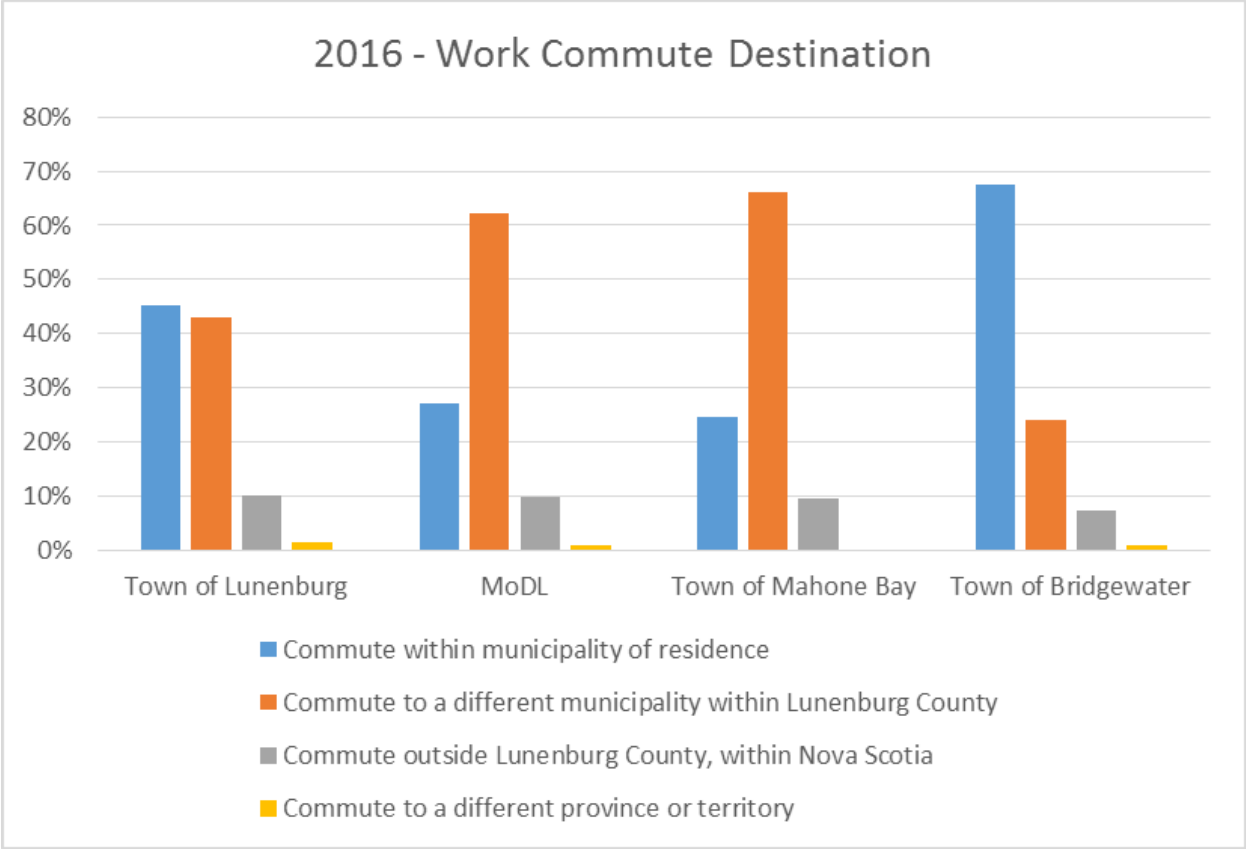


FIGURE 4 WORK COMMUTE DESTINATIONS - 2016

In conjunction with the local character of work trips, we also observed that in 2016, over 40% of all work trips were less than 15 minutes long, while close to 35% of trips were 15-29 minutes long. These very local trips are clearly seen in the Town of Lunenburg and the Town of Bridgewater (see Figure 5).

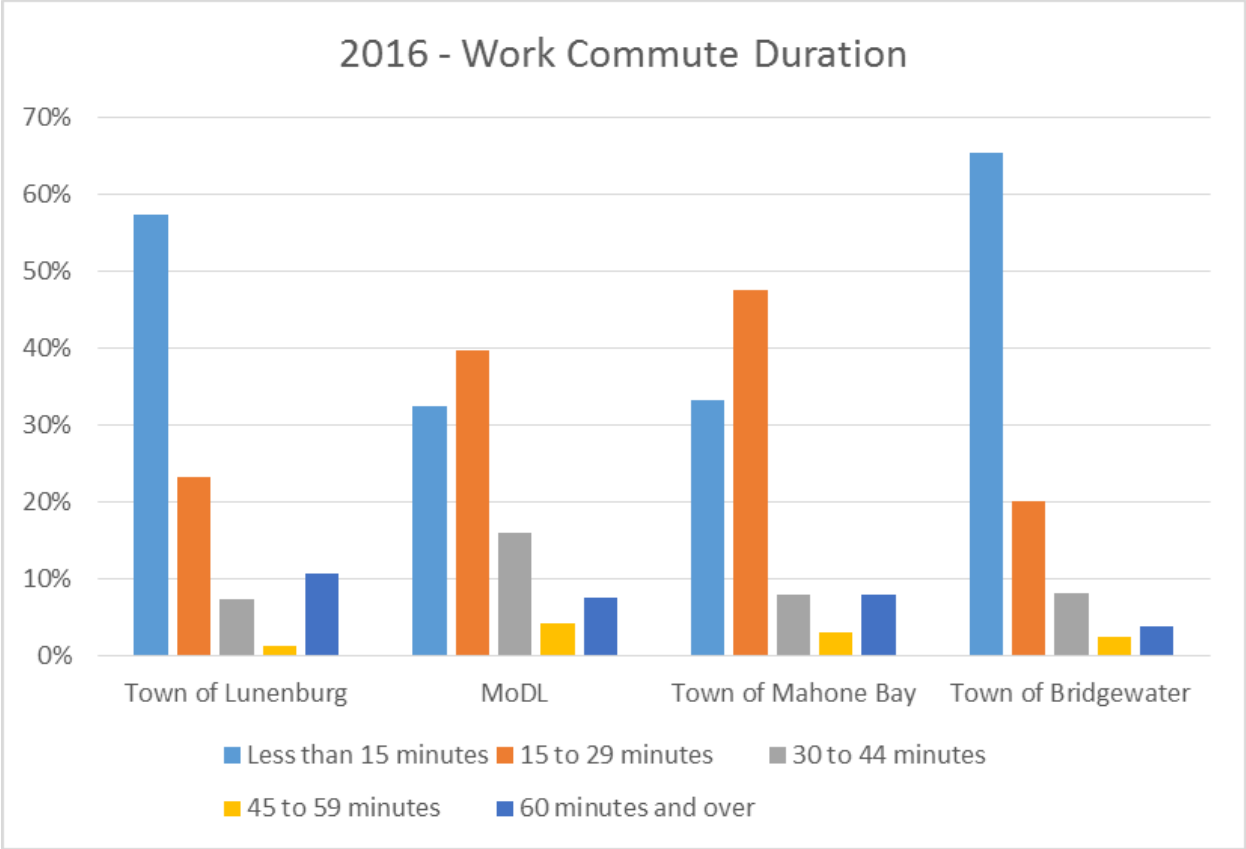


FIGURE 5 WORK COMMUTE DURATION – 2016

2.2.2 Trip Generators

The work commute destinations suggest that there are places of employment throughout Lunenburg County, with a very significant cluster in the Town of Lunenburg and the Town of Bridgewater. A review of major businesses, employers and institutions (summarized in Table 1) confirms that this is indeed the case.

TABLE 1 MAJOR ACTIVITY GENERATORS

Activity Generator	Community
Atlantic superstore	Bridgewater
Blessed hope Baptist Church	Bridgewater
Bowater Mersey Paper Co. Ltd	Bridgewater
Bridgewater Electrolysis Clinic	Bridgewater
Bridgewater Jr High School	Bridgewater
Bridgewater Open Bible Church	Bridgewater
Bridgewater United Church	Bridgewater
Crown Tire Service (Atlantic) Ltd	Bridgewater
Elmer M. Lohnes Lumbering Ltd	Bridgewater
Grant Thornton Limited	Bridgewater
HB Studios Sports Centre	Bridgewater
Impact Church Bridgewater	Bridgewater
Lighthouse Publishing Limited	Bridgewater
Michelin North America	Bridgewater
Millennium 1 Solutions	Bridgewater
Newcombville Elementary School	Bridgewater
NSCC	Bridgewater
Park View Education Centre	Bridgewater
Seventh-day Adventist Church	Bridgewater
Snyder's Shipyard Limited	Bridgewater
Sobeys	Bridgewater
South Shore Ready Mix Ltd	Bridgewater
South Shore Regional Hospital	Bridgewater
South Shore Veterinary Hospital	Bridgewater
ST Joseph's Roman Catholic Church	Bridgewater
The Ark	Bridgewater
The Church of Jesus Christ of Latter-day saints	Bridgewater
Trinity Holy Anglican Church	Bridgewater
Walmart Bridgewater supercentre	Bridgewater
ABCO Industries Limited	Lunenburg

Adams & Knickle	Lunenburg
Atlantic Electronics Ltd	Lunenburg
Bailly's Holding Ltd	Lunenburg
Bluenose Academy	Lunenburg
Central United Church	Lunenburg
Composites Atlantic Limited	Lunenburg
First South United Church	Lunenburg
Fishermen's Memorial Hospital	Lunenburg
Grace Lutheran Church	Lunenburg
High Liner Foods Inc.	Lunenburg
Lunenburg Boat Locker	Lunenburg
Lunenburg Fish Company	Lunenburg
Lunenburg Industrial Foundry & Engineering Ltd	Lunenburg
Nova Wood Products Limited	Lunenburg
Ocean Gear Inc	Lunenburg
Scotia Trawler Equipment Limited	Lunenburg
St Andrews Presbyterian Church and Hall	Lunenburg
St Norbert's Catholic Church	Lunenburg
St. John's Anglican Church	Lunenburg
Stelia North America	Lunenburg
Zion Ev Lutheran Church	Lunenburg
Amos Pewter Limited	Mahone Bay
Anglican Church	Mahone Bay
KEKA	Mahone Bay
Mahone Bay Centre	Mahone Bay
Mahone Bay Museum	Mahone Bay
Reinforced Plastic System Inc	Mahone Bay
St. John's Lutheran Church	Mahone Bay
Suttles & Seawinds of Nova Scotia Limited	Mahone Bay
T. Ernst Forest Products Inc	Mahone Bay
United Church Mahone Bay	Mahone Bay

This local economic activity presents the opportunity of shifting a significant portion of work trips from the auto, to alternative modes of transportation.

2.2.3 Population/Demographics

Review of Canada Census demographics data indicates that overall, the population of the study area has remained relatively stable between 2011 and 2016, growing slightly from 36,600 to 36,685 people. At a more detailed level, this stability can be explained by some minor decrease in the populations of the Town of Lunenburg and MoDL, balanced by growth in the Towns of Mahone Bay and Bridgewater.

Overall, we note a clear aging of the population throughout the area; the segment of the population over 64 years of age increased from 22% in 2011 to 26% in 2016. The trends are summarized in Table 2 and illustrated in Figure 6 and Figure 7. The aging of the population, particularly in the Town of Mahone Bay, may provide some understanding of the changes in mode split observed in that Town between 2011 and 2016.

TABLE 2 POPULATION TRENDS FROM CENSUS DATA

	Town of Lunenburg		MoDL		Town of Mahone Bay		Town of Bridgewater		Study Area	
	2011	2016	2011	2016	2011	2016	2011	2016	2011	2016
Total	2,300	2,255	25,115	24,860	945	1030	8,240	8,540	36,600	36,685
Under 15	11%	11%	13%	12%	12%	10%	13%	13%	13%	12%
15-64	58%	53%	68%	64%	56%	52%	63%	60%	66%	62%
Over 65	31%	35%	19%	24%	33%	38%	24%	27%	22%	26%

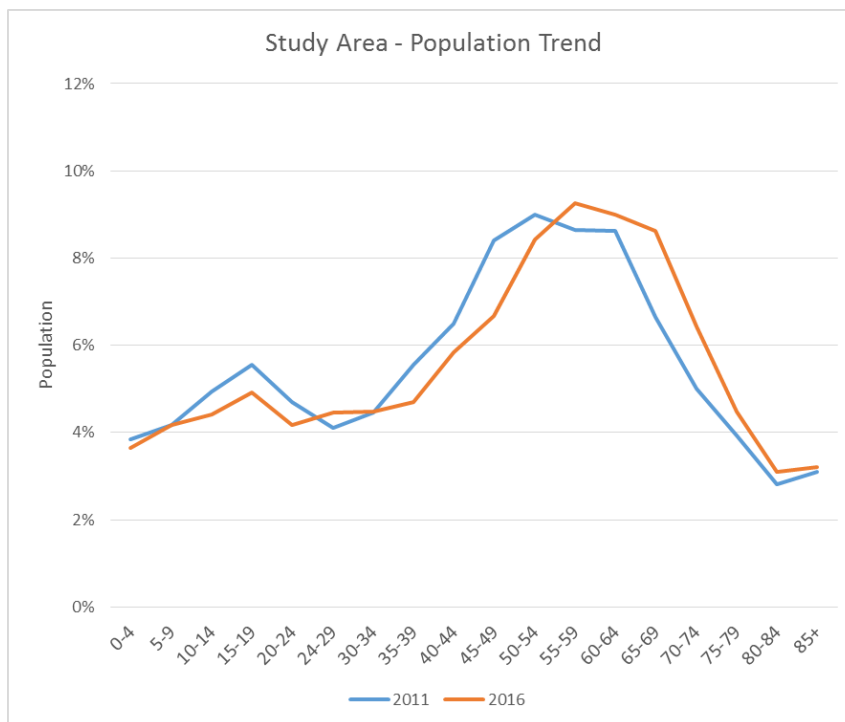


FIGURE 6 POPULATION CHANGE – STUDY AREA

The trend observed at the County level roughly matches the trends of each Town. We do note that the Town of Bridgewater exhibits a “flatter” profile, with its population being more equally distributed between younger and older cohorts.

The aging trend will have a significant impact on travel needs. Residents of retirement age tend to do fewer work-related trips, and more leisure or discretionary trips. At the same time, as they progress in age, they may require more access to services. Their needs may be compounded by reduced mobility in terms of walking and cycling ability, access to an automobile, or the ability to drive.

Aging population groups therefore become a prime candidate for a public transit system that preserves their mobility.



FIGURE 7 POPULATION CHANGE BY MUNICIPALITY

To get a better understanding of the population dynamics in Lunenburg County, we conducted a GIS analysis of all residential address points, correlated to Statistics Canada population figures (see Figure 8). The analysis demonstrates that the majority of the population in Lunenburg County is heavily clustered in the three Towns, and along the major highways (see Figure 9). Additional population clusters are evident, corresponding to New Germany, Conquerall Bank, and the shores of Fancy Lake.

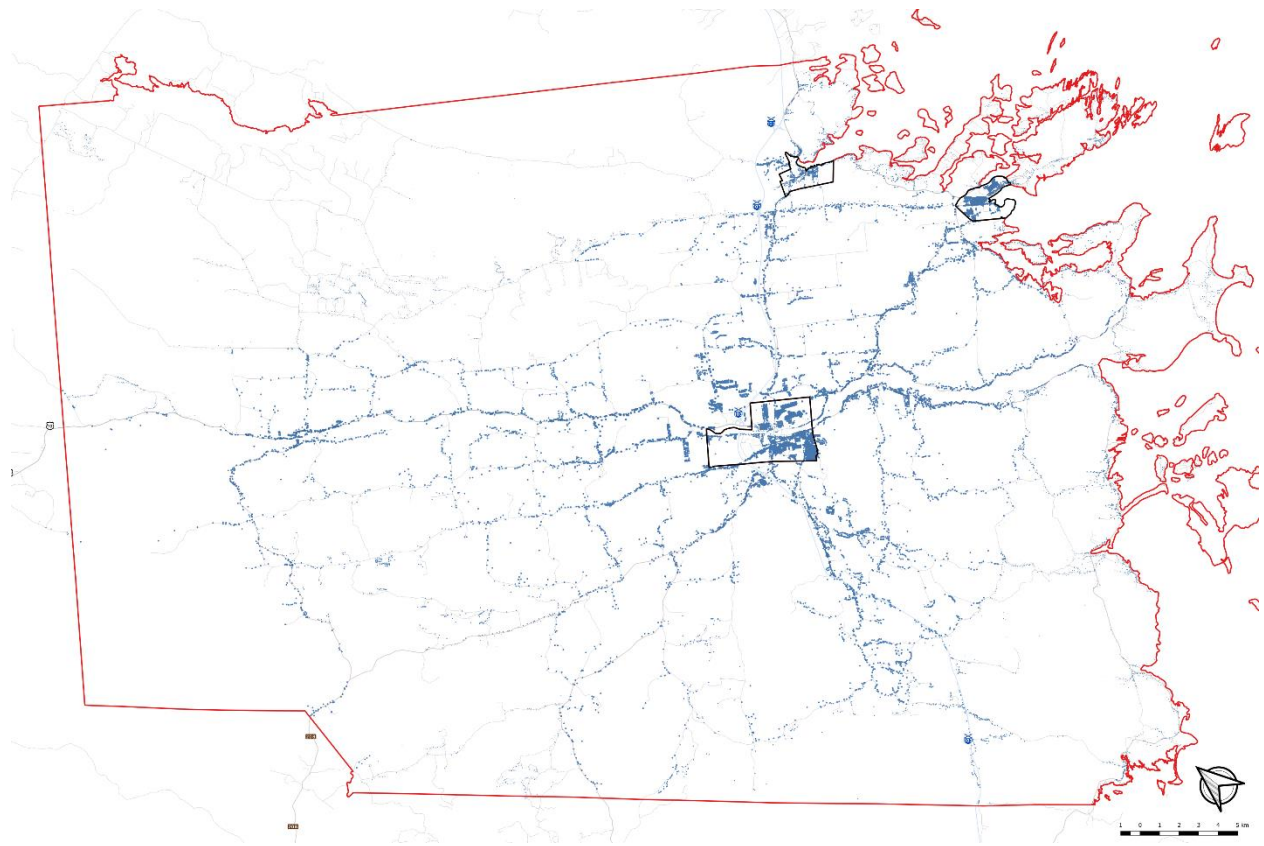


FIGURE 8 LUNENBURG COUNTY POPULATION DISTRIBUTION

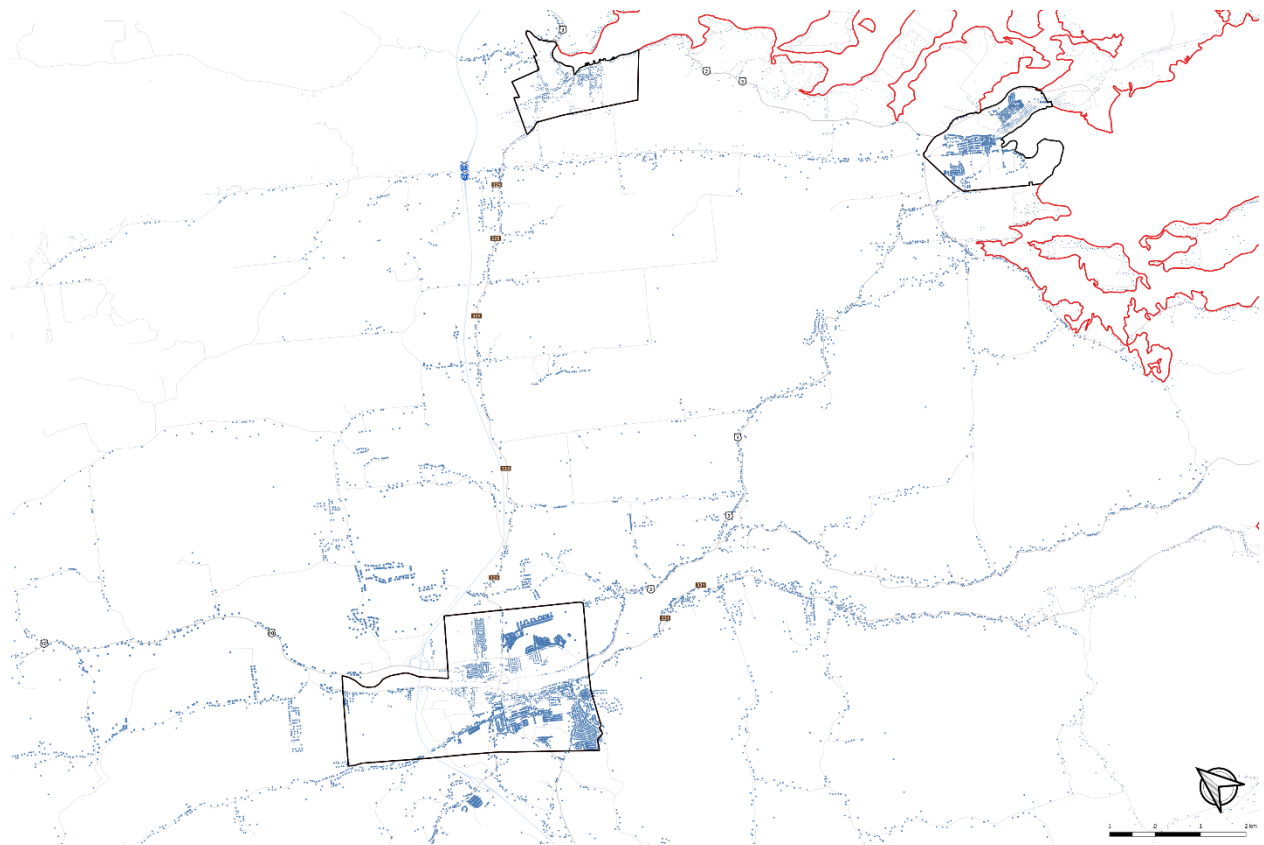


FIGURE 9 LUNENBURG COUNTY MAIN POPULATION CLUSTERS

Chapter 3 Stakeholder Consultation

To better understand the needs of Lunenburg County residents, we undertook an extensive public consultation process. We are also aware that, historically Lunenburg County residents have not had consistent and regular public transit services, therefore they may not be aware of the benefits of public transit. Consultation therefore also included an awareness exercise probing participants' understanding of public transit and its benefits to themselves, their families and communities. The process also aimed at formulating the guiding principles of a regional transit system.

The consultation process consisted of 3 rounds of focus groups, an online participatory map tool, surveys, and targeted stakeholder interviews.

3.1 Focus Groups

Three focus groups were held on the following days and in the listed locations:

- Monday May 13, 2019 - Town of Lunenburg Fire Hall; and
- Wednesday June 12, 2019 - Mahone Bay Centre, and LaHave Bakery.

These events introduced the project and sought to identify the needs of the community for public transit, and key principles that will govern and shape a future transit service in the region.



Approximately 30 people attended the event in Lunenburg, with approximately 10 each at the Mahone Bay and LaHave events, respectively.

The events included a short presentation of the project, a review of Lunenburg County demographic profiles and travel demand patterns, as observed in Census Data, followed by two workshop sessions.

The first workshop session probed participants' understanding of public transportation benefits and guiding principles, while the second workshop session asked participants to imagine and discuss potential transit service connections within their communities, across Lunenburg County, and beyond.



The Focus Group Invitation and Materials, Photos, and Responses are contained in **Appendix A**.



As a result of the three focus groups, we have a clearer understanding of the perceived benefits of a public transit service, and the guiding principles that the service should follow through the input and participation of local residents.

3.2 Participatory Map and Survey

Coinciding with the first focus group event, the project also launched an online participatory website and map, and a survey available both in print and online formats. The participatory map explored participants' places of residence, their major destinations within Lunenburg County, and locations that they thought would benefit from transit access. As illustrated in Figure 710 below, while place of residence (green) were reported throughout Lunenburg County, the principle destinations (blue) were the Town of Bridgewater and the Town of Lunenburg, and to a lesser degree Mahone Bay, LaHave, Petite Rivière and other coastal communities.

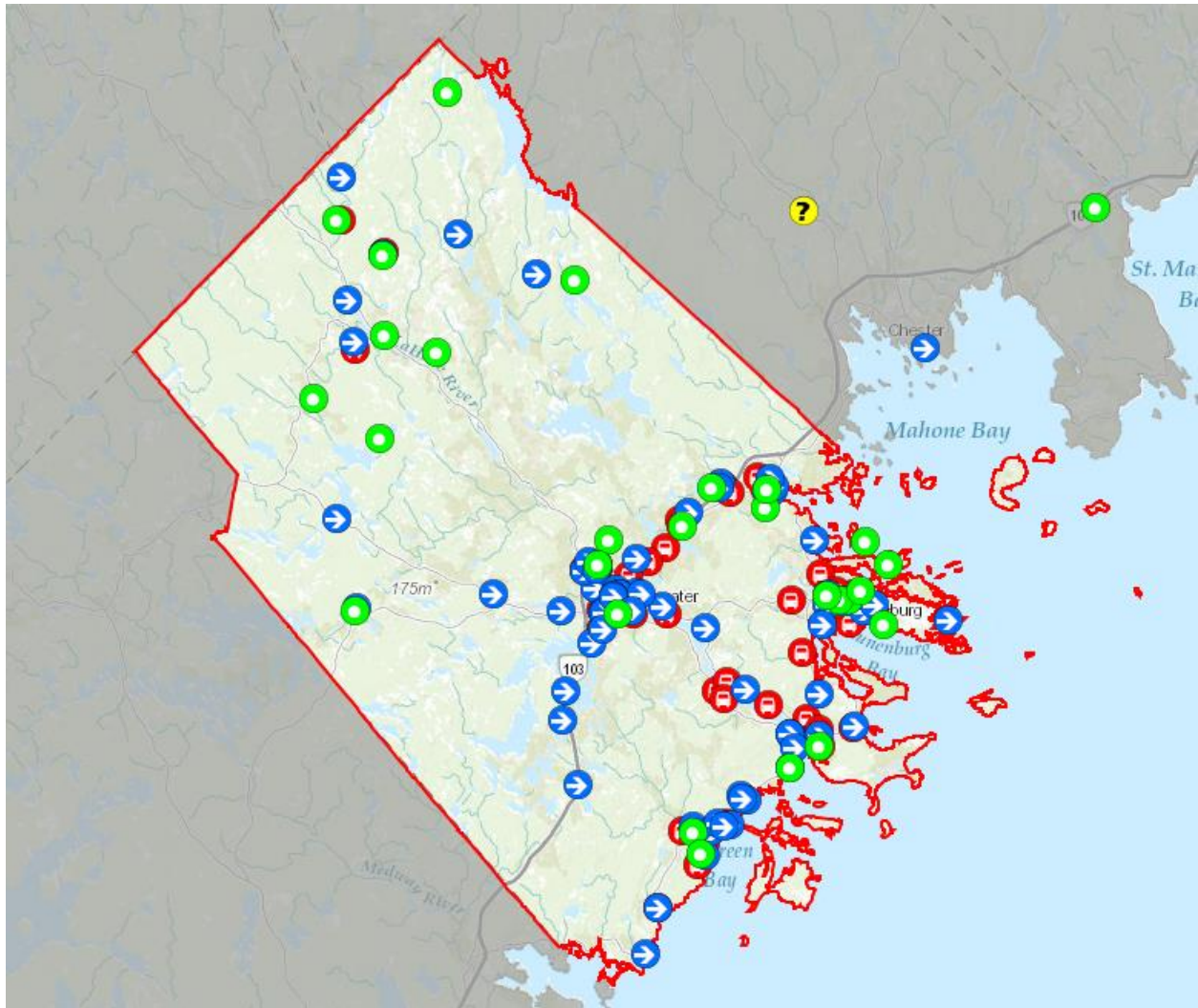


FIGURE 10 PARTICIPATORY MAP RESULTS

In conjunction with the focus groups, each participant was asked to complete a one-page survey asking questions about where they live, how and why they travel, and their feedback on how a public transit service could operate. The survey form is included in **Appendix B**. The survey was designed to complement both the focus group events, and the participatory map. Participants were asked targeted questions on their travel habits and needs, modes of travel, travel purposes, likelihood of using a transit service, and willingness to pay for one. Open-ended questions were also asked, concerning the type of transit service they would like and how they would see such a service being implemented.

The paper and online survey garnered close to 250 responses. Filtering for completion and validity, this resulted in a usable number of 205 responses.

Overall, we found the majority of participation from MoDL, at just over 50% of responses. The statistics are shown in Figure 11 below.

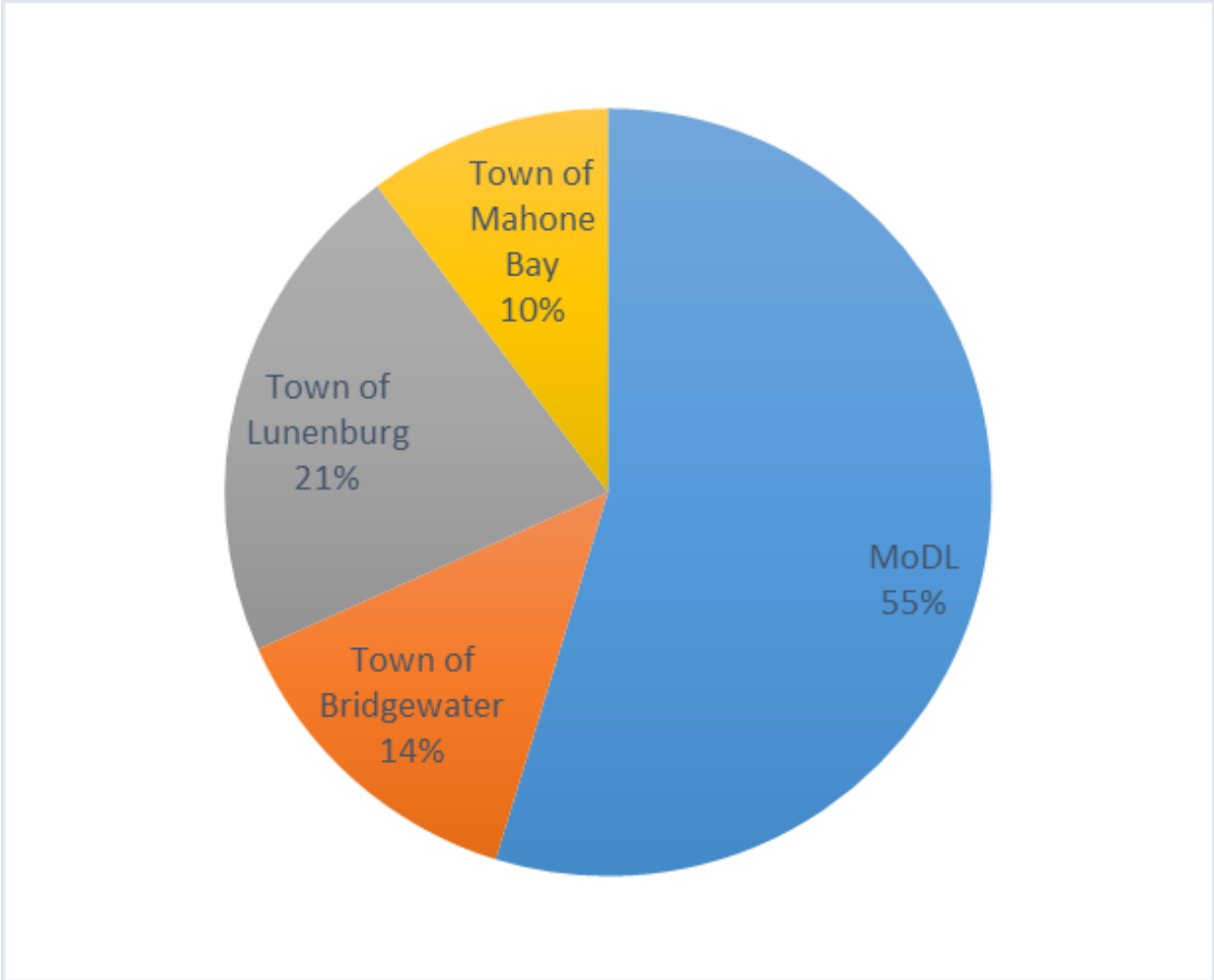


FIGURE 11 SURVEY PARTICIPATION – LOCATION OF RESPONDENTS

3.3 Stakeholder Interviews

Throughout the duration of the study, we have been in discussions with the Utilities and Review Board (UARB), all four municipalities (Town staff and Council representatives), as well as transit operators including Kings Transit Authority, Bridgewater Transit, and Halifax Transit.

We have also reached out to major employers and large organisations within Lunenburg County, and including the Nova Scotia Health Authority local representative in Bridgewater. The largest of these organizations are summarized in Table 1 above. A number of organisations have been contacted via phone and email, and we have received feedback from some of them.

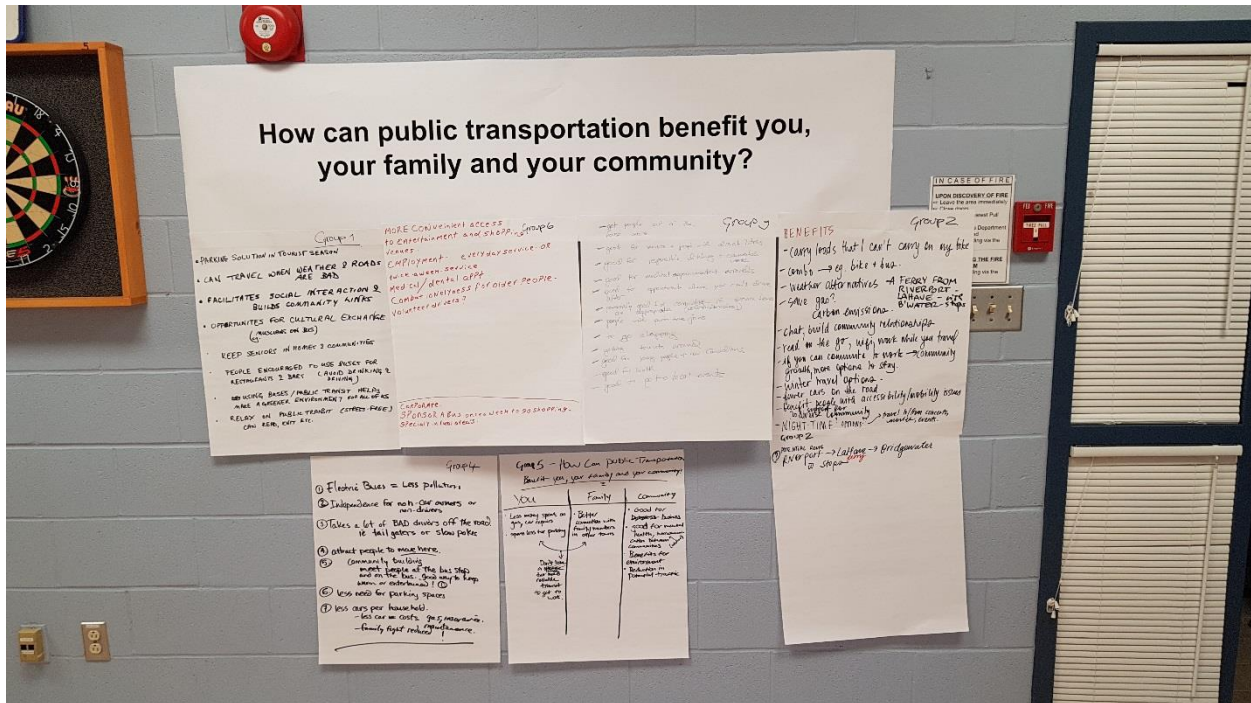
For the large organisations, we developed a similar questionnaire to that used for the public consultation, this time focussing on how employers think that a public transit service could benefit their employees. The questions asked are shown below:

Questionnaire

1. Can you please tell me how many people you employ?
2. What hours do they work?
3. Do any of them work shift hours?
4. What hours of operation do you have?
5. Where do your employees commute from?
6. What are your thoughts about a possible public transit service for Lunenburg County?
7. Do you think that your employees would take transit, if available?
8. Would you be interested in contributing in some way to the service, for example by offering assistance to employees through a transit pass, or subsidised fares, or free tickets?
9. Would you like to provide any additional comments or information?

3.4 Major Findings

The survey and public consultation provided a great depth of information about Lunenburg County residents’ travel patterns and needs. Most startling, we found that the 250 survey respondents reported doing over 3,800 trips on a typical week. That equates to over 15 trips per person per week, and close to 800 trips per person per year.



The reported purposes of these trips were found to be mixed. Based on our team’s experience in the Town of Bridgewater, we had assumed that a majority of public transit users would be work and school commuters. This newest round of surveys across the County suggests that non-work/school trips are as important, if not more so, as work/school trips. In aggregate, work/school trips were only found to account for 22% of needs, with the rest of travel needs most highly represented by shopping trips (24%), followed by entertainment, personal and non-utilitarian trips (leisure, dog-walking), roughly equal at 18% each.

Interesting differences were observed between the type of travel needs of the Towns of Bridgewater, Lunenburg and Mahone Bay, and those of MoDL. Specifically, MoDL and the Town of Bridgewater are the primary drivers of work & school trips, whereas the Town of Lunenburg and the Town of Mahone Bay exhibit a smaller percentage of work and school trips, but higher proportions of discretionary trips. This may be due to higher numbers of retired residents in these two communities.

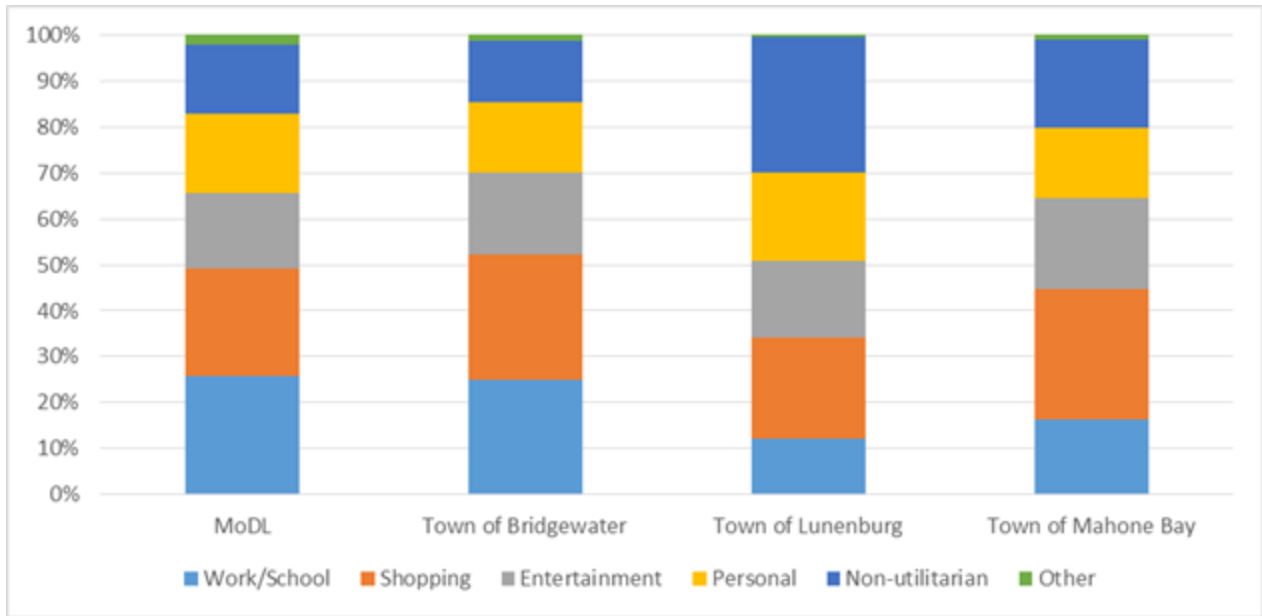


FIGURE 12 PRIMARY REASONS FOR TRAVEL

Throughout the project, the survey demonstrated that there is overwhelming support for public transit, with the majority of respondents reporting that they would be likely or highly likely to use the service.

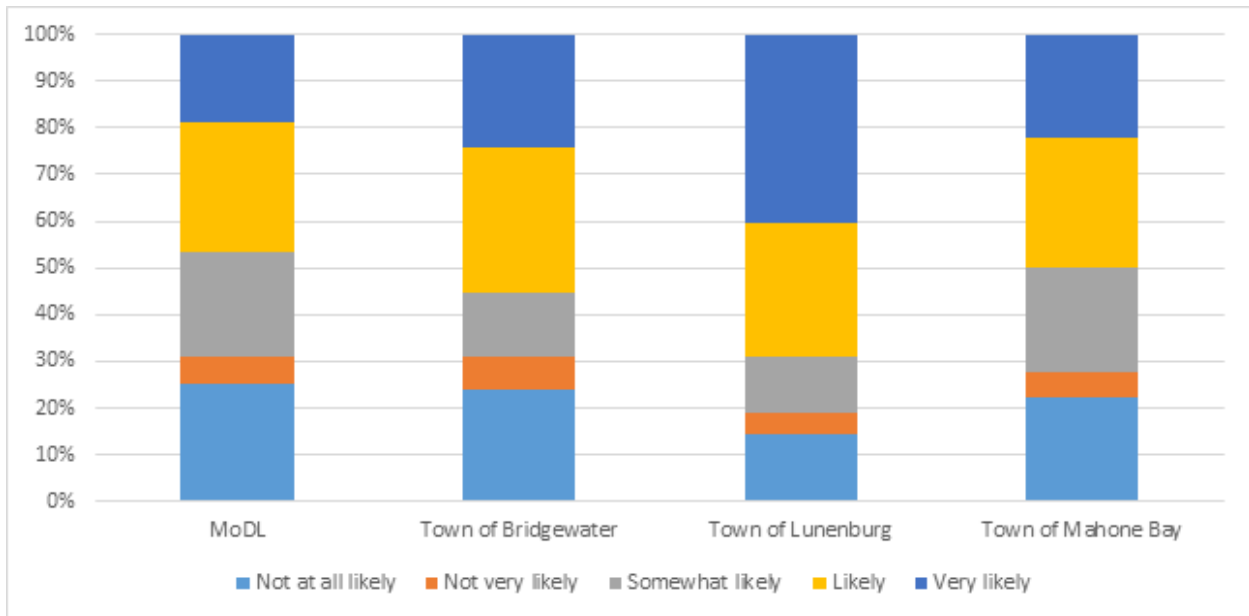


FIGURE 13 LIKELIHOOD OF USING PUBLIC TRANSIT

In terms of willingness to pay for public transit, well over 50% of respondents reported that they would be willing to pay around \$3 to \$4 per transit trip. This range appears to be reasonable given the acceptable threshold obtained during public consultation in the Town of Bridgewater for a town service. Respondents during that service selected around \$2 per trip. So, it seems logical that respondents for a regional transit service would suggest a higher range given further distances, and a larger area being serviced.

For ongoing analysis, we have therefore assumed a standard transit fare of \$3.50 per one-way trip.

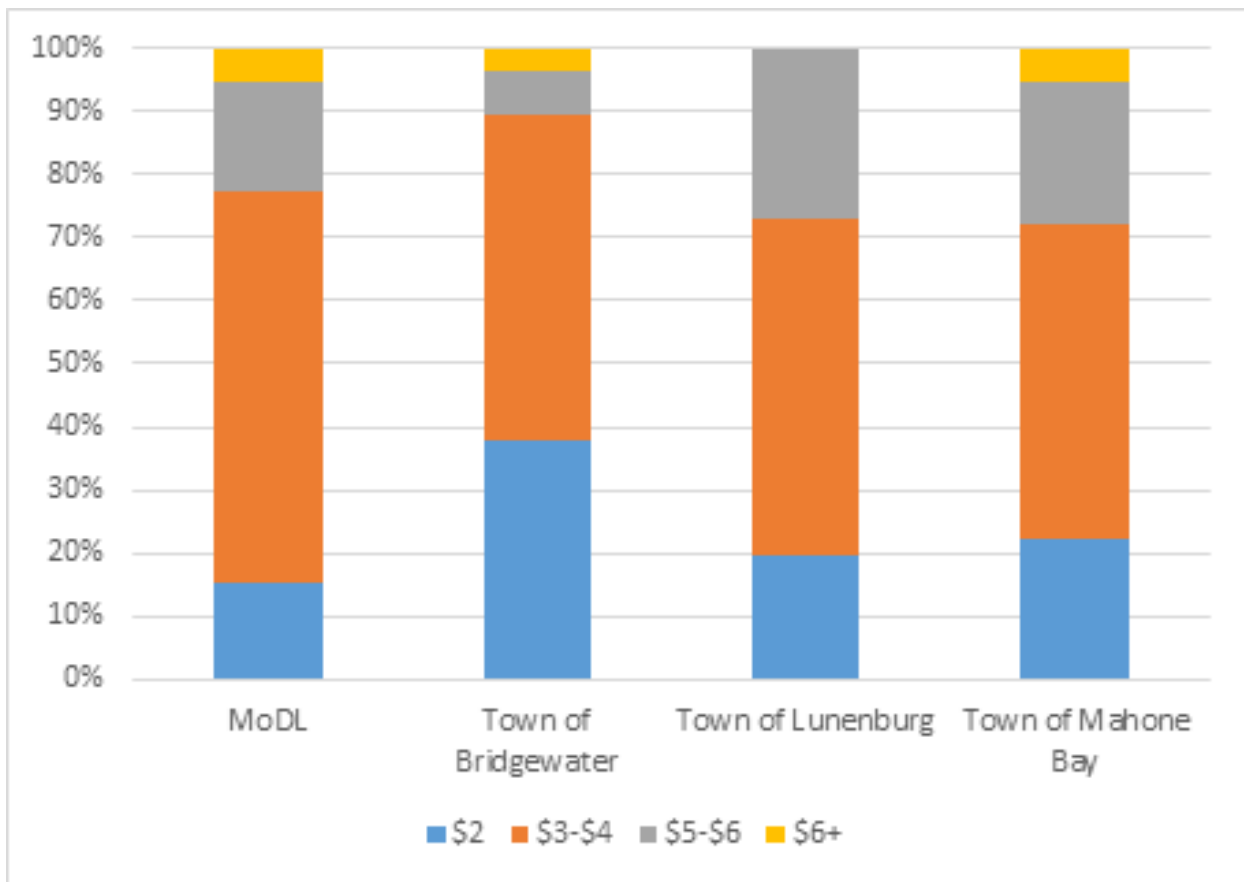


FIGURE 14 WILLINGNESS TO PAY FOR PUBLIC TRANSIT

3.4.1 Benefits of Transit

Overwhelmingly, participants at all three public events reported on the social benefits of public transit service, as well as possible economic and leisure benefits. Transit is seen as being very positive for mental and physical health, and for the promotion of a healthier and more sustainable environment. Transit is also seen as a way for people to access employment in areas where they cannot afford to live, for example, some participants would like to live and work in Lunenburg, however, they cannot afford to live in the town due to the higher cost of properties.

The figure below demonstrates the topics raised by participants at each of the events, and highlights the benefits of most importance to people, namely, the social, leisure, economic and accessibility factors that can be provided by a public transit service. This is consistent with anecdotal evidence.

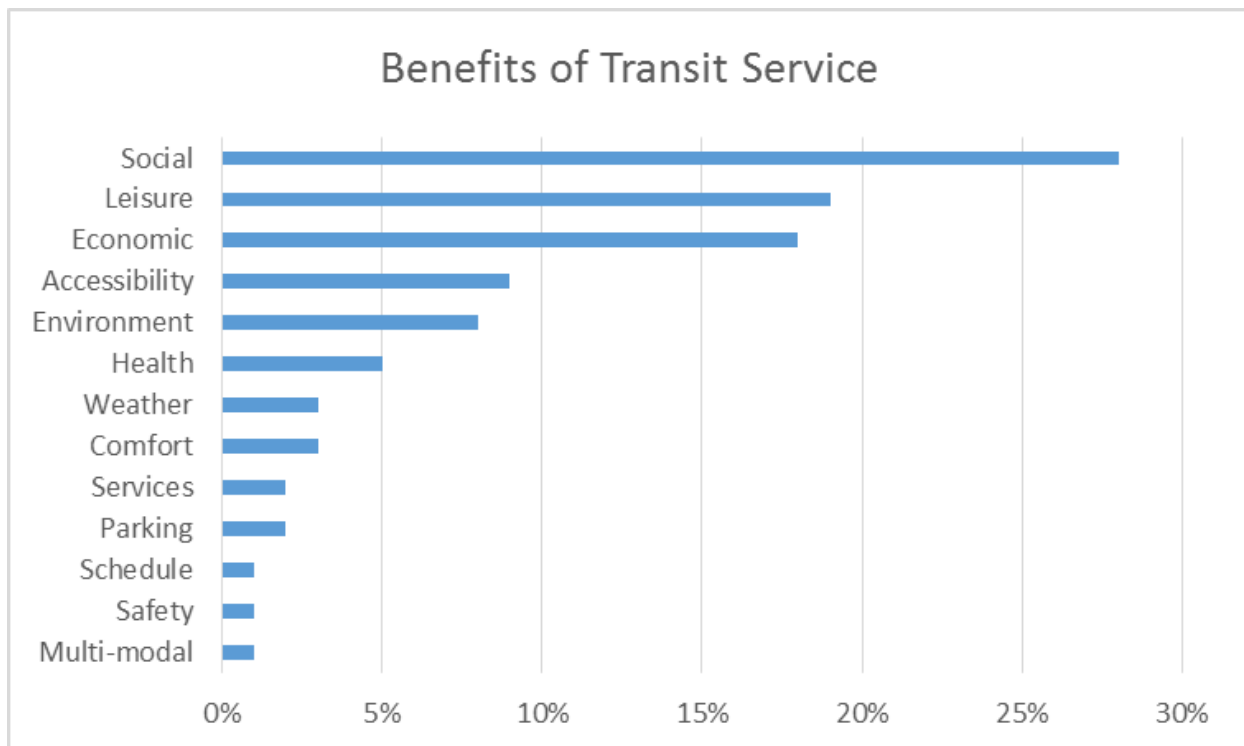


FIGURE 15 BENEFITS OF A TRANSIT SERVICE

3.4.2 Vision Statement

Through the feedback received during the consultation process, core principles were identified based on the proportion of in-person, on-line survey, email correspondence, and phone survey responses. Responses are summarized in Appendix A.

In general, the core principles of a fair and just public transit system can be summarized as follows:

- Prioritize transit service for the people who need it most;
- Establish a fair revenue (fair fares);
- Plan and operate inclusively;
- Plan for housing affordability; and
- Support jobs in low-income communities.

Many of the guiding principles identified during this project align well with these overarching principles for a public transit system.

Based on the core principles reported by participants, we propose the following Vision Statement for a Lunenburg County Transit System:

“Lunenburg County Transit is an accessible, affordable and responsive system that provides safe, convenient, and connected mobility to its users. It is an environmentally conscious system that strives to improve personal mobility, while reducing the footprint of personal auto usage.”

3.4.3 Service Routes

Through the focus groups, we also received excellent input on typical travel circuits around Lunenburg County. The major route options identified by participants were digitized, and compiled into a single map, illustrated in Figure 16.

This illustration conveys the relative weight of user demand for and interest in a transit system. Predictably, the majority of indicated routes centre on the Town of Bridgewater as a Regional Core, connecting to satellite nodes such as Lunenburg and Mahone Bay.

The surveys provided an understanding of the type of trips made in the area, and the chosen modes of transport.

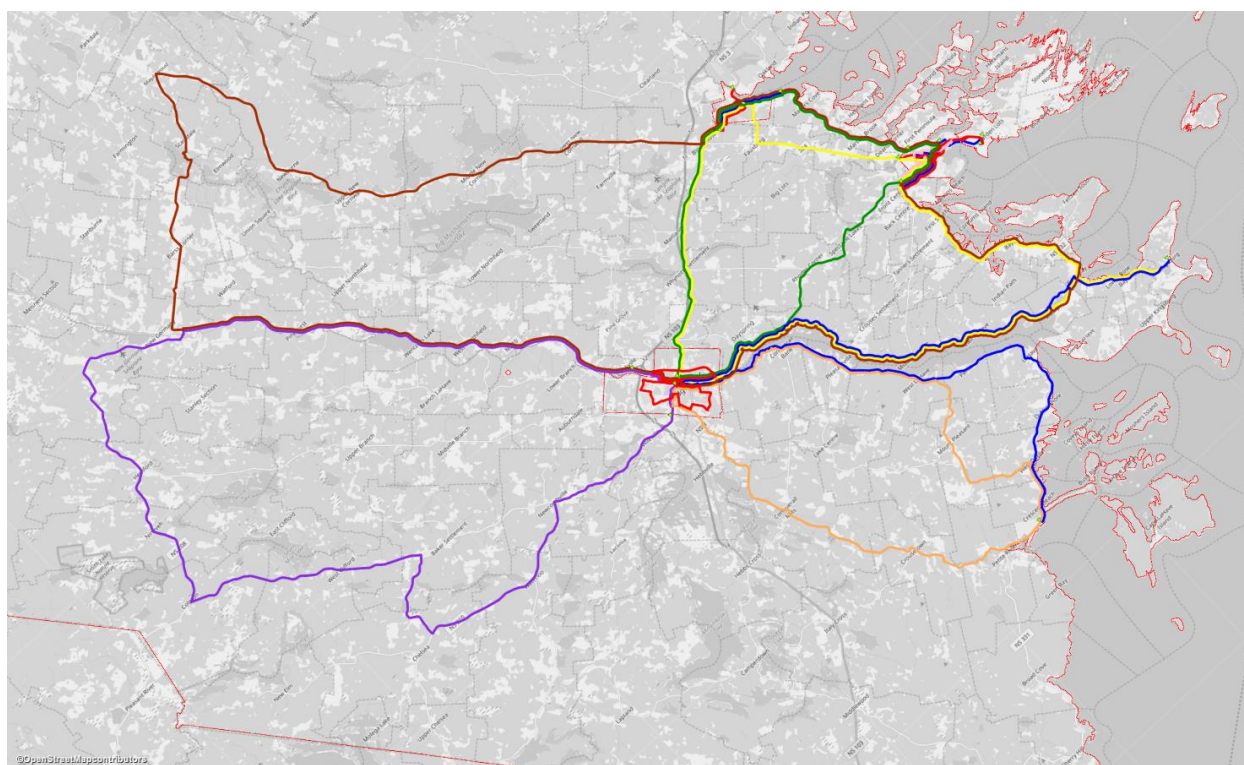


FIGURE 16 PUBLIC TRANSIT ROUTES PROPOSED BY PARTICIPANTS

3.4.4 Service Features

Consistent with the reported operating principles for a public transit system, survey and focus group participants also reported desirable service features such as wheelchair accessible buses, online service maps, fixed scheduling and bike racks. Most importantly, respondents desire a dependable and consistent service with fixed schedule and coverage of the most heavily populated parts of Lunenburg County.

3.4.5 Stakeholders and Large Organisations

Through our discussions with the stakeholders and large organisations we have also been made aware of the following points:

- The Town of Bridgewater is looking at the feasibility of connecting the existing town public transit to a wider, regional transit system in the future;
- The Mayor of Lunenburg notes (with Council's approval), that a pilot study would be supported with certain parameters around cost responsibility in place;
- The Mayor of Mahone Bay has called a special meeting of Council for Tuesday August 6th, 2019 to discuss the CPT study. The Mayor committed to contacting CBCL following the meeting to provide an update;
- Under Question 6 of the large organisations questionnaire *"What are your thoughts about a possible public transit service for Lunenburg County?"*, the responses received included "Wonderful", "Good. Lots of Senior People Need It.", "Good Thing", "Great Idea, it'd benefit Seniors who can't drive, students who can't afford cars.", "Sounds Good";
- Under *"Do you think that your employees would take transit, if available?"*, some mixed responses were received, however, there were some that thought that their employees would use a service, if available including some who noted that "... it will provide the employees with a lot of convenience as they have an increasing amount of international employees who rely on walking.";
- Some employers would also consider contributing in some way to the service to benefit their employees, including free bus passes;
- Some of the larger organizations contacted have in excess of 100 employees, many of whom work shifts;
- Many of the organizations consider that a public transit system would benefit their employees and residents of the region.

Chapter 4 Technical Feasibility Assessment

4.1 Route Options

Using Land Use and Address Point datasets provided by the three Towns and MoDL, we were able to compile a GIS dataset of all the dwellings in the study area. With this information and the survey inputs, and with the route concepts provided by the focus group participants, we have shortlisted three potential routes, all centred on Bridgewater, and consistent with much of the public input. Routes were designed to capture as much of the resident population as possible, while providing direct connections between the Towns and to major destinations like employment and commercial clusters, and services. The four potential route corridors are:

- An initial Mahone Bay-Lunenburg Core Loop;
- A subsequent Riverport Loop Extension;
- A LaHave-Petite Rivière Extension; and
- A New Germany Extension.

These potential routes are illustrated in Figure 17, and in detail in **Appendix C**.

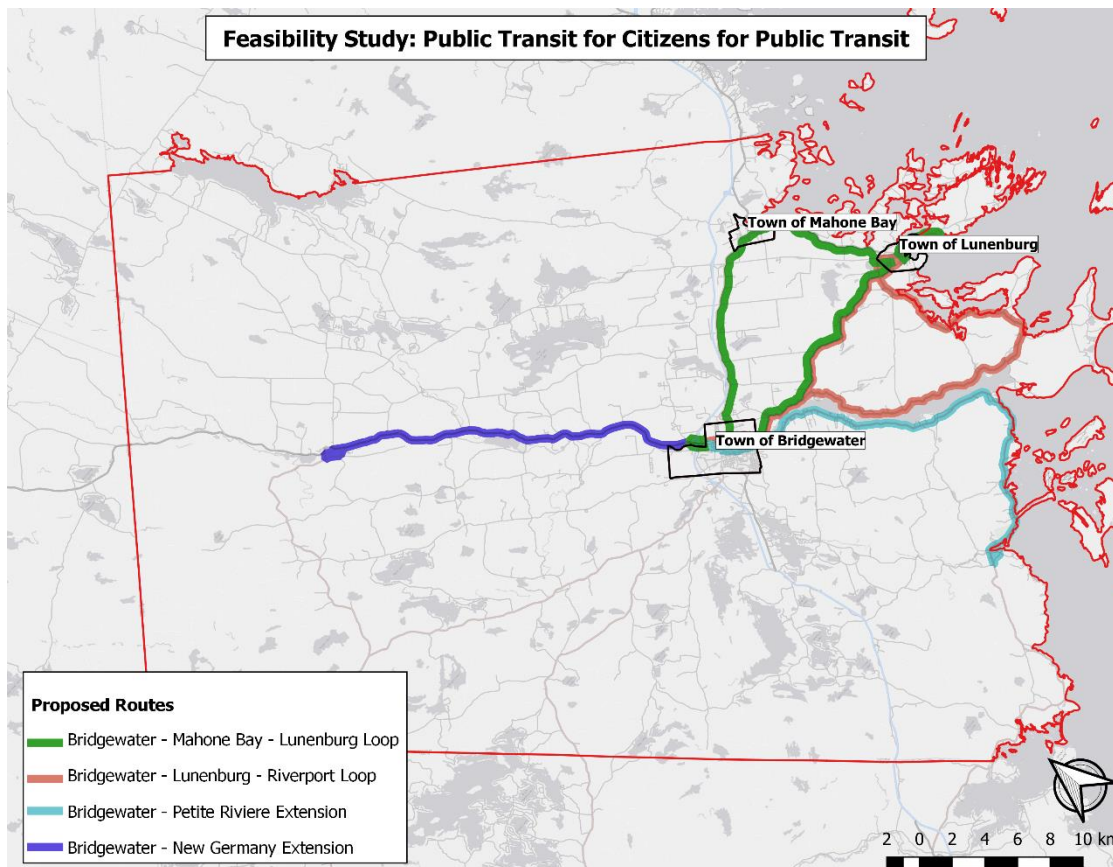


FIGURE 17 POTENTIAL ROUTE CORRIDORS

4.2 Service Options

The design criteria for the route options were derived from the guiding principles developed through the public focus group process, overwhelmingly reported to be accessibility and affordability, with responsive scheduling. Table 3 explains the benefits and constraints of the four service concepts for a public transit system for the County. It is recommended that a Lunenburg County transit system operate as a hybrid fixed route service which focuses on all trips (work and non-work). A secondary, fixed route shared-ride on-call van service could be organized for the less populated areas of the County.




TABLE 3 SERVICE CONCEPTS





Concepts	1. Fixed Route Conventional Transit	2. Fixed Route Community Bus	3. Fixed Route Shared-Ride Taxis	4. On Call
Merits	<ul style="list-style-type: none"> ✓ Highest capacity ✓ Services all markets ✓ Accessible 	<ul style="list-style-type: none"> ✓ Serves more origins and destinations ✓ Accessible 	<ul style="list-style-type: none"> ✓ Ideal feeder service for remote areas ✓ Groups pay a reduced, shared cost 	<ul style="list-style-type: none"> ✓ Applicable to more remote areas ✓ Flexible hours of operation
Demerits	<ul style="list-style-type: none"> ✗ Highest capital and operating costs ✗ Buses would be underutilized in off peak periods 	<ul style="list-style-type: none"> ✗ Not designed for work/school trips 	<ul style="list-style-type: none"> ✗ Minimum capacity 	<ul style="list-style-type: none"> ✗ Lack of frequent daily service ✗ Availability issues could arise

4.3 Vehicle Options

We have reviewed a number of vehicle options that could be considered for a Lunenburg County transit system. These range from the standard urban (conventional) bus, to a variety of smaller cabin chassis community buses with wheelchair ramps or elevators, and including microtransit options using vans. Table 4 summarizes the four main vehicle options, their advantages and disadvantages.

TABLE 4 VEHICLE OPTIONS

Type	1. Standard	2. Small Bus	3. Community Bus	4. Large Van
				
Length	9.3 or 12.2 m	8.8 – 9.2 m	5.9 - 6.7 m	5.9 m
Seats	40	16-28 passengers	10-20 passengers	Up to 10 passengers
Examples in Nova Scotia	Kings Transit Halifax Transit	Halifax Transit Access-a-Ride	Town of Bridgewater Transit	Transport de Clare
Driver's License Type	Class 2	Class 5 (standard)	Class 5 (standard)	Class 5 (standard)
Capital Cost	New: \$535,000 Used: \$45,000- \$65,000	New: \$250,000 Used: \$18,000- \$40,000	New: \$90,000 Used: \$16,000- \$32,000	New: \$50,000 Used: \$16,000- \$18,000
Operating Cost	High	Medium	Low	Lowest
Merits	<ul style="list-style-type: none"> ✓ Medium to high demand routes ✓ Low-floor ✓ Wheelchair accessible ✓ 12+ year life cycle 	<ul style="list-style-type: none"> ✓ Low-floor ✓ Wheelchair accessible ✓ Can be maintained locally by most truck service centres ✓ More versatile than bigger models ✓ Drivers do not need a higher 	<ul style="list-style-type: none"> ✓ Ideal for low demand areas ✓ Wheelchair accessible ✓ Can be maintained locally by most truck service centres 	<ul style="list-style-type: none"> ✓ Ideal for low demand areas ✓ Wheelchair accessible ✓ Can be maintained locally by most auto service centres

Type	1. Standard	2. Small Bus	3. Community Bus	4. Large Van
				
		license to operate bus ✓ 7-10 year life cycle		
Demerits	<ul style="list-style-type: none"> ✗ Longer bus may have issues turning on narrow streets ✗ Higher initial and operating costs ✗ Would need a specialized maintenance depot close by ✗ Driver needs a Class 2 license 	✗ Holds a smaller number of passengers	✗ 5-7 year life cycle	<ul style="list-style-type: none"> ✗ Only 5 year life cycle ✗ Minimum capacity

Throughout the project, and particularly during the consultation process, the use of school buses was suggested as a way of using an existing resource to provide a much needed service in the area. For a number of reasons, the use of school buses is not recommended to provide a regional transit service in Lunenburg County. The reasons that we did not consider this as an option for this study are as follows:

- The vehicles are not designed to transport the general public as they are not outfitted with ramps for wheelchairs or to provide accessible transportation;
- School buses are operated by a private company;
- The existing insurance coverage would likely not meet the requirements for transporting the general public;
- School buses would not be available during the hours that the school children need to be taken to and from school, therefore could not provide a service for people travelling to and from work during those hours.

That being said, this does not preclude a Lunenburg County Transit system from providing connections with the school bus services, perhaps to accommodate children who attend after school programs or have other travel needs.

Considering the Town of Bridgewater example, a Lunenburg County transit service could have the option of acquiring used vehicles from neighbouring municipalities. The Town of Bridgewater was gifted a used small bus from Halifax's Access-a-bus paratransit service. Halifax Transit has recently announced that it would be divesting itself of up to 10 such vehicles. While the opportunity exists to receive and operate one or more of these used vehicles, discussion with Halifax Transit staff revealed that, typically, these vehicles are past their serviceable life and are no longer fit for use. The opportunity also exists to purchase less used vehicles from Halifax Transit, as that service is transitioning to newer vehicles and technology.




Our analysis is based on a review of both new vehicles at market price, and old vehicles, either donated or purchased at discount. The experience of the Town of Bridgewater has been that, while donated or used buses carry low capital costs, they cost up to \$20,000 per year to maintain and repair. New buses, while expensive up front, may cost less than \$5,000 per year to maintain. In the event of a bus breakdown while using an older vehicle within the first few years of service, the entire service may be compromised, requiring additional expenditure to recover.

Depending on the implementation of a public transit service for Lunenburg County, the service may well start with used or donated vehicles, and acquire new vehicles over time, as service demand, ridership, and resulting revenue increase.

4.4 Fare Technology Options

Three main fare options are available to a new transit authority: cash, paper tickets, and some form of online application. Table 5 presents the advantages and disadvantages of each system. Ideally a combination of two or more of these technologies would suit community preference. It is recommended that a Lunenburg County transit authority implement all three as they offer the flexibility needed to cover all users. Input from consultation consistently called for a connected system, both in terms of service, and technology. As society increasingly moves towards digitized services, younger people especially rely more on connected, smart-phone based transactions. A system like HotSpot provides an online app-based platform that may include transit vehicle tracking, fare payment, and transit service information. The HotSpot business model is primarily based on user subscription fees. Purchased fares are remitted to the transit authority as per a service agreement, with no additional costs to the transit authority.

TABLE 5 FARE TECHNOLOGY OPTIONS

Type	1. Cash	2. Bus Tickets	3. HotSpot
			
Examples in Nova Scotia	Halifax Transit Kings Transit	Halifax Transit Kings Transit Town of Yarmouth	Codiac Transport Bridgewater Transit Kings Transit
Merits	<ul style="list-style-type: none"> ✓ Easier for younger and older populations ✓ Beneficial for tourists or people from out of town 	<ul style="list-style-type: none"> ✓ No need to carry cash ✓ Buying weekly or month tickets may be less expensive over longer term 	<ul style="list-style-type: none"> ✓ Automatic payment via phone ✓ No physical equipment needed on the bus ✓ Provides online/app vehicle tracking and service information platform ✓ No cost to the transit authority
Demerits	<ul style="list-style-type: none"> ✗ Only exact change is accepted ✗ Less commitment for long term ridership 	<ul style="list-style-type: none"> ✗ Have to pick up at a specific location before getting on bus (possibly town hall or other public location) 	<ul style="list-style-type: none"> ✗ Not everyone has access to a smartphone ✗ App user pays monthly/yearly

4.5 Bus Stop Options

We propose that a Lunenburg County transit system operate during the pilot period with flag stops along the entire route, to determine where user demand is highest. Within each Town, however, we recommend that there be 2-3 designated stops. These stops would feature prominent signage advertising the transit authority and service, and would cover the most important destinations: i.e. hospitals and major employment/commercial clusters.

The specific placement of these designated stops will remain to be decided by the transit authority that would operate the transit system. Possible locations include:

Community	Location
Town of Bridgewater	Osprey Village Bridgewater Mall South Shore Regional Hospital Lunenburg County Lifestyle Centre (LCLC)
Town of Lunenburg	Fishermen's Memorial Hospital Community Centre Stelia Aerospace High Liner Foods
Town of Mahone Bay	Main Street & Highway 3 RPS Composites

4.6 Estimated Ridership

The GIS analysis undertaken above was extended to produce an estimate of the ridership potential of each route. Catchment areas were developed for each route, assumed to capture all the population within a 600m corridor, equivalent to a 5-minute walk on either side of the bus route. Resulting population catchments are summarized as follows:

- Bridgewater – Mahone Bay – Lunenburg 5,910 people
- Bridgewater – Lunenburg – Riverport 5,700 people
- Bridgewater – LaHave – Petite Rivière 3,220 people
- Bridgewater – New Germany 1,070 people

Review of the Town of Bridgewater Transit experience suggests a transit modal split of 0.6%, or approximately 3 transit trips per year, per person, and roughly 6 passengers per service hour. In the first year of the pilot service, we might expect a more conservative split of 0.3%, equivalent to approximately 1.5 transit trips per year, per person. As the service expands and becomes more accepted, we estimate an additional transit mode increase of 0.1% per year (0.5 transit trips per person), reaching the current Bridgewater Transit ridership level in 5 years.

The proposed transit routes will have total lengths between 50km and 75km. Considering these distances, and depending on the daily service operating time, service frequency may be limited to between 6 and 8 times per day. At this frequency, the ridership estimates above could be accommodated by a Large Van or a wheelchair-accessible Community Bus.

4.7 Implementation Plan and Phasing of Transit Service

The experience of the Town of Bridgewater is very instructive in how a new transit system could be implemented. Considering the many uncertainties about user demand, a pilot service could be implemented initially for the regional transit system, followed by a more comprehensive system with broader coverage. The parameters of such a system would be developed following a functional performance review of the pilot service. In general, the pilot service could commence by following the route from Bridgewater to Mahone Bay, Lunenburg, and back during peak morning and afternoon hours, and following an extended route via Riverport during the middle of the day (off-peak). This is referred to as the “Core Loop Service”. This route could be serviced as a single loop in the first year, and separate into two loops after the first year of service. From this point onward, the second loop would follow the route from Bridgewater to Lunenburg, Riverport and back, via Highway 3 and Route 332. The segment between Bridgewater and Lunenburg would therefore be serviced in both directions. Over the next few years, the service could be expanded to include a shuttle route from Bridgewater to LaHave and Petite Rivière and back to Bridgewater. The service on this route could be scheduled to meet the ferry coming across from Riverport/Rosebay area. Over a five year implementation period, and depending on demand, the service could be expanded to include another shuttle route from Bridgewater to New Germany and back again.

The parameters of the proposed routes are summarized in Table 6.

TABLE 6 ROUTE PARAMETERS

Route	Length	Average Speed	Travel Time	Population 300m
Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	75 km	40 km/h	2 hours	6,460
Bridgewater - Mahone Bay - Lunenburg Loop	55 km	40 km/h	1.5 hours	5,910
Bridgewater - Lunenburg - Riverport Loop	70 km	40 km/h	1.75 hours	5,700
Bridgewater - LaHave - Petite Rivière Extension	70 km	40 km/h	1.75 hours	3,220
Bridgewater - New Germany Extension	50 km	40 km/h	1.25 hours	1,070

The phasing of such a service is summarized in Table 7 and illustrated in Figure 11 to Figure 14. The timing and sequence of service rollout would be confirmed once a Transit Authority is established, and following first year operations and monitoring of service performance.

TABLE 7 TRANSIT SERVICE PHASING

Year	Route	Service	Schedule	Drivers	Vehicle Purchase	Fleet
1	Bridgewater – Mahone Bay – Lunenburg via Route 325 and Highway 3	Core Loop Service,	Peak Hours Monday-Saturday	1 full time 1 part-time	1 New Large Van	1 New Large Van
	Bridgewater - Mahone Bay - Lunenburg - Riverport via Route 332	Extended Loop Service	Off-Peak Hours Monday-Saturday pre-booking			
2	Bridgewater – Mahone Bay – Lunenburg via Route 325 and Highway 3	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time	1 New Large Van	2 New Large Vans
	Bridgewater - Lunenburg - Riverport via Highway 3 and Route 332	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time		
3	Bridgewater – Mahone Bay – Lunenburg via Route 325 and Highway 3	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time	1 New Community Bus	2 New Large Vans 1 New Community Bus
	Bridgewater - Lunenburg - Riverport via Highway 3 and Route 332	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time		
	Bridgewater - LaHave - Petite-Rivière via Route 331	Extended Shuttle Service	Flex 4-hour, Monday-Saturday pre-booking	1 part-time		
4	Bridgewater – Mahone Bay – Lunenburg via Route 325 and Highway 3	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time	1 New Community Bus	2 New Large Vans 2 New Community Bus
	Bridgewater - Lunenburg - Riverport via Highway 3 and Route 332	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time		
	Bridgewater - LaHave - Petite-Rivière via Route 331	Extended Shuttle Service	Flex 4-hour, Monday-Saturday pre-booking	1 part-time		
	Bridgewater - New-Germany via Highway 10	Extended Shuttle Service	Flex 4-hour, Monday-Saturday pre-booking	1 part-time		
5	Bridgewater – Mahone Bay – Lunenburg via Route 325 and Highway 3	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time		2 New Large Vans 2 New Community Bus
	Bridgewater - Lunenburg - Riverport via Highway 3 and Route 332	Core Loop Service,	Fixed 12-hour, Monday-Saturday	1 full time 1 part-time		
	Bridgewater - LaHave - Petite-Rivière via Route 331	Extended Shuttle Service	Flex 4-hour, Monday-Saturday pre-booking	1 part-time		
	Bridgewater - New-Germany via Highway 10	Extended Shuttle Service	Flex 4-hour, Monday-Saturday pre-booking	1 part-time		

Feasibility Study: Public Transit for Citizens for Public Transit

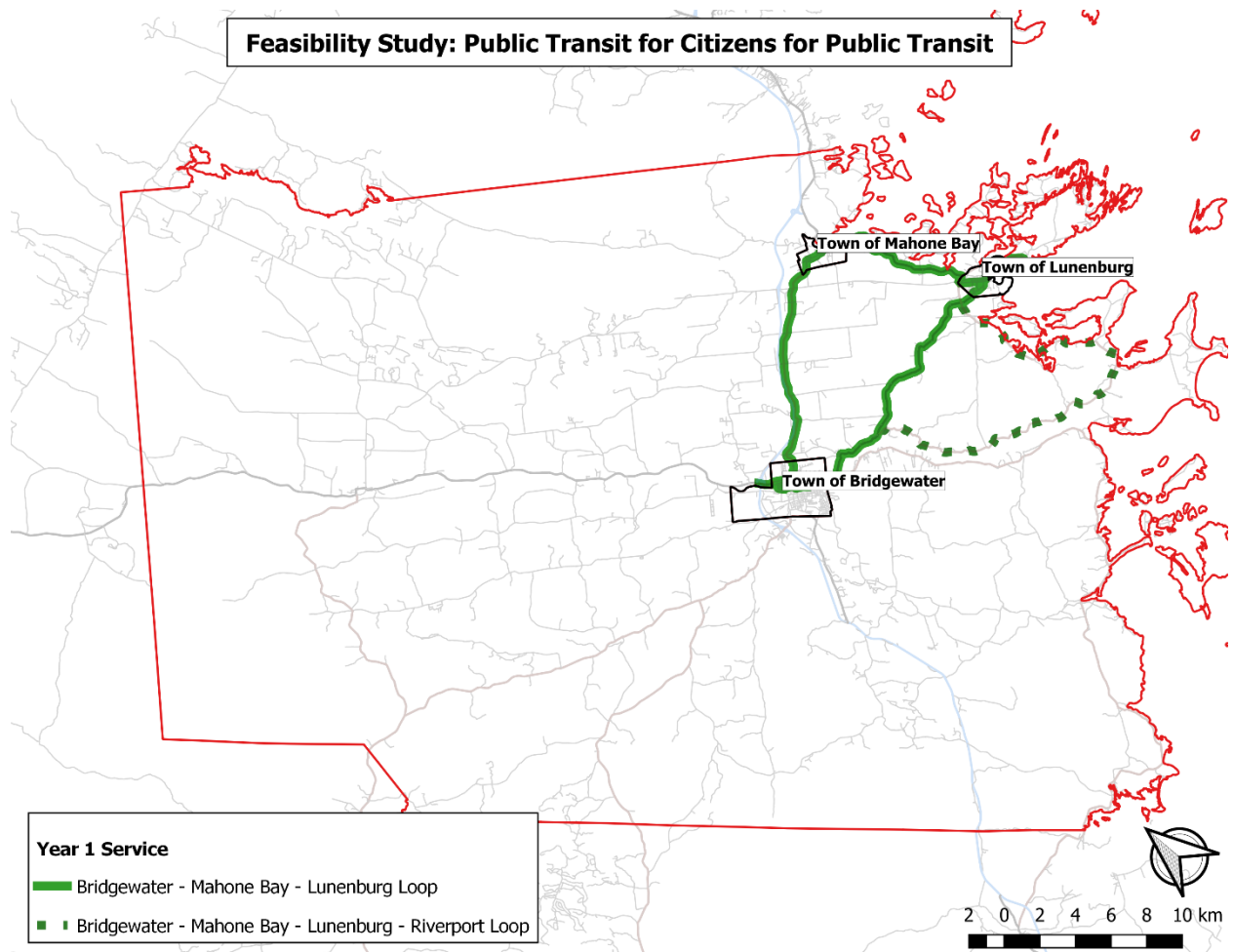


FIGURE 11 YEAR 1 SERVICE

Feasibility Study: Public Transit for Citizens for Public Transit

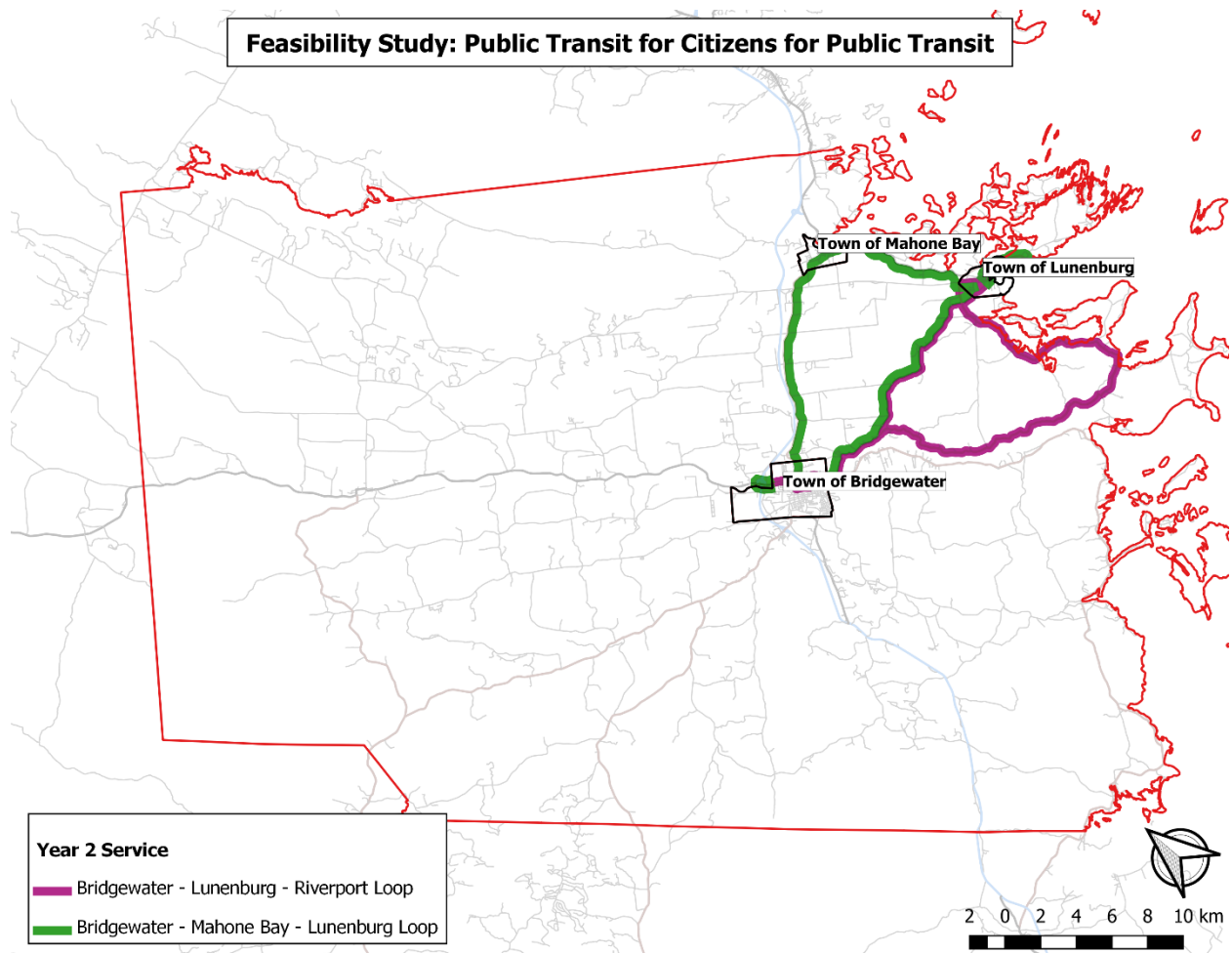


FIGURE 12 YEAR 2 SERVICE

Feasibility Study: Public Transit for Citizens for Public Transit

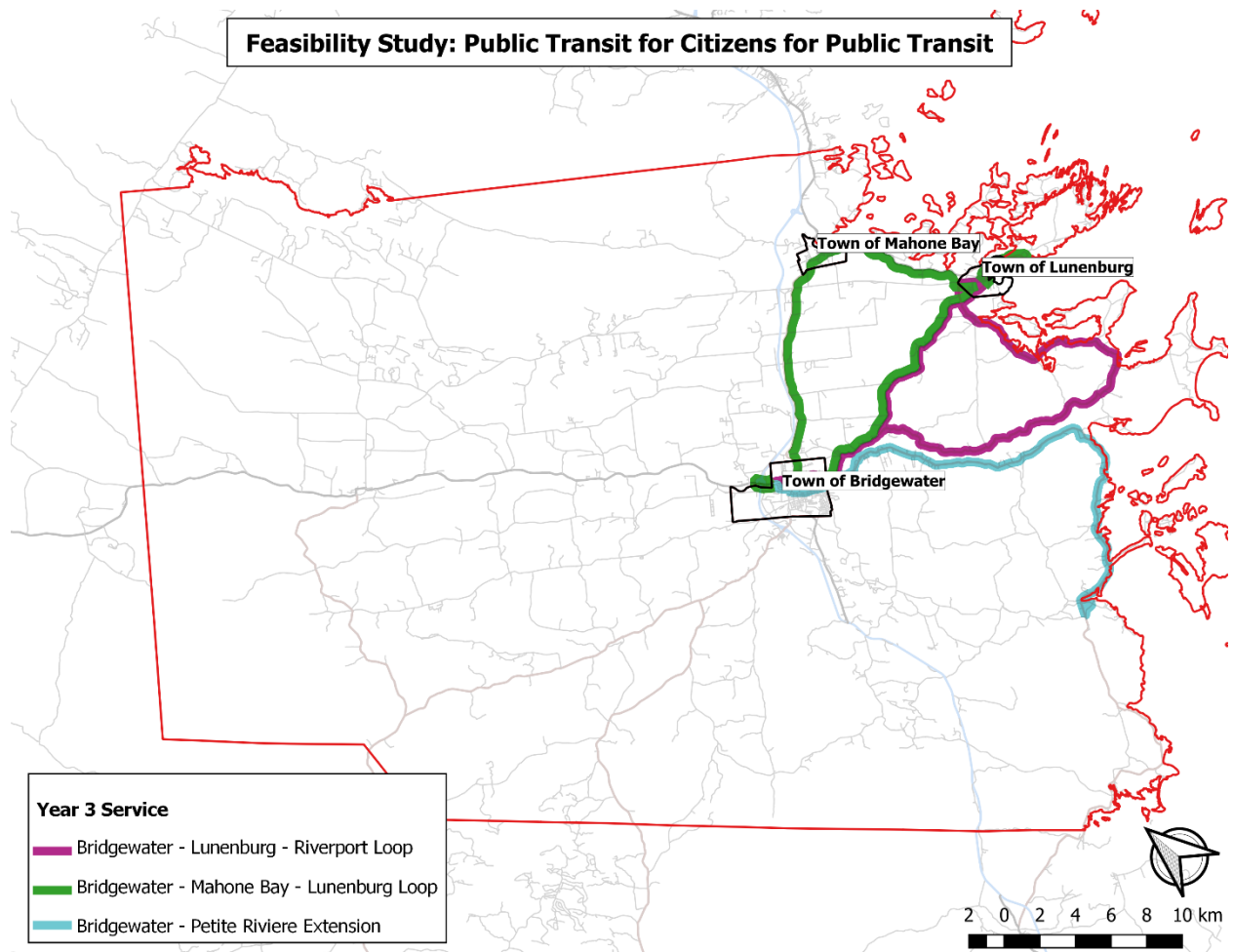


FIGURE 13 YEAR 3 SERVICE

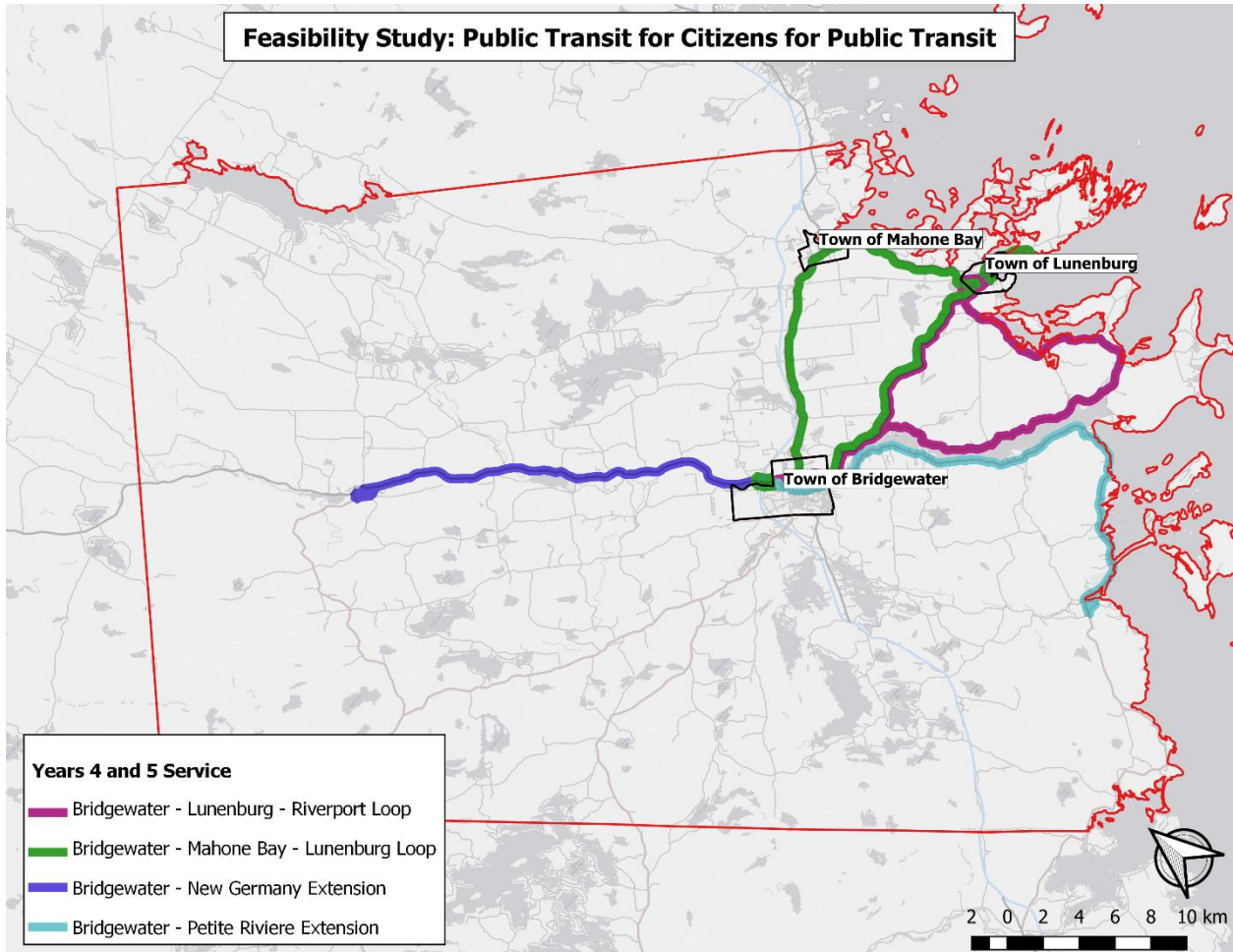


FIGURE 14 YEARS 4 AND 5 SERVICE

Chapter 5 Financial Feasibility Assessment

5.1 Costing

Through discussions with the Kings Transit Authority, and Bridgewater Transit, we have considered the costs of a regional public transit system in Lunenburg County. There are two key financial components to such a system:

- Operating budget; and
- Capital budget.

The operating budget takes into consideration the number of service hours, operational expenses such as driver's salaries, fuel for the vehicle, licence and administrative fees etc.

Capital costs include the purchase of the bus or transit vehicles, as well as any infrastructure such as bus stops and shelters, and other one-time equipment purchases.

Anticipated revenue from the service would be based on the level of ridership and fare amount.

As the study progressed, we looked into the necessary components of both budgets for a Lunenburg County public transit system. The various costs associated with implementing a public transit system, and the potential ridership and revenue obtained through operating the service, are summarized in **Appendix D**.

Costs were estimated on a five-year basis. The first year would operate as a pilot demonstration, with the service being expanded and extended over the following years, as described in **Section 4.7**.

The resulting costs for each year of operation are summarized and rounded to the nearest \$5,000 in Table 8 and are presented in detail in **Appendix D**.

TABLE 8 TRANSIT SERVICE COST SUMMARY

Service	Year 1		Year 2		Year 3			Year 4				Year 5			
	Bridgewater - Mahone Bay - Lunenburg Loop	Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	Bridgewater - Mahone Bay - Lunenburg Loop	Bridgewater - Lunenburg - Riverport Loop	Bridgewater - Mahone Bay - Lunenburg Loop	Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	Bridgewater - LaHave - Petite Rivière Extension	Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	Bridgewater - LaHave - Petite Rivière Extension	Bridgewater - New Germany Extension	Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	Bridgewater - LaHave - Petite Rivière Extension	Bridgewater - New Germany Extension
	Peak	Extended	Fixed	Fixed	Fixed	Fixed	Extended	Fixed	Fixed	Extended	Extended	Fixed	Fixed	Extended	Extended
Vehicle	Van New	Van New	Van New	Van New	Community Bus New	Van New	Van New	Community Bus New	Community Bus New	Van New	Van New	Community Bus New	Community Bus New	Van New	Van New
Number of vehicles	1		1	1	1	1	1	1	1	1	1	1	1	1	1
Number of stops	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Number of full-time drivers	1		1	1	1	1	1	1	1	1	1	1	1	1	1
Number of part-time drivers	1		1	1	1	1	1	1	1	1	1	1	1	1	1
Route Length (km)	55	75	55	70	55	75	70	55	75	70	50	55	75	70	50
Route Travel Time (hours)	1.50	2.00	1.50	1.75	1.50	2.00	1.75	1.50	2.00	1.75	1.25	1.50	2.00	1.75	1.25
Route Catchment Population (within 300m)	5910	6460	5910	5700	5910	6460	3220	5910	6460	3220	1070	5910	6460	3220	1070
Estimated Yearly Transit Ridership per Person	1.50	0.25	2.00	2.00	2.50	2.50	1.50	3.00	3.00	1.75	1.50	4.00	4.00	2.00	1.75
Estimated Yearly Transit Ridership	8865	1615	11820	11400	14775	16150	4830	17730	19380	5635	1605	23640	25840	6440	1873
Route Service Hours per Day	7.0	4.0	12	12	12	12	4.0	12	12	4.0	4.0	12	12	4.0	4.0
Route Operating Hours per Year (+ Dead-Head)	2158	1404	3692	3692	3692	3692	1404	3692	3692	1404	1404	3692	3692	1404	1404
Number of Route Runs per Day	4	2	8	6	8	6	2	8	6	2	3	8	6	2	3
Number of Route Runs per Year	1248	624	2496	1872	2496	1872	624	2496	1872	624	936	2496	1872	624	936
Route Annual km Travelled	68640	46800	137280	131040	137280	140400	43680	137280	140400	43680	46800	137280	140400	43680	46800
Vehicle Fare	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	\$ 10.00	\$ 10.00	\$ 3.50	\$ 3.50	\$ 10.00	\$ 10.00
Vehicle Fuel Economy (L/100km)	14	14	14	14	20	14	14	20	20	14	14	20	20	14	14
TOTAL OPERATING COSTS	\$ 210,000.00	\$ 210,000.00	\$ 330,000.00	\$ 330,000.00	\$ 395,000.00	\$ 395,000.00	\$ 395,000.00	\$ 460,000.00	\$ 460,000.00	\$ 460,000.00	\$ 460,000.00	\$ 460,000.00	\$ 460,000.00	\$ 460,000.00	\$ 460,000.00
TOTAL CAPITAL COSTS	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ 55,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00	\$ 95,000.00
TOTAL COSTS (OPERATING + CAPITAL)	\$ 265,000.00	\$ 265,000.00	\$ 385,000.00	\$ 385,000.00	\$ 490,000.00	\$ 490,000.00	\$ 490,000.00	\$ 555,000.00	\$ 555,000.00	\$ 555,000.00	\$ 555,000.00	\$ 555,000.00	\$ 555,000.00	\$ 555,000.00	\$ 555,000.00
TOTAL REVENUE	\$ 40,000.00	\$ 40,000.00	\$ 85,000.00	\$ 85,000.00	\$ 135,000.00	\$ 135,000.00	\$ 135,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00	\$ 210,000.00
NET COST (TOTAL REVENUE - TOTAL COSTS)	-\$230,000.00	-\$230,000.00	-\$300,000.00	-\$300,000.00	-\$360,000.00	-\$360,000.00	-\$360,000.00	-\$345,000.00	-\$345,000.00	-\$345,000.00	-\$345,000.00	-\$345,000.00	-\$345,000.00	-\$345,000.00	-\$345,000.00

5.2 Funding Options

There is little doubt that providing a reliable, affordable and connected public transit system could improve quality of life for many people. While the costing exercise has found that the costs of a Lunenburg County transit service cannot be covered through advertising and fares alone, additional funding mechanisms are available at the provincial and federal levels.

According to the Infrastructure Canada webpage, investments in rural and northern infrastructure will help grow local economies, build stronger, more inclusive communities, and help safeguard the environment and the health of Canadians.

There are infrastructure dollars available from a number of programs as described in the following sections.

5.2.1 Federal Funding Streams

Because rural and northern communities have unique infrastructure needs that require a more targeted approach, the Federal Government will invest \$2 billion over the next decade to support a broad range of infrastructure projects, to be allocated to provinces and territories on a base plus per capita allocation basis [<https://www.infrastructure.gc.ca/plan/rnc-crn-eng.html>].

Through the Public Transit Infrastructure Fund (PTIF), Budget 2016 focused on making immediate investments of \$3.4 billion over three years, to upgrade and improve public transit systems across Canada. PTIF will provide short-term funding to help accelerate municipal investments to support the rehabilitation of transit systems, new capital projects, and planning and studies for future transit expansion to foster long-term transit plans.

To support the next phase of ambitious public transit projects, through Budget 2017 the Government will invest \$25.3 billion over the next decade, including \$5 billion invested by the Canada Infrastructure Bank.

Through new bilateral agreements with provinces and territories, the Public Transit stream will provide provinces, territories and municipalities with funding to address the new construction, expansion, and improvement and rehabilitation of public transit infrastructure, and active transportation projects [<https://www.infrastructure.gc.ca/plan/pti-itc-eng.html>].

5.2.2 Provincial Funding Streams

The Province of Nova Scotia has introduced the Public Transit Assistance Program (PTAP). It allows municipalities and community organizations to apply for funding to buy capital assets like vehicles, for fixed-route transit services. The funding is not intended to offset the cost of operating transit services. Based on funding levels provided to other fixed route services it is estimated that a new service could receive up to \$25,000 in annual capital funding.

Another potential funding source could be the Low Carbon Communities & Connect2 fund, which is designed to help communities save money and reduce emissions. This grant program is

administered through the Nova Scotia Department of Energy and Mines. It covers three focus areas: buildings, electricity and transportation. Under the transportation stream's Connect2 program, pilot projects proposing shared mobility services may qualify for grants of up to \$75,000. <https://novascotia.ca/low-carbon-communities/>.

Chapter 6 Governance Assessment

The proposed transit system for Lunenburg County presents a higher complexity over typical transit systems in that it consists of a service across a number of municipal boundaries. Municipalities in Nova Scotia are incorporated on a single-tier hierarchy: Towns, District municipalities, Regional municipalities and County municipalities all have parallel jurisdictions. The only authority above this structure is the provincial government. However, since the provision of transit services is a municipal, not a provincial responsibility, another service delivery mechanism is required.

Several governance structures are available, ranging from fully public, to fully private. Each structure has certain merits, and presents different advantages and disadvantages to a cross-boundary system such as the one proposed for Lunenburg County. Table 9 describes the type of governance structures that could be adopted for a Lunenburg County transit system.

TABLE 9 GOVERNANCE OPTIONS

Type	1. Public Municipal Transit System	2. Public Management and Private Operations/ Maintenance	3. Delegated Private Management and Operations/ Maintenance	4. Private System
Description	<ul style="list-style-type: none"> All aspects of the transit service are a public responsibility, including maintenance and operation being provided by public sector employees. 	<ul style="list-style-type: none"> The municipality is responsible for subsidizing all operating losses. Governance is often the responsibility of the municipal council, or publicly appointed board. 	<ul style="list-style-type: none"> The municipality owns and is responsible to ensure the transit service is provided. The management, maintenance and operation of the vehicles is delegated to a third party service provider. 	<ul style="list-style-type: none"> A private corporation owns, manages, operates and maintains the system

The consultation process considered all of these governance structures and delivery mechanisms; most importantly, however, it was felt that a publicly-owned and operated system was most in keeping with the goals and vision of Lunenburg County residents.

A private system has the advantage of leveraging existing service providers. Services like Maritime Bus already operate a regional bus system that is well connected to major hubs in the Atlantic region. On a smaller scale, the example of the rural Town of Innisfil in Ontario is telling. The Town entered into an agreement with the ride-sharing service Uber to provide transportation services in the rural municipality. The Town compensates Uber for every ride taken by Town residents. While this system has been very successful, the Town has found that its costs significantly exceed the initial forecasted costs of a municipal transit system. The main issue is that Uber offers no economies of scale: the higher the usage, the higher the costs. A municipal bus system, in comparison, offers the potential for economies of scale by carrying a higher number of patrons on every ride. The resulting net cost per kilometer travelled is therefore reduced.

A private system is also ultimately guided by profitability. As observed in the case of Maritime Bus, there is no guarantee of service, if routes are not profitable. As demonstrated in Table 7, however, a Lunenburg County transit service would not be profitable, under basic operating assumptions. A form of public system would therefore be preferable to a private system.

Drawing from the experience of Kings Transit Authority, several municipalities could enter into an Inter-Municipal Service Agreement, whereby they each contribute to the operating and capital funds of an arms-length transit corporation, which in turn owns and operates the transit service. A transit authority would be established, with a Board of Directors including members from all participating jurisdictions.

Considering that the Town of Bridgewater has already started a transit service, the opportunity also exists for Town of Bridgewater to extend this service to the rest of Lunenburg Transit along the routes proposed in Chapter 4 , through an Inter-Municipal Service Agreement, with contributions from participating municipalities proportional to the size of their populations.

Chapter 7 Conclusions

This Feasibility Study has assessed transportation needs throughout Lunenburg County, with the aim of identifying the feasibility of implementing a transit system. Through review of census data, and extensive public and stakeholder consultation, it was found that there is significant travel activity between the municipalities within Lunenburg County, for work, school and discretionary (non-work) trips. At the same time, several dynamics (including lack of access to a private vehicle, low-income, or age or illness related issues) increasingly reduce residents' mobility and access to the services they need.

At the forefront, we note the trend towards a population looking to “age in place”, and needing dependable and consistent access to services (medical, shopping, socializing). Equally important, we found a disconnect between employers' access to Lunenburg County's workforce, and employees unable to travel to employment locations. Lastly, students and young people have limited access to programmed activities, summer jobs, and leisure destinations, if they cannot be driven around, are not able to afford to live close to where they work, or have access to their own vehicle.

Considering these needs, and the widely dispersed nature of communities in Lunenburg County, we sought to develop a responsive pilot transit service. Four main service corridors were identified, connecting into the Town of Bridgewater as the regional hub:

- Bridgewater – Mahone Bay – Lunenburg
- Bridgewater – Lunenburg – Riverport
- Bridgewater – LaHave – Petite Rivière
- Bridgewater – New Germany

Through discussions with recently-implemented transit systems in the Town of Bridgewater, and longer standing systems in Annapolis Valley (Kings Transit Authority), we developed an initial Core Loop peak hour service, with extended off-peak service. We found that, due to long distances that would have to be travelled, and the relatively low population density in Lunenburg County, a transit service would not be profitable, and would not cover operating costs based on fare recovery alone.

However, we do believe that a transit service is feasible with funding from federal and provincial sources to complement the fare revenue, which could be established through a shorter, pilot route, the Bridgewater – Mahone Bay – Lunenburg – Riverport route, that if successful could be extended to include the other routes to LaHave and Petite Rivière, and perhaps New Germany. We have identified principal federal and provincial funding sources that are intended to offset a part of transit system capital and operating costs. A Lunenburg County Transit Authority would have to apply for grants under the applicable funds.

7.1 Next Steps

To initiate a Lunenburg County transit system, the following steps will need to be taken:

- CPT to present the study to all four town and municipal councils and Mayors;
- CPT to present the study to provincial representatives and Nova Scotia Communities, Culture and Heritage who have funded the study;
- Confirm participating jurisdictions;
- Sign an Inter-Municipal Service Agreement, establishing a Lunenburg County Transit Authority and a Board of Directors;
- Set transit authority charter and policies;
- Confirm bus routes and bus stops in consultation with participating jurisdictions and Councils;
- Determine fare structure;
- Develop service plan;
- Establish operating and capital budgets;
- Apply for funding;
- Acquire UARB service operating licensing;
- Liaise with other local transit systems/organizations (Senior Wheels, Chester Community Wheels, Queens County Transit, Maritime Bus, school bus services, Cloud Nine Shuttle, Alternative Routes etc.).

As for the Citizens for Public Transit Board, we believe that it is essential that they continue to play a part in establishing the transit system due to their long-term commitment to bringing a service to the region, their existing contacts and influence, and their continued enthusiasm to seeing their mission completed. One suggestion would be for CPT to be represented on the Board of Directors of a newly formed Lunenburg County Transit Authority.

Appendix A

Focus Group Invitation and Materials, Responses

WANT A BUS SYSTEM FOR LUNENBURG COUNTY?



Come learn about efforts to make this happen and to contribute your ideas!

**May 13, 2019, from 4:30 - 6 pm
Lunenburg Fire Hall - 25 Medway St**

**For more information, please contact Citizens for Public Transit
(902) 543-5541 | cpt@bellaliant.net**

We welcome you to attend our focus group meetings, and to participate in our online survey. A hard copy of the survey can also be obtained and dropped off at town/municipal offices. Please participate in our online survey at

www.transitlunenburg.ca/LunenburgCountyTransit

WANT A BUS SYSTEM FOR LUNENBURG COUNTY?



Come learn about efforts to make this happen and to contribute your ideas!

**Wednesday, June 12, 2-4 p.m.,
Mahone Bay Centre, 45 School Street,
Large Conference Room 307**

**Wednesday, June 12, 6-8 p.m.,
LaHave Bakery, 3421 Hwy 331,
La Have, 2nd floor**

**For more information, please contact Citizens for Public Transit
(902) 543-5541 | cpt@bellaliant.net**

We welcome you to attend our focus group meetings, and to participate in our online survey. A hard copy of the survey can also be obtained and dropped off at town/municipal offices. Please participate in our online survey at

www.transitlunenburg.ca/LunenburgCountyTransit

How can public transportation benefit you, your family and your community?>

Record	Focus Group	Group	Comment
1001	1	1	Parking solution in tourist season
1002	1	1	Can travel when weather and roads are bad
1003	1	1	Facilitates social interaction and builds community links
1004	1	1	opportunities for cultural exchange (eg.Muscians on bus)
1005	1	1	Keep seniors in homes and communities
1006	1	1	People encouraged to use buses for restaurants and bars (Avoid drinking and driving)
1007	1	1	Using buses/public transit helps make a greener environment for all of us
1008	1	1	Relax on public transit (stress free) can read,knit etc
1009	1	2	Potential Route- Riverport to Lahave ferry to Bridgewater with stops
1010	1	2	Carry loads that I can't carry on my bike
1011	1	2	Combo ->eg. Bike + bus
1012	1	2	Weather alternatives - A ferry from Riverport - Lahave - Lunenburg - Brdgewater with stops
1013	1	2	Save gas- Carbon emissions
1014	1	2	Chat, build community relationship
1015	1	2	Read on the go, wifi work while you travel
1016	1	2	If you can commute to work -->community growth, more options to stay
1017	1	2	Winter travel options
1018	1	2	Fewer cars on the road
1019	1	2	Benefit people with accessibility/Mobility issue, support for diverse community
1020	1	2	Night time options - travel to/from concerts, movies,events
1021	1	2	Employers buy bus passes for staff
1022	1	2	Corporate sponsors (Plastics factory, restaurants, smaller businesses)
1023	1	2	Bridgewater, Lunenburg link up
1024	1	2	Churches, Senior homes
1025	1	3	Get people out of the house more
1026	1	3	Good for seniors + people with disabilities
1027	1	3	Good for responsible drinking + cannabis
1028	1	3	Good for medical appointments + errand
1029	1	3	Good for appointment where you can't drive after
1030	1	3	Potentially good for commuting if service hours are appropriate (work + after school)
1031	1	3	People with part time jobs
1032	1	3	To go shopping
1033	1	3	Getting tourists around
1034	1	3	Good for young people + new Canadians
1035	1	3	Good for health
1036	1	3	Good to go to local events
1037	1	4	Electric Buses = Less pollution
1038	1	4	Independence for non-car owners or non-drivers
1039	1	4	Takes a lot of bad drivers off the road. Ie tailgaters or slow pokes
1040	1	4	Attract people to move here.
1041	1	4	Community buildings- meet people at the bus stop and on the bus. Good way to keep warm or entertained
1042	1	4	Less need for parking spaces
1043	1	4	Less cars per household- less car costs gas, insurance. Family fight reduced
1044	1	5	Less money spend on gas, car repairs
1045	1	5	Spend less for Parking
1046	1	5	Don't have license but need reliable transit to get to work
1047	1	5	Better connection with family members in other towns
1048	1	5	Good for business
1049	1	5	Good for mental health, inter communication between communities
1050	1	5	Benefits for environment
1051	1	5	Reduction in potential traffic
1052	1	6	More convenient access to entertainment and shopping venues
1053	1	6	Employment
1054	1	6	Everyday service or twice a week service
1055	1	6	Medical/dental appointment
1056	1	6	Combat loneliness for older people - Volunteer drives
1057	1	6	Corporate sponsor a bus once a week to go shopping, specially in rural areas
1058	MB	3	Start 6:00 Bridgewater, main loop to Lunenburg. Express Lunenburg to Bridgewater
1059	MB	3	Offset Departure between 2 buses
1060	MB	3	Slack gives people to run errand and catch return bus
1061	MB	3	Later service
1062	MB	3	Flex- Call ahead for stop, Night before/Online/app
1063	MB	3	Shuttle
1064	MB	1	Help break isolation
1065	MB	1	Bring the county together
1066	MB	1	Give people access to services
1067	MB	1	Well being, knowing you can see others - Social life
1068	MB	1	Access to jobs
1069	MB	2	Health connections

1070	MB	2	Shopping - food & other
1071	MB	2	Committee meetings & other meetings
1072	MB	2	Social connections - dining/friends
1073	MB	2	Access to gout. Services & represent actives
1074	MB	2	Library & Recreationed services (Lunenburg & Bridgewater) - Spots, concerts & yoga/ Tai Chi etc
1075	MB	2	Entertainment (sports, concerts, mouics)
1076	MB	2	High school/ community college/extra curricular
1077	MB	2	Job opportunities
1078	MB	2	Professional services
1079	MB	2	Visits to nursing/Hospitals/care facilities
1080	MB	2	access to parks/beaches/lakes
1081	LH	1	Retired if few demands, but have appointments/shopping
1082	LH	1	Appointments 2 times per week +/-
1083	LH	1	Trips to the Library
1084	LH	1	Shopping, dentist, doctor, change of pase, beach etc
1085	LH	1	Medical serivces (eg. Chester)
1086	LH	1	Volunteer activeties
1087	LH	1	Meethings
1088	LH	1	Recreation outings
1089	LH	1	shopping
1090	LH	1	Increase number of people coming into this community, accessing shops, artistic/Galleries/ beach/winery
1091	LH	1	Tourist actives = increase for local people
1092	LH	1	Seasonal actives @ beaches etc
1093	LH	1	Environmental
1094	LH	1	Social
1095	LH	1	Essential Service
1096	LH	1	commercial
1097	LH	1	Culture
1098	LH	2	Not having to own car
1099	LH	2	Less fossil fuel burning (enviornment)
1100	LH	2	Not having to ferry children always by car
1101	LH	2	Connecting to Halifax bus
1102	LH	2	Access to community programs
1103	LH	2	Social benefit: meeting others
1104	1	2	Fitness benefit
1105	1	2	Not being vulnerable when aging (getting stuck at home)
1106	1	2	Connecting with family - Less trips to pick up and drop off
1107	1	2	Conscious travel decisions
1108	1	2	** Winter options
1109	1	2	More access to rec. resources
1110	1	2	Positive retail impacts
1111	1	2	reduce congestion in towns
1112	1	2	productive time on bus (Reading)

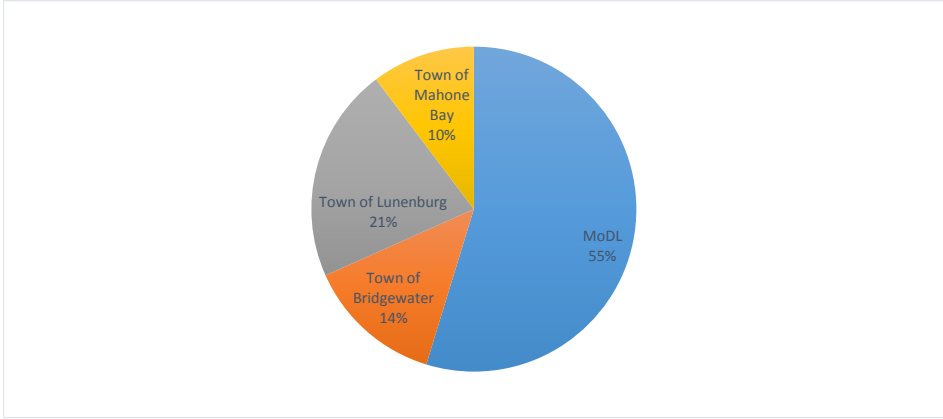
What are the guiding principles for a bus system in Lunenburg County?

Record	Focus Group	Comment
2059	1	Helpful for old people
2004	1	Accessible
2012	1	Accessible
2048	1	Accessibility for all (not necessarily geographically but physically)
2079	1	Accessible
2081	1	Accessible
2084	1	Accessible
2086	1	Accessible
2088	1	Accessible
2092	1	Accessible
2094	1	Accessible
2099	1	Accessible
2007	1	Accountable
2080	1	Affordable
2082	1	Affordable
2087	1	Affordable
2093	1	Affordable
2096	1	Affordable
2008	1	Affordable
2056	1	Monthly pass
2028	1	No food on buses
2010	1	Comfortable
2025	1	Sheltered bus stops
2052	1	Community focused - can do special event markets festival etc
2032	1	Connecting
2037	1	Route-Logical
2041	1	Connect to other transit systems
2046	1	Efficient route and most convenient for the riders
2065	1	Joint public and school bus collaboration and routes
2066	1	Dial a ride to connect remote rural communities
2090	1	Connecting
2078	1	Consistent
2098	1	Consistent
2006	1	Convenient
2009	1	Stop options on request (with reason)
2026	1	Convenience
2047	1	Convenience sufficient to be "culture challenging" (combating car dependency as primary influence
2074	1	Non rush hour (shopping & Social purpose)
2015	1	Get sponsorship: NSCC, Businesses, shopping centres.
2016	1	Annual membership - funded by employers
2063	1	Corporate sponsored including billboard advertising on the bus
2020	1	Cost
2069	1	Free or low cost, more riders save on admin
2075	1	Be able to go to Bridgewater shop 2 hrs, onto Mahone bay, then to Lunenburg- One flexible fare
2001	1	Dependable
2003	1	Efficient (most people on the shortest route)
2040	1	Energy efficient
2042	1	Clean technology
2054	1	Environmental friendly/Green energy
2057	1	More green options
2061	1	Electric
2070	1	Day fares, frequency service, multi modal
2076	1	Frequent

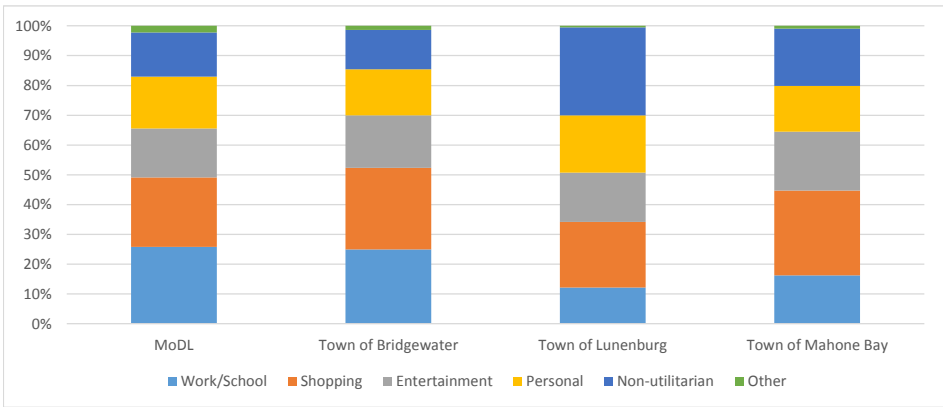
2022	1	Health
2023	1	Support active transport
2024	1	Can live in rural area (less expensive) good for families
2058	1	Good for non driver
2049	1	Reinforcing the idea of pop density & economic hubs within towns/urban centers as the proven land use plan
2014	1	Concept: New germany -> BW, Bridgewater -> BW, Cargo bike racks and storage, Dial a ride
2039	1	Bike racks
2053	1	Can take bicycles, wheelchair and service animals
2011	1	Predictable
2055	1	High visibility stop community profile
2067	1	Well promoted
2017	1	Municipality (MODL) responsible for finding funding
2019	1	secure public subsidy (re-structure provincial system so province can contribute
2060	1	Subsidized
2071	1	Subsidized (for continual service)
2073	1	A service, not profit making
2005	1	Reliable
2050	1	Reliability so people can depend on it (again to chip away at car dependency)
2002	1	Safe
2029	1	Seatbelts
2030	1	Mandatory seat belts
2031	1	Trained drivers with authority to remove abusive passengers
2035	1	Safe for women and children
2038	1	Driver has autonomy to keep bus safe and "remove" problematic passengers
2044	1	Watchful of those who need help
2045	1	Stops well marked
2018	1	Organic Growth: System to evolve from existing services initiatives
2027	1	Times/Logical
2033	1	Regular
2034	1	Appropriate hours of operation
2036	1	Scheduling- very hard to accommodate
2043	1	Fixed schedule
2062	1	Regular service several times per day
2083	1	Seatbelts
2085	1	Seatbelts
2072	1	Speeds and frequency
2097	1	subsidized
2013	1	Sustainable
2077	1	Financially sustainable
2089	1	Sustainable
2091	1	Sustainable
2095	1	Sustainable
2064	1	Useful for everyone
2051	1	Able to demonstrate economic benefit (Credible counter argument to "subsidy" mentality)
2021	1	Wifi connect
2068	1	Fuel services e.g. Beach bus
2069	MB	Fixed Route
2070	MB	Frequent
2071	MB	Scheduled
2072	MB	Accessible
2073	MB	Affordable
2074	MB	Public Transit
2075	MB	Reliable
2076	MB	Connected
2077	MB	Well-Being
2078	MB	Pet Friendly

2079	MB	Long term plan
2080	MB	Time schedules realistic
2081	MB	Link as many communities as possible
2082	MB	Accessible vehicles
2083	MB	Good color, for route - well mapped
2084	MB	Safe Access covered wait area
2085	MB	Affordable
2086	MB	Combine with school bus system with back road system
2087	MB	Frequent Stops
2088	MB	Easy access
2089	MB	Accessibilty
2090	MB	Reliability
2091	MB	Safe
2092	MB	Reliable
2093	MB	Sustainable
2094	MB	Affordable (to riders & funding agency)
2095	MB	Handycapped assistance
2096	MB	Frequency
2097	MB	Affordable
2098	MB	Accessible
2099	MB	Sustainable (Environment)
2100	MB	Predictable (schedule)
2101	MB	Active
2102	MB	Timely
2103	MB	Coat
2104	MB	Frequency
2105	MB	Access
2106	MB	more stops
2107	MB	Meeting needs
2108	MB	meeting wishes
2109	MB	convenient
2110	LH	Need Schedules of shift numbers
2111	LH	3 towns shore road
2112	LH	Area chaning, immigrants, yound families, affordable province.
2113	LH	Older folks unable to drive in future - Need PT
2114	LH	Availbale (Historical routes to liverpool and yarmouth twice a day)
2115	LH	return to what used to work, if unable to drive - couldn't live in rural NS.
2116	LH	Public transit as a service, what does the future look like?
2117	LH	aging in place, mobility. Special events & visitors on the weekend
2118	LH	Conveient route to Mahone bay + Lunenburg + Rose bay + Bridgewater
2119	LH	Accessible
2120	LH	Flexiable in days and evening
2121	LH	Comfortable
2122	LH	Electric (enviormental friendly)
2123	LH	Predictable
2124	LH	Accessible
2125	LH	Affordable
2126	LH	Convenient access
2127	LH	Reasonable coat
2128	LH	Affordable
2129	LH	Sustainable
2130	LH	Convenient
2131	LH	Affordable
2132	LH	Regular access

Participation	Grand Total
MoDL	133
Town of Bridgewater	33
Town of Lunenburg	52
Town of Mahone Bay	25
	243

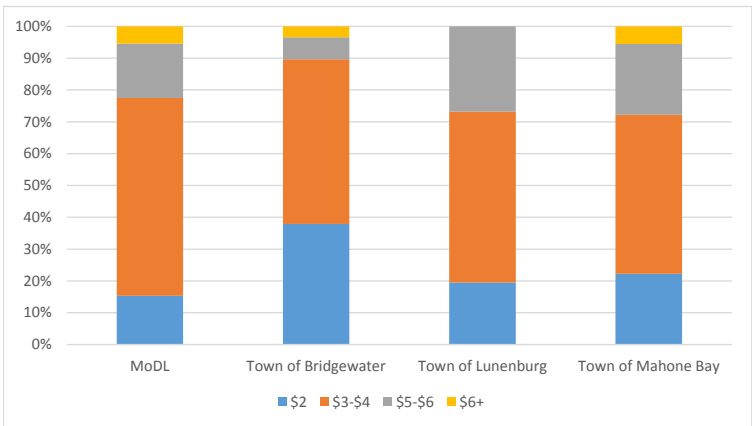


Trip Purpose	Work/School	Shopping	Entertainment	Personal	Non-utilitarian	Other	
MoDL	488	441	311	329	280	42	
Town of Bridgewater	181	199	128	112	96	10	
Town of Lunenburg	104	188	142	164	253	4	
Town of Mahone Bay	55	96	67	52	65	3	
	828	924	648	657	694	59	3810
	22%	24%	17%	17%	18%	2%	15.679012



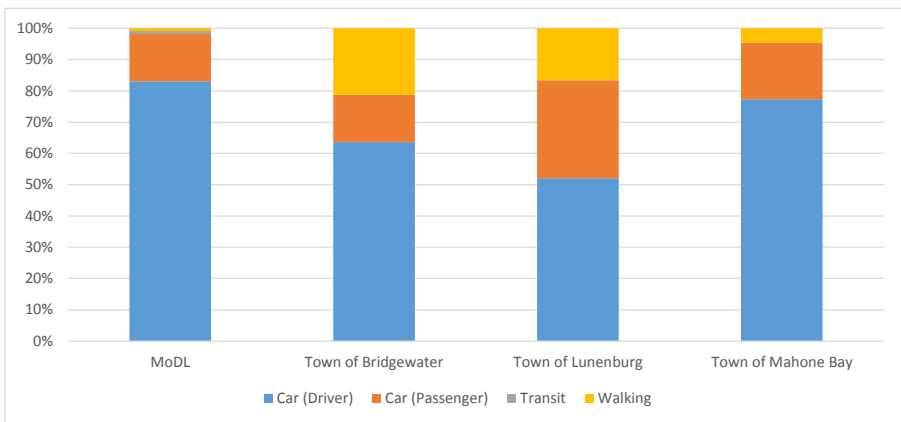
Count of Record #	Column Labels				
Row Labels	\$2	\$3-\$4	\$5-\$6	\$6+	Grand Total
MoDL	17	69	19	6	111
Town of Bridgewater	11	15	2	1	29
Town of Lunenburg	8	22	11		41
Town of Mahone Bay	4	9	4	1	18
Grand Total	40	115	36	8	199

Willingness to pay	\$2	\$3-\$4	\$5-\$6	\$6+	Total
MoDL	17	69	19	6	111
Town of Bridgewater	11	15	2	1	29
Town of Lunenburg	8	22	11	0	41
Town of Mahone Bay	4	9	4	1	18
	40	115	36	8	199



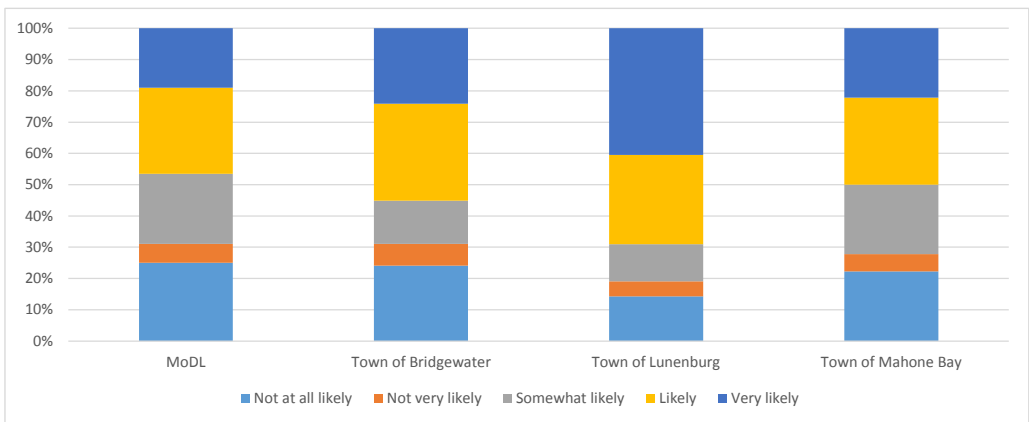
Count of Record # Row Labels	Column Labels				Grand Total
	Car (Driver)	Car (Passenger)	Transit	Walking	
MoDL	98	18	1	1	118
Town of Bridgewater	21	5		7	33
Town of Lunenburg	25	15		8	48
Town of Mahone Bay	17	4		1	22
Grand Total	161	42	1	17	221

Primary Mode of Travel	Car (Driver)	Car (Passenger)	Transit	Walking	Total
MoDL	98	18	1	1	118
Town of Bridgewater	21	5	0	7	33
Town of Lunenburg	25	15	0	8	48
Town of Mahone Bay	17	4	0	1	22
					221



Count of Record # Row Labels	Column Labels					Grand Total
	Likely	Not at all likely	Not very likely	Somewhat likely	Very likely	
MoDL	29	7	26	32	22	116
Town of Bridgewater	7	2	4	9	7	29
Town of Lunenburg	6	2	5	12	17	42
Town of Mahone Bay	4	1	4	5	4	18
Grand Total	46	12	39	58	50	205

Likelihood to use transit	Not at all likely	Not very likely	Somewhat likely	Likely	Very likely	Total
MoDL	29	7	26	32	22	116
Town of Bridgewater	7	2	4	9	7	29
Town of Lunenburg	6	2	5	12	17	42
Town of Mahone Bay	4	1	4	5	4	18
	46	12	39	58	50	205



Appendix B

Survey Form

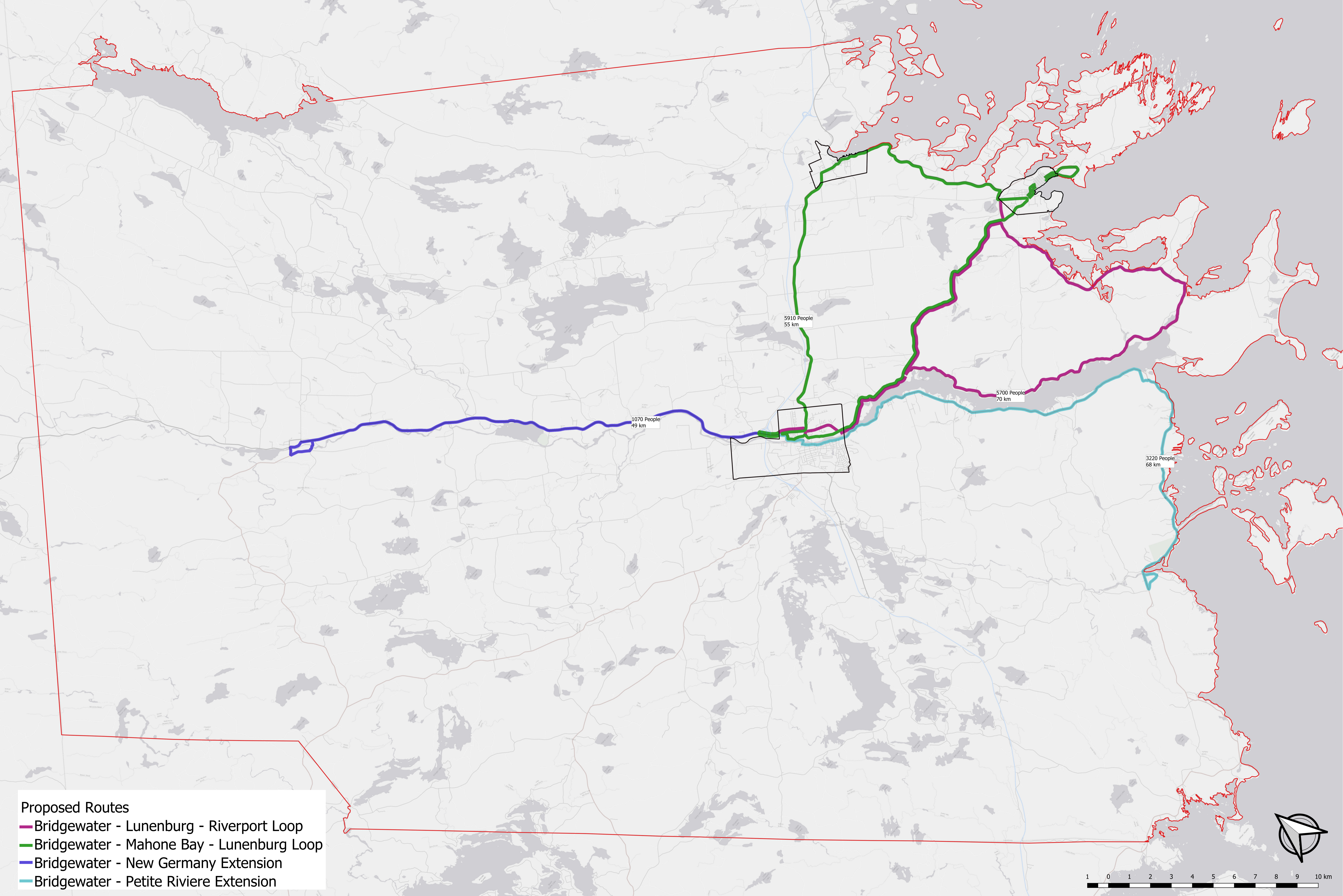


Bus System for Lunenburg County – Survey

1. In which community do you live?					
<input type="checkbox"/> Town of Bridgewater	<input type="checkbox"/> Town of Lunenburg	<input type="checkbox"/> Town of Mahone Bay	<input type="checkbox"/> Municipality of the District of Lunenburg (MODL)	(Please specify which MODL community you live in)	
2. What is your primary mode of travel?					
<input type="checkbox"/> Car (Drive alone)	<input type="checkbox"/> Car passenger	<input type="checkbox"/> Bike	<input type="checkbox"/> Walk	<input type="checkbox"/> Other (Please specify)	
3. During the last month, roughly how many times per week did you travel for the following purposes?					
Work/school	Shopping	Entertainment, social and recreational activity	Personal errands (post office, medical appointments, dropping someone off)	Non-utilitarian (walking for exercise, dog-walking)	Other (Please specify)
4. How likely are you to ride public transportation, if available, in your community?					
<input type="checkbox"/> Not at all likely	<input type="checkbox"/> Not very likely	<input type="checkbox"/> Likely	<input type="checkbox"/> Somewhat likely	<input type="checkbox"/> Very likely	
5. How much are you willing to pay per trip for public transit?					
<input type="checkbox"/> \$2	<input type="checkbox"/> \$3 - \$5	<input type="checkbox"/> \$5 - \$6	<input type="checkbox"/> more than \$6		
6. What type of transit would you like to see in Lunenburg County?					
7. How can we connect communities by transit? (ex. Bridgewater to Mahone Bay)					
8. What features would you like to see in the service? (ex. coverage, flex schedule, bus technologies, apps)					
9. Any additional comments?					
10. What is your postal code?					

Appendix C

Route Options



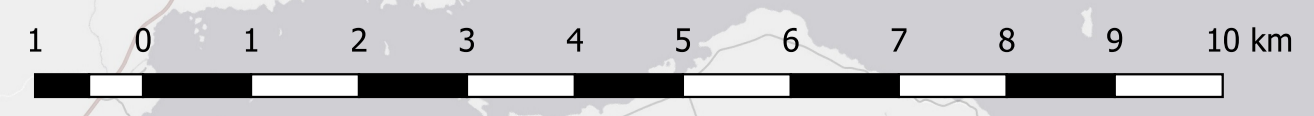
- Proposed Routes**
- Bridgewater - Lunenburg - Riverport Loop
 - Bridgewater - Mahone Bay - Lunenburg Loop
 - Bridgewater - New Germany Extension
 - Bridgewater - Petite Riviere Extension

1070 People
49 km

5910 People
55 km

5700 People
70 km

3220 People
68 km



Appendix D

Financial Assessment

Route	Length (km)	Average Speed (km/h)	Travel Time (hours)	Population 300m	Population % making trips	Average number of yearly trips per person	Likely Transit Split	Potential Yearly Transit Trips
Bridgewater - Mahone Bay - Lunenburg - Riverport Loop	75.00	40	2	6460	66%	784	0.3%	10028
Bridgewater - Mahone Bay - Lunenburg Loop	55.00	40	1.5	5910	66%	784	0.3%	9174
Bridgewater - Lunenburg - Riverport Loop	70.00	40	1.75	5700	66%	784	0.3%	8848
Bridgewater - LaHave - Petite Rivière Extension	70.00	40	1.75	3220	66%	784	0.3%	4998
Bridgewater - New Germany Extension	50.00	40	1.25	1070	66%	784	0.3%	1661

Service Type	Yearly Trips	Service Hours per Weekday	Service Hours in 5 Weekdays	Service Hour Saturday	Service Hour Sunday	Service Hour per week	Service Hour per year	Break Hour per weekday	Break Hour per week	Break Hour per Saturday	Break Hour per week	Break Hour per year	Dead-Head per year	Total Operating Hours per Year
Peak		7	35		7	42	2184	0.5	2.5	0.5	3.5	182	156	2158
Fixed		12	60	12		72	3744	1	5	1	7	364	312	3692
Extended		4	20	4		24	1248		0		0	0	156	1404

Vehicle Type	Capital Cost	Fuel Economy (litres / 100km)	Yearly Maintenance costs	Inspection and Insurance cost per year	Permit costs per year	Passenger capacity	Fare per trip
Standard Bus New	\$ 500,000	42.77	\$ 7,500	\$ 25,000	\$ 515	40	\$ 3.50
Standard Bus Old	\$ 45,000	45	\$ 30,000	\$ 20,000	\$ 515	40	\$ 3.50
Small Bus New	\$ 100,000	30	\$ 5,000	\$ 15,000	\$ 450	20	\$ 3.50
Small Bus Old	\$ 18,000	33.6	\$ 20,000	\$ 15,000	\$ 450	20	\$ 3.50
Community Bus New	\$ 90,000	20	\$ 2,500	\$ 10,000	\$ 250	15	\$ 3.50
Community Bus Old	\$ 15,000	25	\$ 7,500	\$ 10,000	\$ 250	15	\$ 3.50
Van New	\$ 50,000	13.52	\$ 1,000	\$ 5,000	\$ 50	8	\$ 3.50
Van Old	\$ 5,000	20	\$ 2,000	\$ 5,000	\$ 50	8	\$ 10.00

Driver Type	Wage	Benefits	Sick Time	Vacation	Total Hourly Cost	Uniform Cost	First Aid Training	Hours/Day	Salary	Yearly Cost
Full Time	\$ 18	\$ 1	\$ 1	\$ 1	\$ 21	\$ 350	\$ 300	8.5	\$ 55,692	\$ 56,342
Part Time	\$ 18				\$ 18	\$ 250	\$ 300	5.5	\$ 30,888	\$ 31,438



CBCL LIMITED

Consulting Engineers



www.CBCL.ca

Nova Scotia: Halifax, Sydney
Prince Edward Island: Charlottetown
New Brunswick: Saint John, Fredericton, Moncton
Newfoundland & Labrador: St. John's, Happy Valley-Goose Bay
Ontario: Ottawa

Thank-you for the opportunity to speak to you about our climate emergency and our request that the **Town of Lunenburg** join the 493 Canadian councils that have declared a climate emergency.

I speak to you today representing the group [Extinction Rebellion](#) which is established in over 60 countries. Our request to you is also supported by the [Council of Canadians](#), [The Preparedness Project](#), and the [Ecology Action Centre](#).

I am hoping that after today's presentation you will declare a climate emergency and develop plans to further reduce GHG emissions, protect the environment and transition to sustainable energy sources.

I reviewed the Town's [Climate Action Plan](#) and read the important steps that are already being taken to mitigate and adapt to the effects of climate change.

I know that protecting Lunenburg is important to all of us. It is our home, a World Heritage site, important cultural centre, and popular tourism destination and offers wonderful food, cultural activities and scenery.

Global warming is a threat to all of us as Nova Scotians and it is imperative that we take steps to protect our communities and province. Let me discuss the nature of these effects that are specific to NS and to local communities before I then address broader worldwide effects.

NS specific effects of global warming:

[The Tantramar marshes on the Chignecto Isthmus connecting NS and NB will need to be rebuilt](#) if we want to prevent NS from becoming an island in the next 15-20 years. Water is already breaching the dikes at the community wind farm. Rail and truck traffic would be effected with storm surges and sea rise costing an estimated [\\$50 million a day in lost commerce](#) (Natural Resources of Canada estimate).

Certain communities along the South Shore will also experience problems. Melting arctic ice will result in up to a one meter rise in sea levels by 2100 [or much higher if we fail to limit global warming to under 2 celsius](#)). Worse in NS because our province is also [sinking 20-30 cm a century](#). Storm intensity and hurricanes are increasing as a result of global warming. Hurricane Sandy had a storm surge of 4 meters. Were this to occur at high tide major sections of downtown Halifax – lower Water Street, the rotary – many other coastal communities like Bridgewater, Western Shore, Lunenburg, Yarmouth, Amherst and the Tantramar Marsh area, would probably be affected ([Dr Tim Webster and LiDAR mapping sytem](#)). This is now, without taking into account the rising sea levels expected as part of global warming.

Lyme disease will also be more prevalent in NS with global warming. Over the next 50 years suitable [tick habitat will increase by 212% in Canada](#) and current habitat already having ticks will become increasingly suitable leading to increase in tick populations. Lunenburg county has a [lyme disease rate 12.7x](#) the National average. Forestry practices such as clear cutting also play a role. [Mosquito Born Diseases](#) are also predicted to increase in Canada as a result of global warming (West Nile, equine encephalitis).

The urgency of the need for action is easy to overlook in a country like Canada which consistently ranks as among the [five top places in the world to reside](#). We step outside in NS and have clean air, beautiful beaches and rural areas. However, we are burning through our forests and using unsustainable forestry practices such as clear cutting destroying the very trees that sequester carbon ([48 lbs carbon per tree per year](#)). We still burn biomass and coal for electricity. [Biomass is falsely promoted as green](#) but produces up to [50% more carbon emissions than coal](#). Yet despite this we have managed to also institute programs that [surpass those of most provinces](#) in reducing GHG emissions but we are still among the [provinces with highest emissions](#). If we actually implemented the [Lahey forestry recommendations](#) and reduced the [extensive clear cutting](#) of crown lands our forests would become significant carbon sinks and help to more quickly meet IPCC emissions targets.

The climate crisis is considered the [most important threat facing humanity](#). Over 30 years ago it was identified as a threat and nations got together and set guidelines to reduce GHG emissions. Those targets were not met and the situation has worsened to the point that leading scientists are stating that we face an existential threat. The Intergovernmental Panel on Climate Change (IPCC) in their [2018 report](#) stated that GHG emissions need to fall to 45% below 2010 levels in the next 11 years if we hope to keep global heating below 1.5C.

Slide 1

This slide indicates the effect of current pledges and policies by the world's nations.

The current trend indicates [we will not meet the IPCC 1.5C target](#) and are headed to 2C.

Going from 1.5 to 2 is more dramatic than going from 1 to 1.5C and is not linear.

We are experiencing dramatic species loss and extinction. Currently, [species endangered](#) include 1 in 4 mammals, 1 in 8 birds, a third of all amphibians, [70% of plant species](#), [45% of insects](#). The [WWF notes that half of the over 900 monitored wildlife species in Canada have declined](#). Worldwide it is [60% decline over 40 years](#). If we were talking people you would empty Europe, Canada, the US, China, South America, Africa, and Russia.

[100's of millions](#) to a billion people could be forced to migrate due to sea level rise, famines will increase due to soil desertification and [reduced crop yields](#). The oceans will become more acidic and warm affecting the [fishing industry](#) to the tune of [3 million tons less fish](#) for each 1 degree Celsius increase. and there are unpredictable [feedback loops](#) that will come into play.

The effects of global warming driven primarily by our increasing use of fossil fuels is worsening and is responsible for extreme weather events such as flooding, wildfires, drought, severe storms.

Slide 2

The effects are also seen in temperature increases throughout the world but occurring at twice the global average in Canada.

Slide 3

Increasingly we are seeing the effects of global warming in natural catastrophes (storms, floods, droughts, fires). These are becoming more severe and causing more damage. From 1988-2008 there were an average of 500 natural catastrophic events. In the 10 most recent data years that went to 630 and, in the final year, 2018 it was 840 events.

Slide 4

That IPCC report ignited a significant rise in awareness of the climate crisis and resulted in mass protests demanding that governments act. That interest is now not only shown by adults but by youth and the most recent global youth strike in September had marches in over 150 countries and was the largest mass protest in the history of the world with over 4 [million](#) people taking part. Halifax had over 10,000 – the largest mass protest in it's history. Youth are planning ongoing and regular protests because they understand that our industrial practices and fossil fuel economy are robbing them of a future (Monbiot quote). The young Swedish teen Greta Thunberg who launched that movement was nominated for a Nobel Peace Prize and she convinced the [EU to set aside one of every 4 euro's in their budget to address climate change](#). “The young people taking to the streets for the climate strike are right: their future is being stolen. The economy is an environmental pyramid scheme, dumping its liabilities on the young and the unborn. Its current growth depends on intergenerational theft and the cannibalization of our children's future ([Monbiot](#)).

The world is finally waking to the realities of the climate crisis and it is in many nations the top priority for voters ([69% of Canadians had it as in the top 5 election concerns](#)) in 2019.

Slide 5

This is increasingly reflected in the number of municipality, town, and city councils declaring a climate emergency and setting up committees or task groups to develop plans to meet the IPCC targets regarding GHG emissions. In Canada over [493 councils have declared a climate emergency](#) and the Federal government declared a climate emergency. In NS seven municipal and town councils have declared including the Town of Mahone Bay and the Municipality of the District of Lunenburg. We are working to have other councils join this movement in the coming months.

Slide 6

It is fitting that so many Canadian councils have chosen to act. Canada ranks per capita as the third highest carbon emitter. We account for 2% of world emissions (716 million tons) but the fossil fuel we export (equivalent of 1.2 billion tons CO2) is not counted towards our emissions. We are the highest emitters among the G20 countries at 3x the G20 average.

Slide 7

Our national governments has historically argued that our economy would suffer if we curbed emissions and so we have actually deliberately ignored our commitments to international agreements on reducing carbon emissions. However, the evidence indicates that countries that honored agreements did not suffer economically but actually did better. Industrial activity CO2 emissions declined in these countries while overall economic activity increased. Many also reduced coal burning and increased green energy production.

Slide 8

The challenge for all of us is how as a society we transition away from fossil fuels rapidly enough to reign in global warming. The effects of our use of fossil fuels is disproportionately most felt by the poorest nations in the global south. Not only will we have to devote resources to our transition, but we need to help many of these nations with green energies and climate mitigation. The cost of not helping is global instability due to migration and conflict. The UN forecasts that there could be between 25 million and one billion environmental migrants by 2050. The figures are dependent on our success at honouring our GHG reduction pledges.

The good news is that green technologies are competitive with fossil fuels and would be vastly cheaper if the fossil fuel industry had to account for pollution and health costs and forego the massive subsidies their industry receives.

This next chart shows that both wind and solar are cheaper than fossil fuels and nuclear. Solar over the past 50 years has come down in price by 99% and is continuing to get cheaper by 10-15% a year. As well panels are becoming more efficient. The bottleneck is storage of the electricity produced. However, all major auto manufacturers and numerous large corporations are investing heavily in developing storage solutions because of the huge profit potential of those technologies.

Slide 9

Why it is important for local governments to declare a climate emergency:

Local governments are essential to the successful implementation of the urgent measures required to address the climate crisis. [Municipalities are best suited to develop climate change policies](#), alongside other stakeholders.... climate change policies should “trickle up” from local governments and not “trickle down” from provincial, federal or international policymakers. Municipalities are much more aware of what goes on in their own contexts and well aware of the challenges and opportunities in their own environment. At the local political level people tend to experiment more.... have less political baggage ... and are able to develop solutions that are more tailored and customizable to their communities. They can call on senior levels of government for more urgent emergency responses.

Councils can join a national organization Partners for Climate Protection (PCP) that has developed a tool kit that helps councils achieve their GHG reduction targets. PCP was established by the [Federation of Canadian Municipalities \(FCM\)](#) and ICLEI- Local Governments for Sustainability (ICLEI Canada) to provide a forum for municipal governments to share their knowledge and experience on how to reduce their GHG emissions with other municipal governments. Since 1994 over 350 municipal governments in Canada representing more than 65% of the population have committed to reducing their corporate GHG emissions. The PCP program is based on a five milestone framework that involves completing a GHG inventory and forecast, setting a GHG reduction target, developing a local action plan, implementing the plan, and monitoring progress and reporting results.

Canadians cannot ignore this problem. Our per capita carbon emissions [rank top three in the world](#) and are only surpassed by Australia and the US. As well our per capita carbon emissions are way above those of the vast majority of the world’s nations including highly industrialized EU.

In Nova Scotia we have the potential to easily become self-reliant in sustainable energy. Both wind and solar are abundant and all we need is the political will to make the transition. We can no longer argue that solar and wind are too expensive. They now compete head to head with coal, gas, oil and technological advances continue to not only reduce cost but [increase efficiency](#). [Solar panel prices dropped 99%](#) in 50 years. Green energy is cheaper now even before one factors in the [externalities](#) of fossil fuels (health costs, environmental degradation) which governments never do in their accounting. We have for too long treated the commons of our citizens air and water as something industries can take advantage of without limit or cost. The environmental footprint of green energies is substantially lower and it saves the environment, creates well paying jobs ([\\$92,000 with benefits](#)), and health benefits. [Every dollar spent can produce three.](#)

[Slide 10](#)

I do not know if as a province, nation, or a world we have the political will and foresight to take on the challenge that the climate crisis poses and do what is necessary but I want to be able to say to my children that we tried. Vaclav Havel noted: “Hope is not the conviction that something will turn out well, but the certainty that something is worth doing no matter how it turns out.”

I ask you today to join me in accepting this challenge and to join the 493 other councils that have taken up this cause and the many more that will sign on over the next several months. We have 10 years to meet that first target, the time for debate is over and the time for action is now. As Greta Thunberg said “Action First then Hope will Follow”

Thank-you for your time and interest.

Town of Lunenburg: Climate Crisis Action Motion

Whereas, it is well established that climate warming is causing significant disruption to the world's climate systems, increasing the frequency of extreme weather events and posing other significant risks, such as drought, forest fires, rising sea levels, and that these disruptions in our climate pose immediate threats to our natural environment, our health, our jobs, and our economy, and,

Whereas, climate impacts are already causing devastation, loss of life and destroying vital ecosystems especially in some of the world's poorest countries, and,

Whereas, global average temperature, atmospheric green house gases and ocean acidity are already at dangerous levels and,

Whereas, Local governments are essential to the successful implementation of the urgent measures required to limit the global climate crisis, and,

Whereas Local governments around the world are taking new actions to avoid the worst impacts of climate breakdown and calling on senior levels of government for more urgent emergency response, and,

Whereas, the Town of Lunenburg - along with every resident of Planet Earth - is faced with a Climate Emergency, as recognized by over 493 Canadian cities, towns and municipal districts including the City of Halifax, Town of Mahone Bay, and Municipality of the District of Lunenburg who have formally declared a Climate Emergency in light of the dire warnings emanating from the Paris Agreement, the United Nations, Intergovernmental Panel on Climate Change and the various Global Conferences; and,

Whereas, the IPCC has issued an urgent report on the impacts of global warming of 1.5 °C above pre-industrial levels and related greenhouse gas emissions and which sets out foreseeable and preventable climate-change related outcomes of grave importance to coastal communities and thus enables the Town of Lunenburg to prepare for and to take such outcomes into account as part of its decision-making process; and,

Whereas, the Town of Lunenburg has adopted a strategic Municipal Climate Change Action Plan, which identifies significant climate change concerns facing the Town and in which continued

adaptation to climate change is identified as a key action which will help to maximize opportunities for social and economic development while retaining an attractive, sustainable and secure environment for the enjoyment of residents and visitors.

THEREFORE BE IT RESOLVED THAT Council declare a Climate Emergency and direct staff to prepare a report to be presented to Council on or before the end of 2020 outlining:

--Steps the Town of Lunenburg could undertake in order to commit to further reduce and eliminate the Town's carbon footprint as per the urgency expressed in the IPCC Report and achieve net zero carbon emissions before 2050; and,

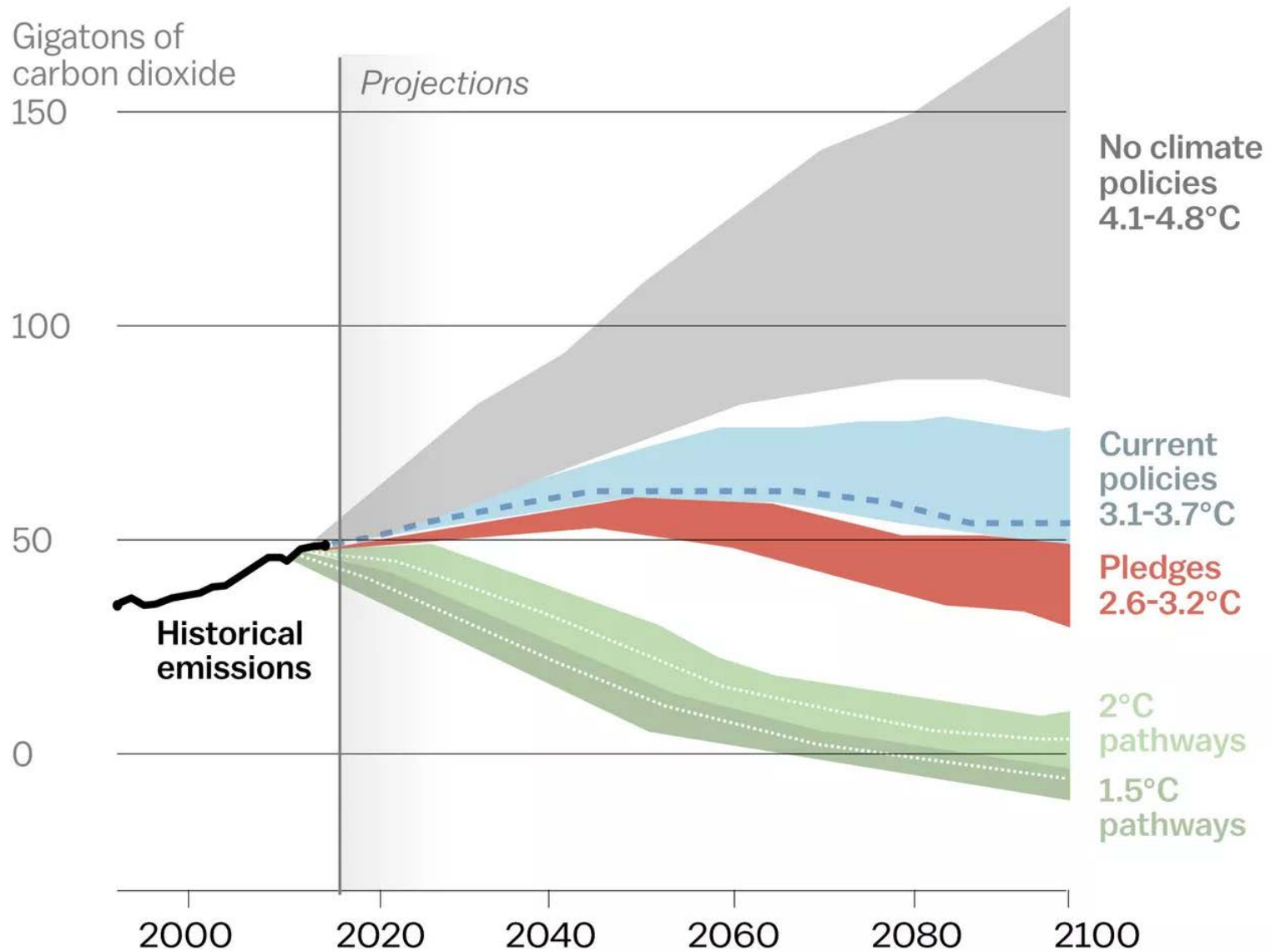
- Steps the Town of Lunenburg could undertake to develop an Integrated Community Sustainability Plan, which acknowledges the importance of incorporating social, environmental and economic considerations associated with climate change into its long-term strategic planning and budgeting; and,

--Steps the Town of Lunenburg could take to establish a "Climate Equity" working group to provide guidance and support for the Town's efforts to transition off of fossil fuels in ways that prioritize those most vulnerable to climate impacts and most in need of transitioning to renewable energy.

--Related budgetary implications

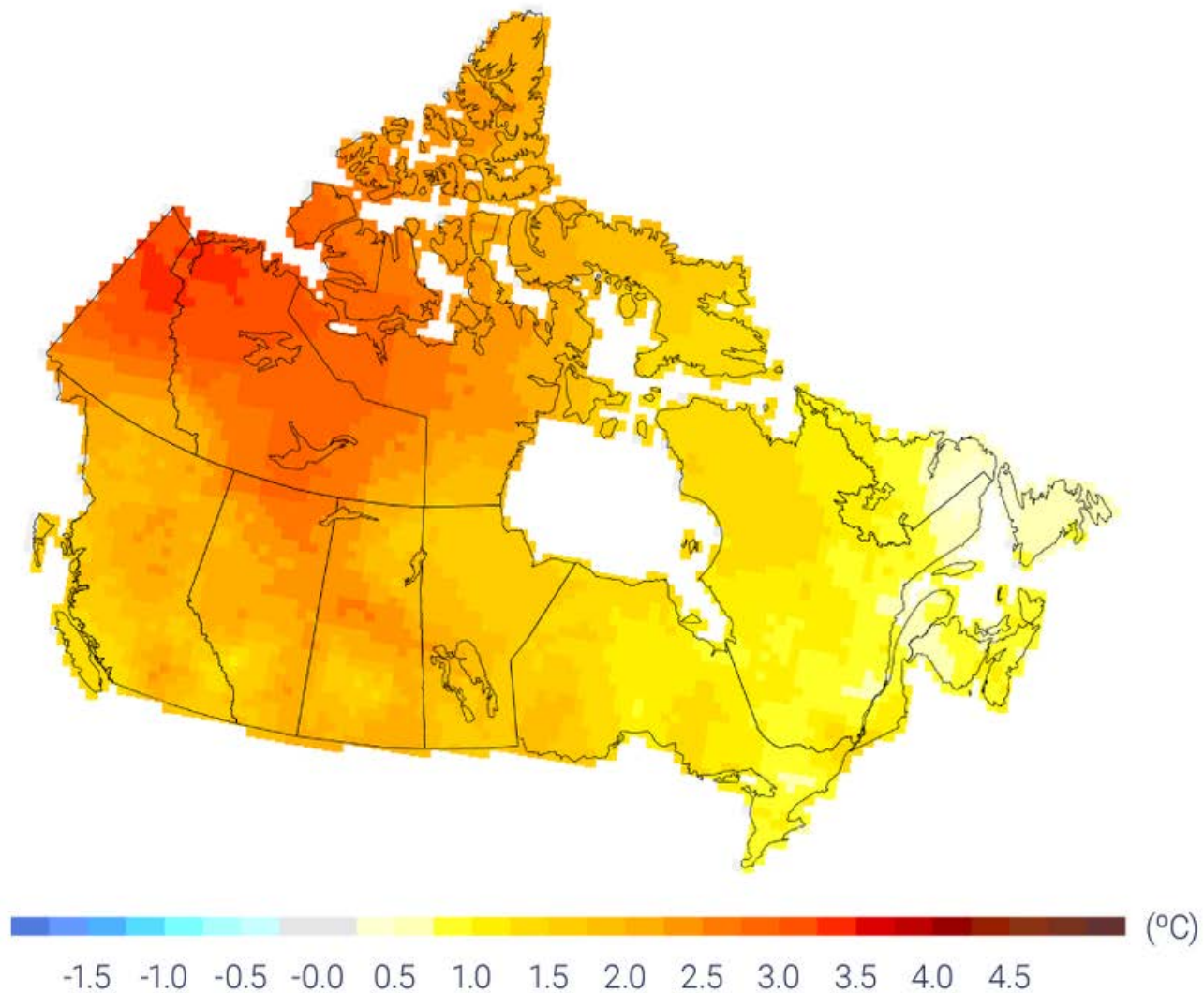
Effect of current pledges and policies

Global greenhouse gas emissions

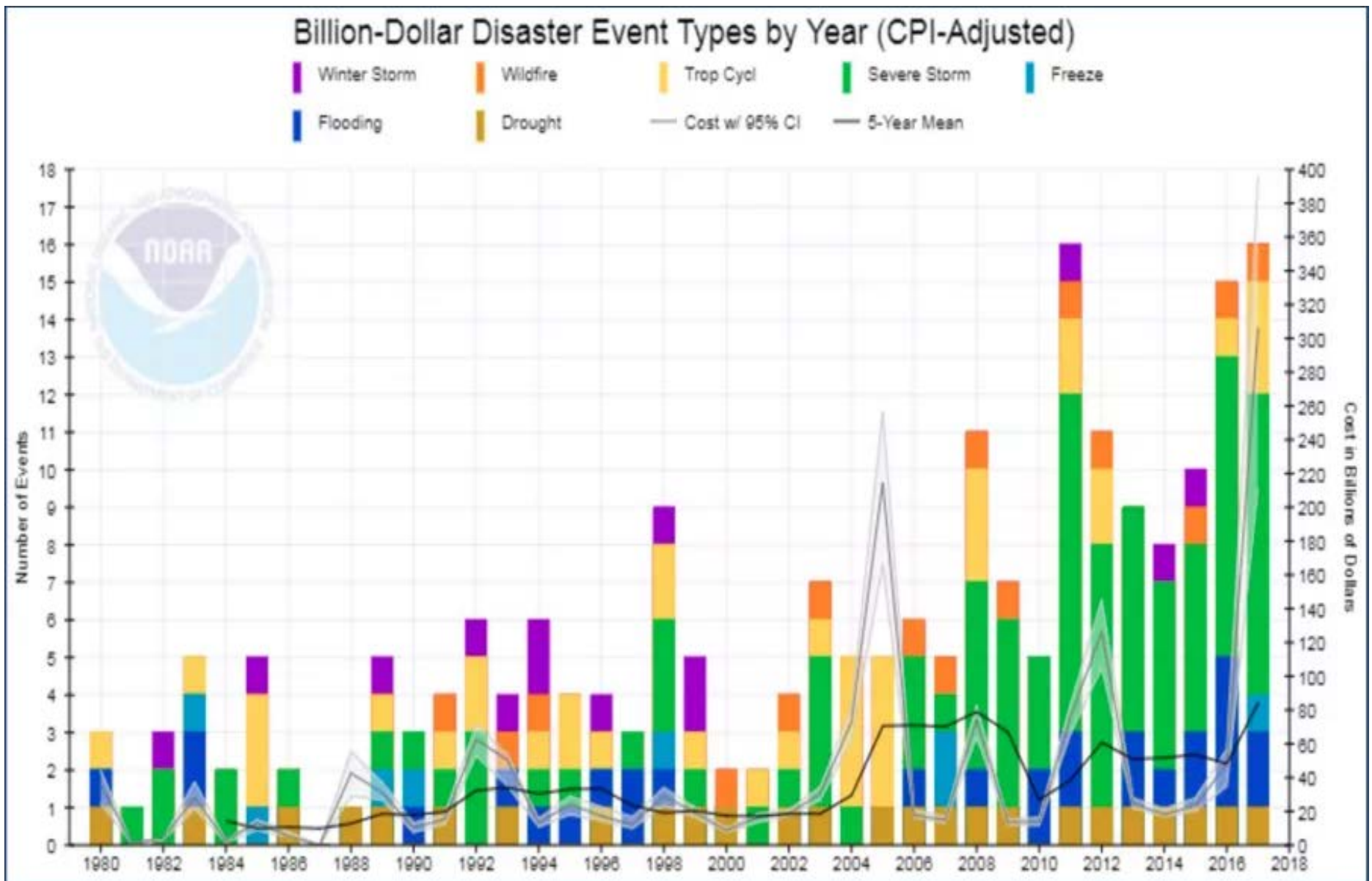


Source: Climate Action Tracker

Vox

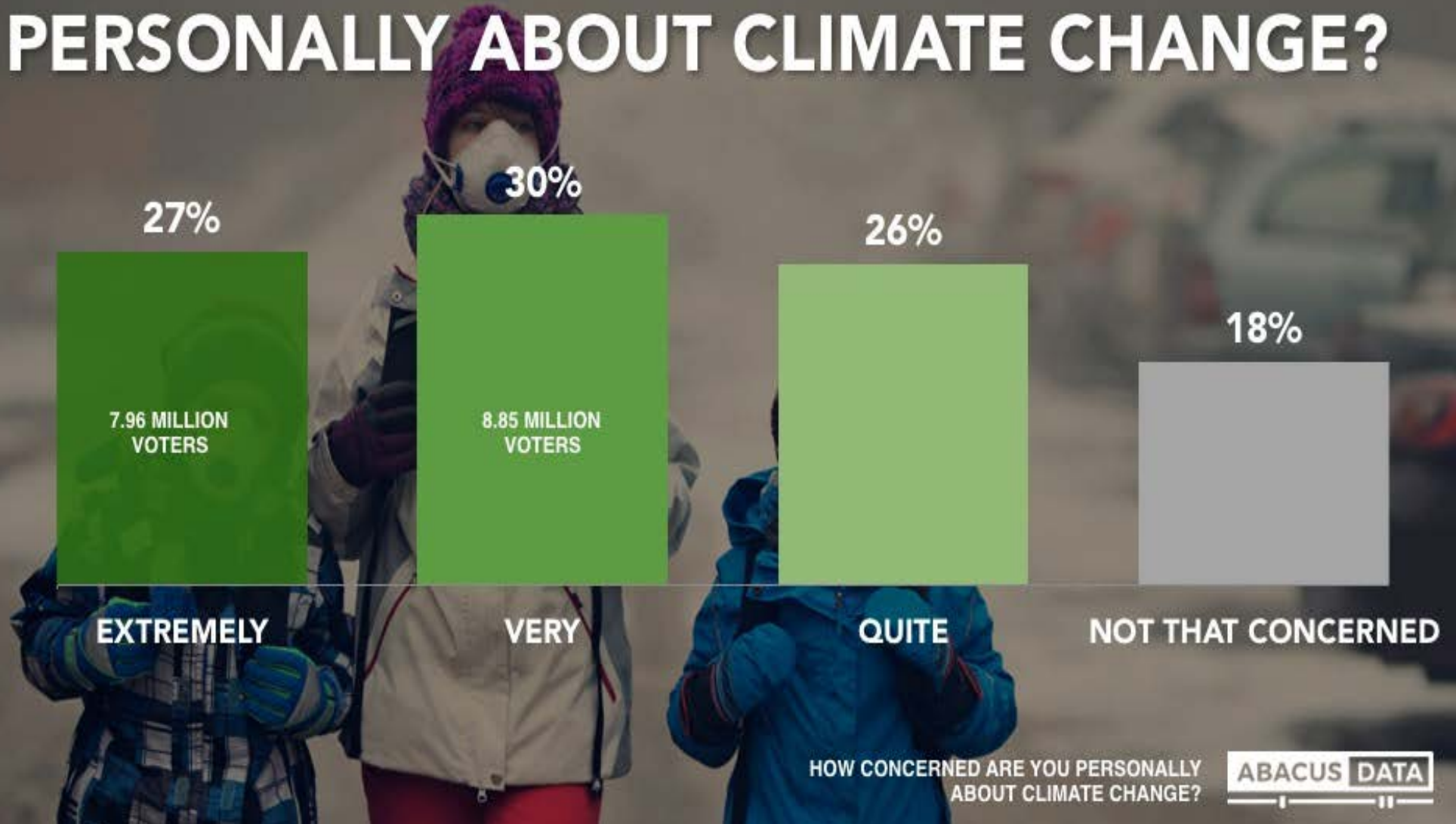


Observed changes (°C) in annual temperature across Canada between 1948 and 2016, based on linear trends. (CANADA'S CHANGING CLIMATE REPORT)



World Natural Catastrophe Events 1988 – 2017 averaged 500 yearly
 Events 2008 – 2017 averaged 630 yearly
 Events 2018 840

HOW CONCERNED ARE YOU PERSONALLY ABOUT CLIMATE CHANGE?



HOW CONCERNED ARE YOU PERSONALLY ABOUT CLIMATE CHANGE?

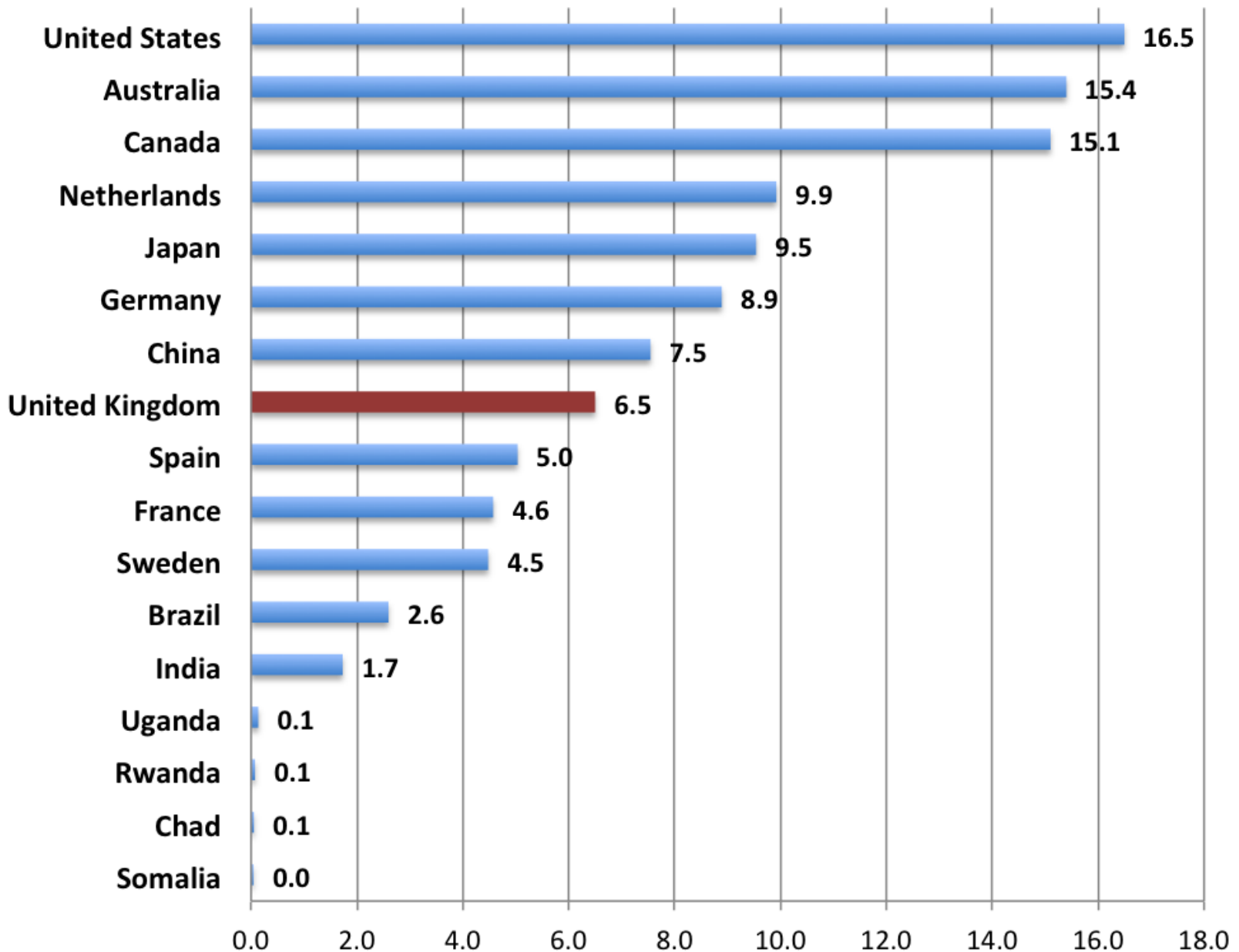
ABACUS DATA

Climate Emergency

Over 493 Canadian Councils have declared a Climate Emergency as has the Canadian Federal Government.

Seven Nova Scotia councils have declared and more than half of Nova Scotians live in such jurisdictions.

CO2 emissions per capita



www.economicshelp.org | Source: World Bank - EN.ATM.CO2E.PC - Accessed 27 Oct 2017.

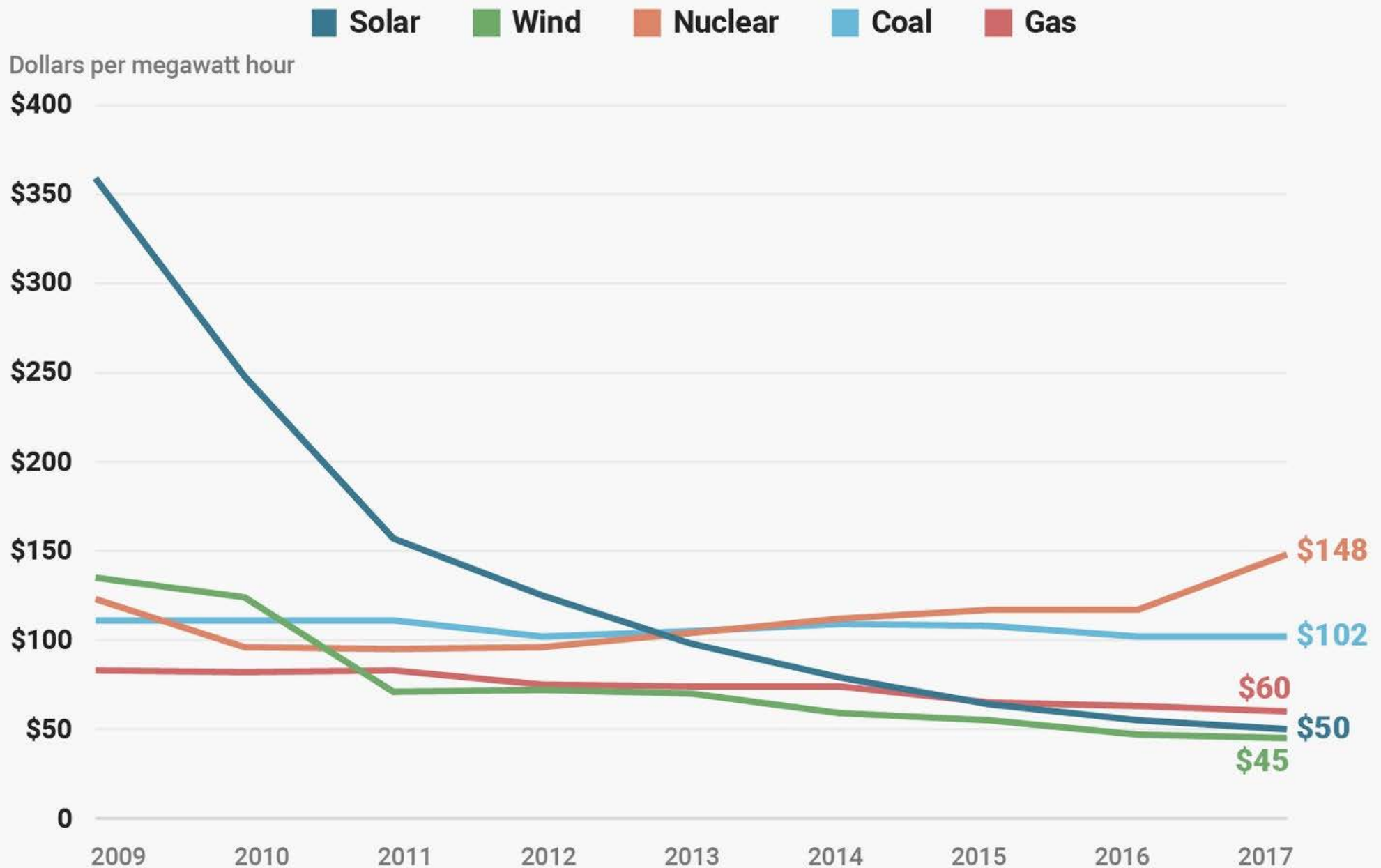
Metric tonnes per capita

Since 2000, More Than 20 Countries Have Reduced Annual GHG Emissions While Growing Their Economies

COUNTRY	CHANGE IN CO ₂ (2000-2014)	CHANGE IN GDP (2000-2014)
Austria	-3%	21%
Belgium	-12%	21%
Bulgaria	-5%	62%
Czech Republic	-14%	40%
Denmark	-30%	8%
Finland	-18%	18%
France	-19%	16%
Germany	-12%	16%
Hungary	-24%	29%
Ireland	-16%	47%
Netherlands	-8%	15%
Portugal	-23%	1%
Romania	-22%	65%
Slovakia	-22%	75%
Spain	-14%	20%
Sweden	-8%	31%
Switzerland	-10%	28%
Ukraine	-29%	49%
United Kingdom	-20%	27%
United States	-6%	28%
Uzbekistan	-2%	28%

Sources: BP Statistical Review of World Energy 2015; World Bank World Development Indicators

The average cost of energy in North America



Local Governments

More aware of local needs and resources.

More likely to be responsive to local needs than senior levels of government

More likely to be creative and experiment with solutions and customize these to their communities needs

They can call on senior levels of government for more urgent emergency responses

Councils if they cooperate and band together can have influence on provincial policy regarding Response to the climate crisis



GRETA THUNBERG

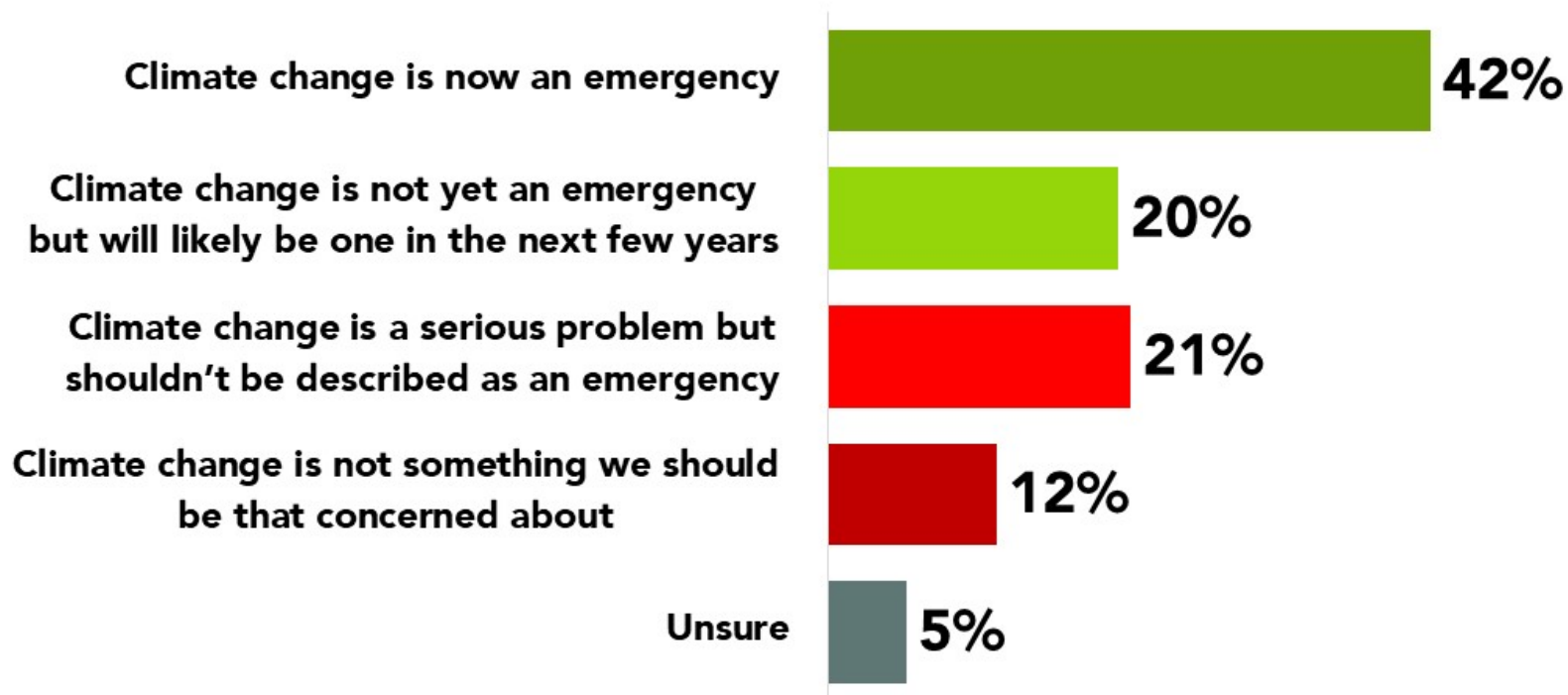
ACTION
→ FIRST!

THEN

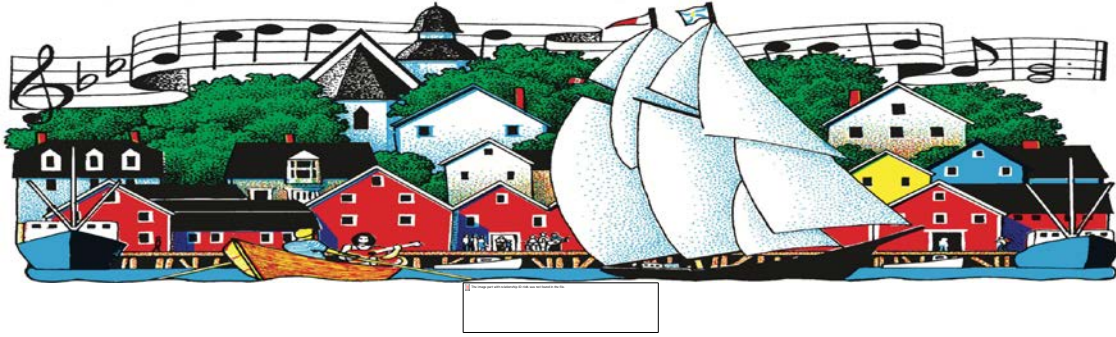
hope

WILL
FOLLOW

CLIMATE CHANGE EMERGENCY



Thinking specifically about climate change, which of the following do you think BEST describes the situation?



The Lunenburg Folk Harbour Society

Request to the Town of Lunenburg for Tax Exemption

The Lunenburg Folk Harbour Society (LFHS) is registered with the Nova Scotia Registry of Joint Stock Companies (not-for-profit) under the Societies Act and is a registered Canadian non-profit charitable volunteer run organization (Registration # available on request). In April 2019 the LFHS purchased the Lunenburg Opera House, 290 Lincoln Street, Lunenburg Nova Scotia, located in the "Old Town" municipal Heritage Conservation District. (PID# 6006 1504; AAN# 02138522; Zone: GC).

The mandate of the Society is to promote and preserve traditional folk music from a diverse range of maritime cultures and regions and to encourage the writing and performance of related contemporary genres. In addition, the Society supports an educational component and provides workshops aimed at children and youth. Besides the annual August festival, the LFHS also provides free summer outdoor concerts and a Spring and Fall Concert Series.

Launched in 1986, the Lunenburg Folk Harbour Festival is the longest-running music festival in Nova Scotia and one of the oldest in Canada. In 2018 the Society was honoured to win the East Coast Music Association award for *Event of the Year* and the Music Nova Scotia Award for *Community Presenter of the Year*. These awards acknowledge and celebrate the town, the history of the Festival, our expertise, our supporters and the many volunteers who make the Lunenburg Folk Harbour Festival possible.

While the LFHS continues to present music in various locations throughout the town, owning the Lunenburg Opera House ensures the preservation of a significant historic property and a permanent venue with rental income opportunities. Non-profits receive a 25% discount on rental of the space. Making the space available for rental for music,

cinema, theatre performances and community events assists with expenses related to the maintenance and operation of the building, of which taxes are a significant part.

Given that the Lunenburg Folk Harbour Society is a volunteer run, non-profit charitable organization that contributes significantly to the culture and economy of the Town and uses the property directly and solely for a charitable purpose, the Society is requesting tax exemption (excluding utilities) for the Lunenburg Opera House, currently designated as a commercial property, with an amendment to the Town of Lunenburg’s “Tax Exemption for Charitable Properties “ By-law #43.

Notes:

- Precedents for tax relief in the Town of Lunenburg include:
 1. Full exemption (eg. Lunenburg Heritage Society Bandstand; Tourist Bureau land, washroom, and trailer park; Lunenburg Swimming Pool; churches)
 2. Reduction from taxable commercial property to the tax that would otherwise be payable if the property were residential property (eg. Knaut-Rhuland House).
- An alternative to tax exemption could be a grant from the Town of Lunenburg at least equal to the amount of current taxes.
- While the Lunenburg Folk Harbour Society receives rental income from the rental of the Lunenburg Opera House, like churches which rent their spaces to community groups, the Society uses that income for the operation and maintenance of the building and to carry out the mandate of the not-for-profit charitable organization. Neither the not-for-profit charitable organization nor individuals benefit financially.
- The work of the Lunenburg Folk Harbour Society (including fund raising) is done by volunteers. It is a major accomplishment for the Society’s volunteers to raise the money needed to carry out the work of the Society – the Festival and year-round concerts. The addition of the Opera House requires those same volunteers to do even more work to raise funds. Given that the contributions of the Lunenburg Folk Harbour Society are a significant economic and cultural driver for the Town of Lunenburg, it would be highly respectful of the work of these volunteers for Council to provide tax relief.

- The LFHS is pursuing fund raising from private/individual, federal, and provincial granting sources and programs to assist in the operation, maintenance and renovation of the LOH. Acquisition of the building was made possible by significant Foundation and private donations. A Go-Fund-me Campaign is underway; a request for project assistance has been made to the Atlantic Canada Opportunities Agency (ACOA); a grant proposal has been initiated with the Canadian Heritage Cultural Spaces Fund; discussions have begun with the Nova Scotia Department of Communities, Culture and Heritage. Federal and provincial grants require that projects be supported by all three levels of government (including municipal) and demonstrate private and community support.
- Since purchasing the Lunenburg Opera House, the LFHS has used the auditorium (main floor) to present 12 concerts, 2 as part of the Spring Concert Series, 6 during the August Folk Harbour Festival, and 4 for the Fall Concert Series. All (except 2) of these were “sold-out” or at capacity. The LFHS rented the facility to the Rotary Club which hosted 2 sold-out fund-raising concerts and to the Lunenburg Doc Fest for its four-day Festival as well as to the Nova Scotia Craft Spirits Festival, “Spirited Away” for its Gala event. The space was rented for a Memorial service as well as the venue for the Annual Chapin Family Concert. The upper hall has been used to conduct a five-week Drawing Class. The LOH is proving to be a popular venue for audience members and a vital community attraction and resource.
- Including Spring, Fall & Summer Concerts and the four-day Festival, LFHS engaged 91 musical acts and presented 209 performances for approximately 13,000 people. It is estimated that the economic impact of the Lunenburg Folk Harbour Festival alone (not counting the concert series and summer bandstand series) is that in the four days 3,500 people pack the Town of Lunenburg and spend in excess of \$700,000.

Respectfully submitted,

Harold Pearse
President
Lunenburg Folk Harbour Society

LUNENBURG COUNTY REMO

**Regional Emergency Management Coordinator
902-930-1085**

**EMO@MODL.CA
INFO@EMERGENCYMEASURES.CA**

 **@RegionalEMO**



Lunenburg County Regional Emergency Management Organization Comfort Centres

Effective Date: 2020-01-06	Supersedes: All Previous Procedures
Presented to REMO Advisory Council: 2020-01-20	Approved By REMO Advisory Council: ##-##-##

1.0 Definitions

Comfort Centre is a facility that is used for residents who are Sheltering-In-Place and remaining in their homes during an emergency but do not have full services such as electricity, heat, and water. Comfort Centres are intended to provide: a place to go to get warm/cool; light refreshments; charge electronic devices; provide updates; community gathering point; and washroom facilities. To operate as a Comfort Centre, the facility must have a generator.

Comfort Centres do not provide overnight accommodations and will not accept evacuees.

Emergency Shelter is a facility opened at the request of the Lunenburg County Regional Emergency Management Organization in a large-scale emergency and is operated by the Canadian Red Cross, under the direction of Department of Community Services. An Emergency Shelter includes providing personal services, accommodation and can include psycho-social services. To operate as an emergency shelter, the facility must have: a generator; running water available during power outages; kitchen facility; showers; and a large space for cots to be set up.

2.0 Scope

The Risk Analysis (2015) for Lunenburg County reveals the highest risks (probability and impact) are weather-related incidents. A secondary risk associated with such incidents is power outages.

Historical evidence and predictive science suggest weather related events are likely to occur with increasing frequency. Risk tolerance within Lunenburg County to weather-related events is decreased significantly when the impacts include power outages. Efforts to increase individual and community preparedness by having a 72-hour personal preparedness kit for families and pets may increase risk tolerance.

Municipalities within the REMO receive their power supply, delivery or restoration from a variety of sources. Supply is managed by Nova Scotia Power (NSP), a private corporation. Nova Scotia Power, the Town of Lunenburg, the Town of Mahone Bay, and Riverport Electric operate electrical utilities to deliver power to residents and businesses. Restoration is facilitated by Nova Scotia Power and the Town of Mahone Bay, and Riverport Electric.

3.0 Becoming and Opening a Comfort Centre

A Comfort Centre will be at a community gather point such as community centre, fire hall, school, or church.

During differing types and phases of an emergency incident, Lunenburg County may need both Comfort Centres and Emergency Shelters.

Depending on the severity of the emergency and its impact on the telephone and cellular systems, it may be necessary to assign Amateur Radio operators to provide communications with the Lunenburg County Emergency Coordination Centre. Deployment of Amateur Radio operators can be requested through Lunenburg County REMO. Space requirements are to ensure that the Amateur Radio operators have a private room or area for their equipment, with electrical power and easy access to the outside for antenna cables (e.g.: a window that can be opened).

To become a recognized Comfort Centre in Lunenburg County:

- A facility or group can express their interest to the Lunenburg County REMO.
- A designate will visit the facility to complete a Facility Profile of the facility as well as obtain three contacts for the facility.
- Staffing, resources, and liabilities will be the responsibility of the Comfort Centre.
- A Memorandum of Understanding will be completed for the group or facility operating a Comfort Centre.
- The Comfort Centre will be entered into a database and shared on the REMO website for residents to learn where their nearest facility is. Residents can then add the locations into their personal preparedness kit.

3.1 Procedure for Opening a Comfort Centre

Comfort Centres may provide different services depending on resources available. However, comfort centres are intended to provide:

- A place to get warm;
 - Electronic device charging capabilities;
 - Washroom facilities;
 - Light refreshments;
 - Check on each other, and share information; and
 - Updates on weather and power resumption.
- i. Comfort Centres are not overnight shelters.
 - ii. Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
 - iii. The decision to open a Comfort Centre can be made by the community group responsible for the centre.
 - iv. In the event of a localized emergency, Lunenburg County REMO may ask a Comfort Centre to open for a period of time, to assist the local residents.
 - v. Comfort Centres are to be staffed by volunteers from within the community as prearranged by the community group responsible for the Comfort Centre.
 - vi. Once the decision has been made to open a Comfort Centre, the Comfort Centre contacts REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca with its opening and closing times, and information will be shared with residents, NS EMO, media, etc.
 - vii. Comfort Centres are not intended for overnight shelter. If, during the daytime operations, the Comfort Centre volunteers identify a requirement for overnight shelter, requests shall be made to REMO, at which time arrangements will be made to provide overnight shelter. REMO can be contacted by calling (902) 930-1085 or emailing info@emergencymeasures.ca.
 - viii. The decision to deactivate a Comfort Centre can be made by the community group responsible for the Comfort Centre, in consultation with REMO. Once the decision is made to deactivate a comfort centre, the Comfort Centre contacts REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca and the information will be shared with residents, NS EMO, media, etc.

4.0 Communications

Lunenburg County REMO may track community Comfort Centre facilities as part of situational awareness during emergency events in order to notify residents and Councillors of the situation. REMO will maintain lists of approved facilities for reporting purposes to NS EMO, media, 211, Nova Scotia Power or other Emergency Support Partners. Comfort Centres are required to report their opening and closing times and services to REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca.

Dan McDougall, CAO
Municipality of the District of Chester

Date:

Alex Dumaresq, Deputy CAO
Municipality of the District of Lunenburg

Date:

Tammy Crowder, CAO
Town of Bridgewater

Date:

Bea Renton, CAO
Town of Lunenburg

Date:

Dylan Heide, CAO
Town of Mahone Bay

Date:

**Memorandum of Understanding
Use of Facilities as a Comfort Centre during an Emergency**

Between

**[Name of Facility]
Herein referred to as the “Facility Owner”**

And

**Lunenburg County Regional Emergency Management Organization
Herein referred to as “Lunenburg County REMO”**

The Facility Owner desires to enter into an agreement with Lunenburg County REMO to provide its facility as a Comfort Centre during a loss of infrastructure caused by severe weather, an emergency event, or a declared State of Local Emergency.

This Memorandum of Understanding (MOU) does not limit the xxxx {Fire Hall or Community Centre or Church Group} from activating their facility as a Comfort Centre on their own initiative. If such an activation takes place, the Facility Owner agrees to inform Lunenburg County REMO of the Comfort Centre activation.

DEFINITIONS:

Comfort Centre is a facility that is used for residents who are Sheltering-In-Place and remaining in their homes during an emergency but do not have full services such as electricity, heat, and water. Comfort Centres are intended to provide: a place to go to get warm/cool; light refreshments; charge electronic devices; provide updates; community gathering point; and washroom facilities. To operate as a Comfort Centre, the facility must have a generator.

Comfort Centres do not provide overnight accommodations and will not accept evacuees.

Emergency Shelter is a facility opened at the request of the Lunenburg County Regional Emergency Management Organization in a large-scale emergency and is operated by the Canadian Red Cross, under the direction of Department of Community Services. An Emergency Shelter includes providing personal services, accommodation and can include psycho-social services. To operate as an emergency shelter, the facility must have: a generator; running water available during power outages; kitchen facility; showers; and a large space for cots to be set up.

AGREEMENT:

1. The parties agree when this facility is opened as a Comfort Centre, the facility’s volunteers are responsible for the care and upkeep of the facility. The attached Guidelines provide guidance as to the offerings of a Comfort Centre.

2. Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
3. The parties further agree this facility will not be used as an overnight Emergency Shelter. If an overnight Emergency Shelter is required, the request will be made to the Lunenburg County REMO for consultation with NS EMO, Department of Community Services, and the Canadian Red Cross.
4. Lunenburg County REMO shall advertise the location of Comfort Centres for use by any resident or persons in need without regard to their place of residence. Advertising can only be completed once opening time and closing time are provided to Lunenburg REMO.
5. Any facility on a well shall meet safe drinking water guidelines at the time of opening to the public. To ensure safe water quality, the Facility Owner shall submit test samples of its water supply annually to a health authority for clearance as a safe source of potable water.
6. Any facility offering food shall be made in a commercial kitchen using safe food handling practices, or only offer pre-packaged food.
7. Any facility dependent on a septic system shall ensure the system is fully operational, able to meet the capacity needs of the facility for extended periods.

WITNESS WHEREOF: This Memorandum of Understanding executed by Lunenburg County REMO and Facility Owner, made this:

_____ day of _____, 20____.

Witness

Lunenburg County REMO
Representative:

Witness

Facility Owner:
Representative:

COMFORT CENTRE FACILITY GUIDELINES

The priority is to ensure the safety and comfort of people using the Comfort Centre. Steps to become an approved Comfort Centre and be posted on the REMO website for residents:

- A facility expresses interest to the Lunenburg County REMO.
- A Facility Profile, including three contacts, is completed (reviewed annually).
- A Memorandum of Understanding is signed by the Facility Owner and REMO.
- The Comfort Centre determines its opening and closing times and relays the information to REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca for advertising to residents and sharing with media.

The following criteria for comfort centres locations should be considered.

- Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
- There is a generator on site for alternate power.
- Physical location is safe and is in a central location, with adequate parking, away from potential hazards.
- The Centre is not opened when RCMP or Transportation Authority is requesting residents stay off the roads.
- Building and grounds are barrier-free and wheelchair accessible.
- Any facility on a well shall meet safe drinking water guidelines at the time of opening to the public. To ensure safe water quality, the Facility Owner shall submit test samples of its water supply annually to a health authority for clearance as a safe source of potable water.
- Food, if any is provided, is made in a commercial kitchen using safe food handling practices or offer only pre-packaged food.
- The building has heating and where possible, air conditioning.
- There are adequate power outlets to allow visitors to charge devices.
- A first aid kit and an Automated External Defibrillator (AED) are on site.
- There is enough available seating for the number of expected visitors, as well as facility personnel.
- There is adequate space outside the property in the event of telecommunication outages for a portable communications hub (provided by the Province, if available). Requests to be made to REMO if required.
- Adequate staff/volunteers are available for at least the first 24 hours.
- The Comfort Centre determines its opening and closing times and relays the information to REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca for advertising to residents and sharing with media.

Comfort Centre Facility Profile

General Information		
Name of Facility		Civic Address of Facility
Municipality		Mailing Address of Facility
Contact Person 1	Daytime Phone	Email
Contact Person 2	Phone	Email
Contact Person 3	Phone	Email
After Hours Procedure to Open Facility		
Type of Facility:		Capacity of Facility
Comfort Centre <i>(no overnight accommodations)</i> Emergency Shelter		Comfort Centre Emergency Shelter
Services that could be offered at a Comfort Centre:		
<input type="checkbox"/> A place to get warm/cool <input type="checkbox"/> Charge electronic devices <input type="checkbox"/> Washroom facilities <input type="checkbox"/> Share information/updates <input type="checkbox"/> Other: <input type="checkbox"/> Light refreshments <input type="checkbox"/> Tea/coffee <input type="checkbox"/> Potable or Bottled Water <input type="checkbox"/> Pre-packaged food <input type="checkbox"/> Prepared food		
Location of Emergency First Aid Kit?		Location of Automated External Defibrillator (AED)?

Physical Information			
Wheelchair Accessible		Washrooms Accessible	Elevators, chair lift, etc.?
Yes	No	Yes	No
Number of Washrooms?		Number of Showers?	
Male _____	Female _____	Unisex _____	Male _____
Physical Dimensions, Approx. Square Footage		Is there a room for comfort of animals (pets)?	
		Yes	No
Water Source		If Well	Date Well Last Tested
Municipal	Well (GPM) _____	Potable	Non-Potable
Wastewater		Is the facility alarmed?	Is there an Emergency Evacuation Plan?
Municipal Sewer	Septic		Yes
			No

Kitchen Facilities								
Number of Fridges?		Number of Freezers?		Number of Stoves?		Number of BBQs?		
Gas	Electric	Gas	Electric	Gas	Electric	Gas	Electric	
# of Tables			# of Chairs			Number of Sinks?		
Overall Kitchen Rating					Date of Health Inspection?			
Less than Residential		Residential		More than Residential				
Other Information Regarding the Kitchen								

Electrical						
Type/size of electrical panel (amp)			Number of 110V outlets		Circuit Breakers or Fuses?	
200	400	600			Yes	No
Generator	Type			Generator Testing		
Yes	Fixed	Manual Transfer Switch		Frequency:		
No	Portable	Automatic Transfer Switch		Last Tested:		
Capacity				Make, Model, Size:		
Full Building		Limited				
List the areas served including elevators, and lifts, rooms, etc.						

Miscellaneous					
Primary Heating Source	Electric	Propane	Natural Gas	Oil	Other
Times the Comfort Centre may be open if required during a long term power outage			Any Hazardous Materials stored onsite (propane, glycol, etc.). If yes, explain.		
Are there any volunteers available and ready to assist should the Comfort Centre be required on short notice?			How do the volunteers get mobilized for the Comfort Centre?		
Yes		No			
Date Completed			Completed by (please print)		
Notes and special features or anything else related to the facility.					

Comfort Centre Response Plan Activation Checklist

Before opening:

- Advise REMO the Centre's opening and closing times by calling (902) 930-1085 or emailing info@emergencymeasures.ca so info can be shared with media and residents.
- Volunteers to report to the location at least one hour before it is scheduled to open.
- Turn on the heat/air conditioning and other necessary equipment.
- Set up chairs and post signage, if required.
- Prepare any refreshments (tea, coffee, etc.) that will be offered.
- Check the washrooms to ensure they are clean and have an adequate supply of soap, toilet paper, and paper towels.

After opening:

- Advise the Regional Emergency Management Organization that the centre is open by calling (902) 930-1085 or emailing info@emergencymeasures.ca.
- Re-stock supplies as required.
- Post closing times in a visible location for residents.
- Support the Comfort Centre Manager in providing reports to REMO.
- Advise Manager if you need to leave so your position can be filled.
- Advise the Manager of any security concerns.

Daily closing:

- Advise visitors that the centre will be closing at least 15 minutes in advance.
- Once the doors are closed and locked, check the facilities, clean them and replenish supplies as required.
- Ensure all equipment has been turned off or unplugged and that the heat/air conditioning is set to the appropriate level for overnight.
- If possible, leave together and be mindful of personal safety when returning to your vehicle or home.

Deactivation:

- The Manager will lead the deactivation process, supported by volunteers.
- Check the facilities, clean and replenish supplies as required.
- Clean up as required and place garbage, compost, and recycling in the appropriate places.
- Ensure all equipment has been turned off or unplugged and that the heat/air conditioning is re-set to the appropriate level.
- The Manager will host a debrief and all volunteers should participate in an after-action report.
- Tell your Manager if you need Critical Incident Stress Management.

ACTIVATION TRIGGERS

Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.

Lunenburg County Regional Emergency Management Organization Emergency Shelters

Effective Date: 2020-01-06	Supersedes: All Previous Procedures
Presented to REMO Advisory Council: 2020-01-20	Approved By REMO Advisory Council: ##-##-##

1.0 Definitions

Comfort Centre is a facility that is used for residents who are Sheltering-In-Place and remaining in their homes during an emergency but do not have full services such as electricity, heat, and water. Comfort Centres are intended to provide: a place to go to get warm/cool; light refreshments; charge electronic devices; provide updates; community gathering point; and washroom facilities. To operate as a Comfort Centre, the facility must have a generator.

Comfort Centres do not provide overnight accommodations and will not accept evacuees.

Emergency Shelter is a facility opened at the request of the Lunenburg County Regional Emergency Management Organization in a large-scale emergency and is operated by the Canadian Red Cross, under the direction of Department of Community Services. An Emergency Shelter includes providing personal services, accommodation and can include psycho-social services. To operate as an emergency shelter, the facility must have: a generator; running water available during power outages; kitchen facility; showers; and a large space for cots to be set up.

2.0 Scope

The Risk Analysis (2015) for Lunenburg County reveals the highest risks (probability and impact) are weather-related incidents. A secondary risk associated with such incidents is power outages.

Historical evidence and predictive science suggest weather related events are likely to occur with increasing frequency. Risk tolerance within Lunenburg County to weather-related events is decreased significantly when the impacts include power outages. Efforts to increase individual and community preparedness by having a 72-hour personal preparedness kit for families and pets may increase risk tolerance.

Municipalities within the REMO receive their power supply, delivery or restoration from a variety of sources. Supply is managed by Nova Scotia Power (NSP), a private corporation. Nova Scotia Power, the Town of Lunenburg, the Town of Mahone Bay, and Riverport Electric operate electrical utilities to deliver power to residents and businesses. Restoration is facilitated by Nova Scotia Power and the Town of Mahone Bay, and Riverport Electric.

3.0 Becoming and Opening an Emergency Shelter

A Emergency Shelter will be at a community gather point such as community centre, fire hall, school, or church.

During differing types and phases of an emergency incident, Lunenburg County may need both Comfort Centres and Emergency Shelters.

Depending on the severity of the emergency and its impact on the telephone and cellular systems, it may be necessary to assign Amateur Radio operators to provide communications with the Lunenburg County Emergency Coordination Centre. Deployment of Amateur Radio operators can be requested through Lunenburg County REMO. Space requirements are to ensure that the Amateur Radio operators have a private room or area for their equipment, with electrical power and easy access to the outside for antenna cables (e.g.: a window that can be opened).

To become a recognized Emergency Shelter in Lunenburg County:

- A facility or group can express their interest to the Lunenburg County REMO.
- A designate will visit the facility to complete a Facility Profile of the facility as well as obtain three contacts for the facility.
- Staffing, resources, and liabilities will be the responsibility of the Emergency Shelter.
- A Memorandum of Understanding will be completed for the group or facility operating an Emergency Shelter.
- The Emergency Shelter will be entered into a database and shared on the REMO website for residents to learn where their nearest facility is. Residents can then add the locations into their personal preparedness kit.

3.1 Procedure for Opening an Emergency Shelter

- i. The decision to open an Emergency Shelter is made by the Lunenburg County REMO through consultation with emergency service partners and first responders. In most cases, an Emergency Shelter is opened when evacuation of a large number of residents is required or anticipated.
- ii. Once the decision to open an Emergency Shelter has been made, REMO advises its need for an Emergency Shelter to NS EMO who in turns contacts the Department of Community Services. The Canadian Red Cross initiates their response protocols for the setup and operation of the Emergency Shelter.
- iii. Lunenburg County REMO will notify residents and media sources of the Emergency Shelter.

- iv. The decision to deactivate the Emergency Shelter will be made by the Lunenburg County REMO in consultation with the Canadian Red Cross and other emergency service partners and first responders.
- v. Once the decision is made to deactivate an Emergency Shelter, REMO will share the information with residents, NS EMO, media, etc.

4.0 Communications

Lunenburg County REMO may track community Emergency Shelter facilities as part of situational awareness during emergency events in order to notify residents and Councillors of the situation. REMO will maintain lists of approved facilities for reporting purposes to NS EMO, media, 211, Nova Scotia Power or other Emergency Support Partners. The Emergency Shelter is required to report their opening and closing times and services to REMO if it changes from the requested times, by calling (902) 930-1085 or emailing info@emergencymeasures.ca.

Dan McDougall, CAO
Municipality of the District of Chester

Date: _____

Alex Dumaresq, Deputy CAO
Municipality of the District of Lunenburg

Date: _____

Tammy Crowder, CAO
Town of Bridgewater

Date: _____

Bea Renton, CAO
Town of Lunenburg

Date: _____

Dylan Heide, CAO
Town of Mahone Bay

Date: _____

**Memorandum of Understanding
Use of Facilities as an Emergency Shelter during an Emergency**

Between

**[Name of Facility]
Herein referred to as the “Facility Owner”**

And

**Lunenburg County Regional Emergency Management Organization
Herein referred to as “Lunenburg County REMO”**

The Facility Owner desires to enter into an agreement with Lunenburg County REMO to provide its facility as an Emergency Shelter during a loss of infrastructure caused by severe weather, an emergency event, or a declared State of Local Emergency.

This Memorandum of Understanding (MOU) limits the xxxx {Fire Hall or Community Centre or Church Group} from activating their facility as an Emergency Shelter on their own initiative. If such an activation takes place, the Facility Owner agrees to inform Lunenburg County REMO of the Emergency Shelter activation.

DEFINITIONS:

Comfort Centre is a facility that is used for residents who are Sheltering-In-Place and remaining in their homes during an emergency but do not have full services such as electricity, heat, and water. Comfort Centres are intended to provide: a place to go to get warm/cool; light refreshments; charge electronic devices; provide updates; community gathering point; and washroom facilities. To operate as a Comfort Centre, the facility must have a generator.

Comfort Centres do not provide overnight accommodations and will not accept evacuees.

Emergency Shelter is a facility opened at the request of the Lunenburg County Regional Emergency Management Organization in a large-scale emergency and is operated by the Canadian Red Cross, under the direction of Department of Community Services. An Emergency Shelter includes providing personal services, accommodation and can include psycho-social services. To operate as an emergency shelter, the facility must have: a generator; running water available during power outages; kitchen facility; showers; and a large space for cots to be set up.

AGREEMENT:

1. The parties agree when this facility is opened as an Emergency Shelter, the facility's volunteers are responsible for the care and upkeep of the facility. The attached Guidelines provide guidance as to the offerings of an Emergency Shelter.
2. Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Emergency Shelters open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
3. The parties further agree this facility will be used as an overnight Emergency Shelter. If an overnight Emergency Shelter is required, the request will be made to the Lunenburg County REMO for consultation with NS EMO, Department of Community Services, and the Canadian Red Cross. As an Emergency Shelter, the above-mentioned agencies staff the shelter and provide for the needs of persons evacuated to the Shelter, including food, blankets, cots, personal care items, and registration. The facility shall operate without interruption until notified by Lunenburg County REMO to terminate activities.
4. Lunenburg County REMO shall advertise the location of Emergency Shelters for use by any resident or persons in need without regard to their place of residence. Advertising can only be completed once opening time and closing time are provided to Lunenburg REMO.
5. Any facility on a well shall meet safe drinking water guidelines at the time of opening to the public. To ensure safe water quality, the Facility Owner shall submit test samples of its water supply annually to a health authority for clearance as a safe source of potable water.
6. Any facility offering food shall be made in a commercial kitchen using safe food handling practices, or only offer pre-packaged food.
7. Any facility dependent on a septic system shall ensure the system is fully operational, able to meet the capacity needs of the facility for extended periods.

WITNESS WHEREOF: This Memorandum of Understanding executed by Lunenburg County REMO and Facility Owner, made this:

_____ day of _____, 20__.

Witness

Lunenburg County REMO
Representative:

Witness

Facility Owner:
Representative:

EMERGENCY SHELTER FACILITY GUIDELINES

The priority is to ensure the safety and comfort of people using the Emergency Shelter. Steps to become an approved Emergency Shelter and be posted on the REMO website for residents:

- A facility expresses interest to the Lunenburg County REMO.
- A Facility Profile, including three contacts, is completed (reviewed annually).
- A Memorandum of Understanding is signed by the Facility Owner and REMO.
- The Emergency Shelter will be contacted by a representative of REMO to determine the opening and closing times for advertising to residents and sharing with media.

The following criteria for Emergency Shelter locations should be considered.

- Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Emergency Shelters open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.
- There is a generator on site for alternate power.
- Physical location is safe and is in a central location, with adequate parking, away from potential hazards.
- The Centre is not opened when RCMP or Transportation Authority is requesting residents stay off the roads.
- Building and grounds are barrier-free and wheelchair accessible.
- Any facility on a well shall meet safe drinking water guidelines at the time of opening to the public. To ensure safe water quality, the Facility Owner shall submit test samples of its water supply annually to a health authority for clearance as a safe source of potable water.
- Food, if any is provided, is made in a commercial kitchen using safe food handling practices or offer only pre-packaged food.
- The building has heating and where possible, air conditioning.
- There are adequate power outlets to allow visitors to charge devices.
- A first aid kit and an Automated External Defibrillator (AED) are on site.
- There is enough available seating for the number of expected visitors, as well as facility personnel.
- There is adequate space outside the property in the event of telecommunication outages for a portable communications hub (provided by the Province, if available). Requests to be made to REMO if required.
- Adequate staff/volunteers are available for at least the first 24 hours.
- The Comfort Centre determines its opening and closing times and relays the information to REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca for advertising to residents and sharing with media.

Emergency Shelter Facility Profile

General Information		
Name of Facility		Civic Address of Facility
Municipality		Mailing Address of Facility
Contact Person 1	Daytime Phone	Email
Contact Person 2	Phone	Email
Contact Person 3	Phone	Email
After Hours Procedure to Open Facility		
Type of Facility:		Capacity of Facility
Comfort Centre <i>(no overnight accommodations)</i> Emergency Shelter		Comfort Centre Emergency Shelter
Services that could be offered at a Comfort Centre:		
<input type="checkbox"/> A place to get warm/cool <input type="checkbox"/> Charge electronic devices <input type="checkbox"/> Washroom facilities <input type="checkbox"/> Share information/updates <input type="checkbox"/> Other: <input type="checkbox"/> Light refreshments <input type="checkbox"/> Tea/coffee <input type="checkbox"/> Potable or Bottled Water <input type="checkbox"/> Pre-packaged food <input type="checkbox"/> Prepared food		
Location of Emergency First Aid Kit?		Location of Automated External Defibrillator (AED)?

Physical Information			
Wheelchair Accessible		Washrooms Accessible	Elevators, chair lift, etc.?
Yes	No	Yes	No
Number of Washrooms?		Number of Showers?	
Male _____	Female _____	Unisex _____	Male _____ Female _____ Unisex _____
Physical Dimensions, Approx. Square Footage		Is there a room for comfort of animals (pets)?	
		Yes	No
Water Source	If Well		Date Well Last Tested
Municipal	Well (GPM) _____	Potable	Non-Potable
Wastewater		Is the facility alarmed?	Is there an Emergency Evacuation Plan?
Municipal Sewer	Septic		Yes
			No

Kitchen Facilities								
Number of Fridges?		Number of Freezers?		Number of Stoves?		Number of BBQs?		
Gas	Electric	Gas	Electric	Gas	Electric	Gas	Electric	
# of Tables			# of Chairs			Number of Sinks?		
Overall Kitchen Rating					Date of Health Inspection?			
Less than Residential		Residential		More than Residential				
Other Information Regarding the Kitchen								

Electrical						
Type/size of electrical panel (amp)			Number of 110V outlets		Circuit Breakers or Fuses?	
200	400	600			Yes	No
Generator	Type			Generator Testing		
Yes	Fixed	Manual Transfer Switch		Frequency:		
No	Portable	Automatic Transfer Switch		Last Tested:		
Capacity				Make, Model, Size:		
Full Building		Limited				
List the areas served including elevators, and lifts, rooms, etc.						

Miscellaneous					
Primary Heating Source	Electric	Propane	Natural Gas	Oil	Other
Times the Comfort Centre may be open if required during a long-term power outage			Any Hazardous Materials stored onsite (propane, glycol, etc.). If yes, explain.		
Are there any volunteers available and ready to assist should the Comfort Centre be required on short notice?			How do the volunteers get mobilized for the Comfort Centre?		
Yes		No			
Date Completed			Completed by (please print)		
Notes and special features or anything else related to the facility.					

Emergency Shelter Response Plan Activation Checklist

Before opening:

- ❑ Discuss the need for an Emergency Shelter with REMO to determine if a shelter is required by calling (902) 930-1085 or emailing info@emergencymeasures.ca.
- ❑ REMO will contact Red Cross for availability to service the shelter.
- ❑ REMO and the Facility Owner will agree on opening and closing times so info can be shared with media and residents.
- ❑ Volunteers to report to the location at least one hour before it is scheduled to open.
- ❑ Turn on the heat/air conditioning and other necessary equipment.
- ❑ Prepare any refreshments (tea, coffee, etc.) that will be offered.
- ❑ Check the washrooms to ensure they are clean and have an adequate supply of soap, toilet paper, and paper towels.

After opening:

- ❑ Department of Community Services and the Canadian Red Cross will come in to activate the Emergency Shelter. Generally, the Red Cross Shelter Manager will liaise with the Emergency Shelter for facility related issues and with a REMO representative for Emergency Management or community related issues.
- ❑ If you are unsure of a request made to the emergency shelter facility, please contact REMO by calling (902) 930-1085 or emailing info@emergencymeasures.ca.

Deactivation:

- ❑ The Shelter Manager will lead the deactivation process, supported by volunteers.
- ❑ Check the facilities, clean and replenish supplies as required.
- ❑ Clean up as required and place garbage, compost, and recycling in the appropriate places.
- ❑ Ensure all equipment has been turned off or unplugged and that the heat/air conditioning is re-set to the appropriate level.
- ❑ The Manager will host a debrief and all volunteers should participate in an after-action report.
- ❑ Tell your Manager if you need Critical Incident Stress Management.

ACTIVATION TRIGGERS

Following the international standard for emergency preparedness, it is recommended residents prepare personal preparedness kits for their family and pets to Shelter in Place for up to 72 hours. It is further recommended Comfort Centres open after 72 hours have passed. In extenuating circumstances, there may be a need to open a Comfort Centre prior to 72 hours.

Minutes of the Meeting of
LUNENBURG COUNTY ACCESSIBILITY ADVISORY COMMITTEE (AAC)
 Held in the LCLC, 135 North Park Street, Bridgewater
Tuesday, January 21, 2020 at 7:00 p.m.

Attendance:

Elected Officials

MODL	Deputy Mayor Cathy Moore (Chair)
TofB	Councillor Bill McInnis
VofC	Commissioner Martin Hiltz

Community Members

Louise Hopper (Vice-Chair)
 Patricia George-Zwicker
 Ellen Johnson
 Linda Ann Marie Mills

Regrets:

TofMB - Councillor Joseph Feeney / Councillor Penny Carver
 MODC - Councillor Danielle Barkhouse / Councillor Abdella Assaff
 TofL – Councillor Joseph Carnevale/Councillor Matt Risser
 David Outhouse

Staff Resources

Recreation:	Diana Johnson (TofB)
Communications:	Sarah Kucharski (MODL)
Planning:	Jessica McDonald (TofB)
Engineering	Greg Jonah (MODC)
Policy	Dylan Heide (TofMB)
Heritage	Arthur MacDonald (TofL)
Administration:	Sandra Challis (MODC)

1. MEETING CALLED TO ORDER.

Mr. Jonah called the meeting to order at 7:04 p.m.

~~2. MINUTES OF PREVIOUS MEETING.~~

3. AGENDA

Ms. Hopper requested to discuss reimbursement for being on the Committee and Ms. Kucharski requested that "Funding" be added as a topic. It was agreed to add both these to Item 5.4.

Moved by Cllr. Moore, seconded by Cllr. McInnis that the agenda be approved with the added items under Item 5.4. Carried.

4. MATTERS ARISING.

4.1. Selection of Chair

Mr. Jonah called for nominations three times for the position of Chair. Cllr. Cathy Moore nominated herself and no further nominations were received.

**Moved by Cllr. McInnis, seconded by Comm’r. Hiltz that the call for nominations cease.
Carried.**

Cllr. Moore was appointed to the position of Chair by acclamation.

4.2. Selection of Vice Chair

Cllr. Moore called for nominations three times for the position of Vice Chair. Ms. Louise Hopper nominated herself and no further nominations were received.

**Moved by Ms. Mills, seconded Ms. Johnson that the call for nominations cease.
Carried.**

Ms. Hopper was appointed to the position of Vice Chair by acclamation.

5. NEW BUSINESS.

5.1. Request for Direction prepared by AAC staff resources with respect to replacement of LCAC resigned member

A community member had resigned from the Committee due to prior commitments and a replacement would be required. Cllr. Moore reviewed the options available to the Committee detailed in the Staff Request for Direction (circulated with agenda).

**Moved by Comm’r. Hiltz, seconded by Ms. Johnson that the Accessibility Advisory Committee request the nominating committee select from previous applicants a replacement member, then reach out to the selected applicant (s) to ask if they are still interested in serving. Once a new member is selected and agrees to serve on the AAC, the nominating committee will send a recommendation to all five councils. Councils from each Municipality to approve the selection.
Carried.**

5.2. Request for Direction prepared by AAC staff resources with respect to Accessibility Work Plan

Ms. Kucharski reviewed the Accessibility Work Plan (circulated with the agenda) and explained there had been a great deal of communication with the Province to try to understand what would be expected of this Committee.

In summary, the Committee is being asked to conduct public engagement in the community to receive input on what accessibility issues, and identify the barriers there are in the region. Once this information is collated and reviewed, the Committee will create a

Framework, so that the accessibility experience will be the same regardless of where in Lunenburg County you are. Each Municipal Unit will receive this framework and create their own customized operational plan. This plan will be created in the absence of provincial standards. Finally, an Accessibility Plan will be submitted to the Province.

The Province will be introducing standards under the *Accessibility Act* over the next seven-year; the first to be released will be Built Standards in 2021. Once the standards are known, the Accessibility Plan will need to be modified to adhere to the Provincial standards.

The proposed Work Plan included the suggestion to form an Accessibility Advisory Committee Consultation Working Group who would be responsible for designing the community consultation.

Ms. Kucharski advised the Committee that Staff's recommendation would be to hire a Co-op/Summer Student or a Consultant to facilitate the Public Consultation. She explained that the Committee would receive better value from a Student as they would be able to dedicate considerably more time to the project. In summary, the role for this person would be to create a communications plan in conjunction with the Working Group, implement the plan, report to the Committee and prepare recommendations for the Committee to approve to go to the Councils involved.

A question was raised if the elections in October would impact the Workplan? Ms. Kucharski answered that it is hoped that the Framework would be approved by Councils before October and that Councils will be working on their individual plans at this time.

The following people agreed to participate on the Working Group:

Ms. Kucharski, Ms. Hopper, Ms. Johnson, Cllr. Moore. It was agreed to see if any of the absent members of the Committee would also like to participate in the working group.

Moved by, Cllr. McInnis, seconded by Comm'r. Hiltz that the Accessibility Advisory Committee approve the Accessibility work plan as presented by staff resources to ensure objectives are met. Carried.

5.3. Request for Direction prepared by AAC staff resources with respect to 2020 meeting calendar

The request for direction suggested that meetings be held on the third Tuesday of the month. It was noted that as these were public meetings, the venue may not be appropriate for a larger group. It was agreed to look at availability for both MODL's and Bridgewater's Council Chambers to use as alternate venues, agenda dependent.

It was commented that remote access to the meetings be investigated, either through Skype or Conference calling. It was further noted that printed versions of the documents should be made available ahead of the meeting date.

Moved by Ms. Zwicker, seconded by Ms. Mills that the Accessibility Advisory Committee approve the meeting schedule as presented by staff resources to ensure objectives are met. Carried.

5.4. Request for Direction prepared by AAC staff resources with respect to proposed 2020/2021 operating budget

Ms. Kucharski presented the proposed budget (circulated with the agenda) to the Committee. Meeting pay and mileage re-imbusement had been calculated on based on MODL's structure. Ms. Kucharski explained the line item for training/presentations was contingency in case public consultation did not provide enough information on specific accessibility issues, for example, it may be necessary to bring in an expert on website accessibility and how to make on-line experiences accessible.

How Municipalities will split the cost of the Committee would be based on an agreed formula determined by the CAO's of each municipality.

Ms. Hooper stated that she was unaware that Community Members would receive meeting pay for their participation and advised she did not wish to receive it. Ms. Mills stated the same.

Ms. Kucharski explained that funding was being made available to aid the creation of the accessibility plans. Age Friendly was offering a grant of \$20,000, CADSO was offering up to \$25,000 and there was a grant from Community Works that's likely to be available in the Spring. It was reported an application had been made already for funding, and future applications will be made when available, with both the Committee and Councils being made aware of funding received. Ms. Kucharski pointed out that aside from Wolfville, who had completed their plan, this Committee would be leaders in the Province on Accessibility and were already ahead of other municipalities.

The following points were discussed:

- Details on how to claim mileage and meeting payments would be provided for the next meeting.
- A waiver would be made available for those members wishing to decline receiving meeting payments.
- It would be possible to move funds around within the operational budget as needed.
- It would be imperative that advertising of public consultation sessions be accessible to all and other avenues aside from normal municipal avenues (website, newsletters & social media) need to be explored.
- Making public meetings accessible to all may push up the costs – providing sign language interpreters, or a sensory room for example.

Following discussion, the operational budget was revised to increase budget for the Public Engagement Consultant by \$5,000 to \$20,000 and increase the budget for Public

Engagement Sessions by \$1,500 to \$2,000 therefore increasing the overall budget to \$32,410.

Moved by Comm'r. Hiltz, seconded by Ms. Hopper that the Accessibility Advisory Committee approve the revised budget and pass said budget onto relevant CAOs for approval. all ballots be destroyed. Carried.

6. ROUNDTABLE DISCUSSIONS.

6.1. Public engagement

The following points were noted from a brain storming session:

- Follow provincial guidelines to ensure meetings are accessible
- Go where the people are, don't expect them to come to you. Transportation may be a barrier. Ride the transit to talk to people
- Provide opportunity for conversation, either electronic, in person or over the phone. It is possible that the disability may be a barrier for certain forms of communication.
- Consider sensory space be available for meetings
- Make Stakeholder groups aware of the accessibility consultations, organizations serving the community we wish to reach; they will be a great resource for getting the word out to the public.
- The Province want us to hear from "The First Voice" i.e., the person directly affected by accessibility issues, but input from Stakeholder groups may prove valuable
- Advertising suggestions included:
 - Local print media - Progress Bulletin, The Breaker, Masthead News
 - Local radio stations – CKBW, Hank FM, Cove Radio, CBC
 - Bulletin boards
 - Health-professional's offices and health clinics
 - Stakeholders communications
 - Grassroots Providers - Home Support Services, VON, United Way, Meals on Wheels, Book Mobile, Senior Safety Coordinator, Community Links etc.
 - Schools & Churches
 - Social Media
- Online surveys, if used, must be accessible and you should be able to save and return to the survey to complete later
- Publicise in-person sessions
- Provide people with the opportunity to leave a message or talk to someone directly as many may not be able to attend a meeting

- Need to consider access, or lack of, to technology

6.2. Education

Ms. Kucharski explained that she had started a Slack Group, (a group communications tool) for the Accessibility Coordinators in the Province, where they would be able to share information and resources, and to fill any “gaps” that are identified. She confirmed that any pertinent information will be shared with the Committee.

It was discussed that education of the public would be very important. Communication would be required to explain how the data received would be used, and the expectations. It is likely that specific requirements would be highlighted, for example parking issues at a particular park. It will be the Committee’s job to take this statement and see how changes can be made at all parks to accommodate. People would need to be made aware that their specific issue may not be directly addressed. Findings and feedback from the public engagement sessions, should be made available to the general public and they should have a place to go (website, email, person) to be able to receive an update on the project.

It was discussed that qualitative data is what is being sought, not quantitative; it is likely that the answers to questions are stories, a conversation. It would be important for the same questions to be asked over each medium. The Province is looking to see the raw data.

Ms. Johnson noted that although the workplan seems backward, creating Municipal standard before the Province release theirs, it is not. Municipalities have been given the opportunity to engage with the public, get their ideas, feedback and input and also have the opportunity to explain why this is happening, before the Province thrusts rules and regulations on people.

~~6.3. Guest speakers~~

7. NEXT MEETING DATE

Tuesday, February 18th at 7:00 p.m. (location to be advised)

8. ADJOURNMENT.

There being no further business at 8:15 p.m., it was moved by Ms. Mills, seconded by Comm’r. Hiltz that the meeting adjourn. Carried.



Lunenburg County Accessibility Advisory Committee (AAC)

Memorandum

Date: January 23, 2020

To: MODL Council

Under the Accessibility Act, government will work with persons with disabilities, and the public and private sectors to create standards for an accessible Nova Scotia. The standards will be in the areas of:

1. Built Environment
2. Goods and Services
3. Information and Communication
4. Transportation
5. Employment

The first plan required by Municipalities will be developed in the absence of provincial standards.

The plan is an **approach**. The plan will consist of a united framework and universal standards, with individual operational plans.

- Hold public consultation to identify accessibility issues across municipal units. We'll use specific feedback to build standards that are universal (i.e. "all parks should have this" rather than "this park needs this")
- Determine consistent standards for Lunenburg County based on 1. Community consultation, 2. Completed accessibility audits, 3. Universal design principles, and 4. Expert advice
- Provide a template for the individual municipal operational plans
- Identify a timeline for each municipality to execute their operational plans (conduct their audits, solution development, timelines, and budget allocation)

2020/2021 Budget

Item	2020/2021
Meeting pay	\$3,630
Mileage	\$780
Public engagement co-op student (to plan and facilitate public sessions, run the “go where they are” pop ups, collect and organize data into a report, make recommendations on global standards)	\$20,000
Public engagement sessions	\$2,000
Advertising public engagement (radio, print, FB)	\$1,000
Training/presentations for Committee members	\$5,000
Total	\$32,410

We will be applying for provincial funding. The costs will be shared by the five municipalities according to a funding formula selected by the CAOs.



Lunenburg County Accessibility Advisory Committee (AAC)

Memorandum

Date: January 24, 2020

To: CAOs

The Lunenburg County Joint Accessibility Advisory Committee has requested approval for their 2020/2021 budget to develop an Accessibility Plan. The CAOs recommend dividing the cost of this planning effort by Uniform Assessment.

Uniform Assessment	UA	%	Contribution
Town of Mahone Bay	132,876,644.00	2%	\$800.91
Town of Lunenburg	270,039,287.00	5%	\$1,627.65
Town of Bridgewater	675,449,057.00	13%	\$4,071.24
Municipality of the District of Chester	1,626,914,001.00	30%	\$9,806.15
Municipality of the District of Lunenburg	2,671,786,349.00	50%	\$16,104.06
Total	5,377,065,338.00	100%	\$32,410.00
Project Cost	\$32,410		

Item	2020/2021
Meeting pay <ul style="list-style-type: none"> 6 members, \$55 per meeting 11 meetings 	\$3,630
Mileage <ul style="list-style-type: none"> 6 members, Estimated \$10 per meeting/event 13 meetings and consultation events 	\$780
Public engagement staff (staff or consultant to plan and facilitate two sessions, run the “go where they are” pop ups, collect and organize data into a report, make recommendations on global standards)	\$20,000
Public engagement sessions <ul style="list-style-type: none"> Numerous “go where they are” sessions Rental \$200 Refreshments \$50 	\$2,000

<ul style="list-style-type: none"> • Staffed by Working group, Committee, consultant • 2 events 	
Advertising public engagement (radio, print, FB)	\$1,000
Training/presentations for Committee members	\$5,000
Total	\$32,410

The costs of developing individual municipal operational plans will be the responsibility of each individual municipality.

Document No: 6
Meeting: Feb 11/20 Council
Circulate: Council, AM
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: DAWN SUTHERLAND, MANAGER AND PLANNING AND DEVELOPMENT

DATE: FEBRUARY 7, 2020

RE: OPTIONS FOR ALIGNMENT OF THE REVISED HERITAGE CONSERVATION PLAN AND BY-LAW (draft) TO PROJECT LUNENBURG

1. FACTS

Comprehensive community planning is a holistic process undertaken with broad community participation. Project Lunenburg is a process for creating and implementing a comprehensive community plan. Project Lunenburg will see the generation of a comprehensive community plan (CCP) as well as a new Municipal Planning Strategy, Land Use By-Law, and Subdivision By-law as supporting documents. All of these planning documents will be based upon community engagement with the application of sound planning principles. On 11 December 2018, Council awarded the contract to UPLAND Planning + Design in the amount of \$229,304. Extensive community engagement has taken place over the course of the last year. It includes numerous community workshops, gathering of social pin point data, targeted stakeholder interviews, focus group work, online and in person surveys, as well as "pop ups" on the waterfront. Engagement will continue throughout the remainder of the Project. A Steering Team comprised of experts in their field, government and staff representatives, as well as Council representatives oversee the contract.

Development within the Town currently is guided by the Municipal Planning Strategy, Land Use By-law, Subdivision By-law and in "Old Town" by the Heritage Conservation District Plan and By-law as well. The Heritage Conservation District Plan and By-law has been under review by the Heritage Advisory Committee since 2018. Its review has not been part of the Project Lunenburg planning process.

On 11 December 2019 the Steering Team discussed the importance of alignment between the documents of Project Lunenburg and the revised Heritage Conservation District Plan and By-law. The CCP is intended to be a key strategic document for the Town. As such, subordinate plans, strategies, and regulations are to be in keeping with the CCP's vision, policy directions, goals, priority projects (as approved by Council) etc. All documents that regulate development will need to work together well in order to

guide appropriate development. The overall guiding document will be the CCP. The timing of the process and approvals of Project Lunenburg and the proposed Heritage Conservation District Plan and By-law were discussed as well. The Steering Team's concern was that we may have a situation where one set of regulatory documents could possibly be at odds with the CCP and, therefore, supporting documents as well. The revised Heritage Conservation District Plan and By-law should be in alignment to the CCP and all documents need to work together in order for Project Lunenburg to be successfully implemented.

Unfortunately, at the time of writing the RFP for what is now Project Lunenburg, concentration was on a CCP and new land use planning documents as the project grew out of a need for a review of our current MPS, LUB, and Subdivision By-law. The review of the heritage documents was already tasked to the Heritage Manager and was underway. Although common place for engineering projects, using consultants for planning projects was new for Council. In addition the whole cost was being borne by the Town, which was going to impact the budget for two years. Adding another set of documents to a "new" process would have put additional strain on an already tight budget. In retrospect, we now see that there is a need to ensure that the revised Heritage Conservation Plan and By-law is aligned to the CCP.

The consultants had reviewed a number of documents as background information, which was used to inform their writing and provide context. Checking new documents and writing/rewriting them or providing recommendations so that they may be written/rewritten to ensure alignment to the CCP is not within the scope of their current contract. Staff and UPLAND have discussed the terms of the current contract and both concur that a change in scope would be necessary to accommodate such a request.

The Steering Team discussed options and forwarded the following recommendation to Council:

2.5. Complete Project Lunenburg, then check Heritage Conservation District Plan and By-law for alignment.

Council received the Steering Team's recommendation on 14 January 2020. On 28 January 2020 discussed the recommendation and passed the following motion:

To request a staff report on the alignment between Planning and Heritage document development processes in terms of substance, timing, and basis in public consultation for the final products (Comprehensive Community Plan, Municipal Planning Strategy, Subdivision Bylaw, and Heritage Conservation District Plan and Bylaw). Motion carried.

2. ISSUES AND OPTIONS ANALYSIS

The planning documents of Project Lunenburg will be based upon extensive public engagement with expert advice (economists, senior planners, landscape architects, heritage specialist, engagement specialist, etc.), sound planning principles, research and background information, site analysis, and local knowledge contributing. Having

outside consultants ensure that the findings and documents presented in a way that is free from unintentional bias or influenced by past practise.

Substance:

Process with the Municipal Planning Strategy, Land Use By-law and Subdivision By-law:

The consultants are tasked with designing and carrying out all public engagement activities, analyzing and interpreting data, checking with the community on key decision points, drafting the documents and then presenting the completed new Municipal Planning Strategy, Land Use By-law and Subdivision By-law to PAC. After Council has seen the CCP, the role of PAC is to ensure that the documents are acceptable in that they carry out the intent of the CCP. The role of PAC is not to dissect the documents line by line, suggest new text, or substantively change content that they may not personally agree with. Their role is to make a recommendation to Council on whether the documents are acceptable as they are presented by the consultants.

Current process with the revision to the Heritage Conservation District Plan and By-law: HAC and the Heritage Manager have been working on the revisions to the current Heritage Conservation District Plan and By-law beginning in 2018. The requisite background study was submitted and accepted by the Province. The HAC has been reviewing thoroughly the heritage documents in detail, which has resulted in a revised Heritage Conservation District Plan and By-law. The revised heritage documents have been out for two advertised Public Information Meetings in October 2019. The revised Heritage Conservation District Plan and By-law are currently on hold waiting for the outcomes of two requests for properties to be removed from the architectural control areas as well as the CCP itself.

Public Engagement:

As PAC had done with the MPS prior to Project Lunenburg, HAC undertook their review based upon an existing document. There was no initial public engagement activities that may have challenged underlying assumptions or current practices. While not ideal, Project Lunenburg and revisions to the Heritage Conservation District Plan and By-law ran as parallel processes.

Project Lunenburg has taken a comprehensive approach to community planning. Policies and regulation emanating from the CCP will be based upon a broad perspective as it takes in not only heritage, but also housing, transportation, recreation and community spaces, environment and sustainability, arts and culture, as well as economic development. A focus area of Project Lunenburg was Built Heritage and Streetscape complete with a community workshop, on line engagement tools, and meetings with key stakeholders (including a joint meeting with Heritage Specialist Wendy Shearer and PAC and HAC).

As Project Lunenburg is based upon extensive initial community engagement, the Steering Team had concerns that the revised Heritage Conservation District Plan and By-law may not properly align with the CCP and its supporting documents. For Project Lunenburg to be successfully implemented and result in desired outcomes, it would stand that all policy and regulatory documents, which impact building and development,

be properly aligned. For example, if not properly aligned, a result may be that the MPS and LUB may encourage and enable a development in an area but there may be barriers in the Heritage Conservation District. Divergent regulations not only have an impact on the successful implementation of the CCP but also on such things as long term financial sustainability of the Town or perception of a willingness to entertain new development proposals.

Timing:

The timing of the approval of the CCP's supporting documents is very tight as Council had expressed an interest in having the documents approved by Council prior to the next municipal election on 17 October 2020.

Council had discussed having a way for checking for alignment and having all five documents which regulate development (Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Heritage Conservation District Plan and By-law) be approved at the same time.

See Schedule A for a proposed timeline.

Options:

The following are options for alignment:

A. High Level Policy review:

Review the revised policies of the Heritage Conservation District Plan with those of the CCP. This would be a high level review. There would be recommendations for changes to policies of the Heritage Conservation District Plan, if necessary. The review would not get into the detail of the By-law. This high level review would be done once the CCP is completed. If the consultant schedule is not compressed, this would occur in April/May.

- i. The high level review is not within the scope of the current contract. A change order would be required to expand the scope of the project. This would have budget implications and would need to proceed in keeping with the procurement policies as the current consultant has unique expertise and depth of knowledge as it relates to Project Lunenburg.

This is the preferred option of the Heritage Manager.

- ii. An alternative would be for Town staff team to review the CCP and make recommendation.

It would be left to staff and HAC to implement the recommendations and bring the Heritage Conservation District Plan policies into alignment (text) and make the necessary changes to the By-law. Any substantive changes would require additional Public Information Meetings prior to HAC recommendation to Council.

B. Complete alignment of the 5 documents

Once the CCP is complete, then all five documents (Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Heritage Conservation District Plan and By-law) would be written/rewritten (with consistent layout) concurrently to ensure that not only are they in keeping with the CCP but, more importantly, that they all work together. External expertise in the form of a heritage specialist and heritage architect would be included as part of the consulting team. The documents not only need to work with each other but also with external regulations such as the Building Code. As such, expertise will be required.

This is the preferred option of the Manager of Planning and Development. This piece of concurrent work can only be done by the current consultant as it is so specialised as well as time sensitive.

The relationship of HAC to the revisions to the Heritage Conservation District Plan and By-law will be the same as that of PAC to its planning documents. The consultants will draft and present the finished documents for recommendation to Council.

Please note that the *Heritage Property Act* has different timelines for advertising a public hearing which effectively adds two weeks to the process. A compressed timeline is necessary for this option to be viable. It will require the PAC and HAC to be committed, focussed, and flexible. Public information meetings and the recommendation to Council would be held in August, when committees usually do not meet. This will require a deep level of collaboration.

C. No review for alignment

This option would see the planning documents of Project Lunenburg and the revised Heritage Conservation District Plan and By-law remain as separate entities.

The credibility of the Town may be negatively impacted. For example, there is significant risk here of mixed messages being sent to those who wish to build or develop their lands. It may be as simple as one set of regulations allowing and another set requiring significant changes to the proposal for it to be in keeping with those set of regulations. Such a conflict would be troublesome to all those who have participated in the engagement activities of Project Lunenburg and have contributed to the final documents and believe in the vision. It could lead to an erosion of public trust in the Town as an institution. Conflicting regulation or even the perception of anticipated difficulty will have a negative impact on future development.

3. FINANCIAL IMPACT

Staff have been in contact with UPLAND regarding the capacity of the firm to accommodate additional work. It was acknowledged by all that the timelines would be tight for approval by Council prior to the next municipal election. UPLAND will be able to accommodate a change in scope.

There are budget implications for Option A. i High level review carried out by current consultants and B. Complete alignment of all 5 documents with concurrent writing.

As mentioned above, there could be hidden long term costs to the Town's sustainability resulting from, for example, an otherwise viable development proposal not being pursued due to conflicting regulation or even the perception of anticipated difficulty.

Uplands has estimated the cost of either option as follows:

Option A. High Level Policy Review: \$17,000 plus HST executed in April.

Option B. Complete alignment of the 5 documents: \$55,000 plus HST executed in April, May, June.

The Finance Director has related that there is no additional capacity within the Gas Tax Funding in this or next year because it has been allocated to the WWTP.

4. STRATEGIC PLAN RELEVANCE

- 1) Promote a high quality of life for residents
- 3) Champion opportunities for our community's health and well-being
- 4) Foster an environment for business success
- 5) Operate the Town efficiently and effectively

5. RECOMMENDATION AND DRAFT MOTION

With Option B, all five documents which impact and regulate development would be aligned to the CCP and be designed to work together in a complementary way in order to implement the CCP.

As such, following motion is recommended:

THEREFORE BE IT RESOLVED THAT:

Council initiate a change order to the consulting services agreement between the Town of Lunenburg and Upland Planning + Design Inc., dated 19 December 2018, after review with the procurement officer, in the amount of XXX for the writing/rewriting of a Heritage Conservation District Plan and By-law and new or revised background study so that all five documents (Municipal Planning Strategy, Land Use By-law, Subdivision By-law, Heritage Conservation District Plan and By-law) would be written concurrently to ensure that they are aligned to the Comprehensive Community Plan and are complementary to each other.

Attachments –
Schedule A Proposed Timeline

Acknowledged only by:

Bea Renton
Town Manager/Clerk

**Schedule A
Proposed Timeline**

Month	Activity	Comment
February/March	Writing the CCP. Making Connections (engagement)	
April/May	CCP finished	Option A. i High level policy review initiated
	Writing MPS, LUB, SD, HCD Plan & By-law	Option B Complete alignment of the 5 documents
July	Engagement	
August	PAC and PIMS HAC & PIMS	
~Monday, 17 August	PAC recommendation to Council	
~Tuesday, 18 August	HAC recommendation to Council	
Monday, 25 August	First Reading	
Wednesday, 2 September	1 st Advert	
Wednesday, 9 September	2 nd Advert	
Monday, 29 September	Public Hearing	
Monday, 6 October	2 nd Reading	Special meeting of Council
Saturday, 17 October	-	Municipal Elections

TOWN OF LUNENBURG PROCEDURAL POLICY # - COUNCIL AND COMMITTEE MEETINGS AND PROCEEDINGS

PURPOSE

1. The procedural requirements in this Policy are intended to complement and supplement, and not to replace, the requirements contained in applicable municipal legislation, including but not limited to the Municipal Government Act ("MGA") with such amendments as may be made from time to time. This Policy also applies to Town Committee meetings with the relevant changes in wording.

DEFINITIONS

2. In this Policy, unless the context otherwise requires:
 - (1) "**business day**" means a day when the Town Hall office is open for business;
 - (2) "**Chair**" means the presiding officer of the Council or Committee;
 - (3) "**Committee**" means a group of individuals appointed by the Lunenburg Town Council to serve on a body that makes recommendations by majority vote to Council. This includes sub-committees and advisory groups;
 - (4) "**Council**" means the governing Council of the Town of Lunenburg;
 - (5) "**Councillor**" includes the Mayor and all elected Councillors unless the context indicates otherwise;
 - (6) "**Legislation**" includes Policies, Bylaws and other relevant Municipal, Provincial and Federal laws or approved documents recognized by Council.
 - (7) "**Majority**" means more than one half of those present, unless the context indicates otherwise; and
 - (8) "**Motion**" a formal proposal put to a Council or Committee by a mover and seconder decided by majority vote of Council or a Committee.

PROCEDURE

Time, Place, Date and Notice of Meetings

3. Unless otherwise specified pursuant to section 4, regular meetings of Council shall be held:
 - (1) at the Lunenburg Town Hall;
 - (2) on the second and fourth Tuesday of every month except in the months of July, August and December when there is only one monthly meeting which shall be on the second Tuesday of those months unless notice is otherwise given; and
 - (3) commencing at 5:15 p.m.
 4. Regular meetings of Council may be rescheduled, relocated or cancelled:
 - (1) by motion or consensus of Council; or
 - (2) by the Clerk on behalf of the Mayor owing to unforeseen circumstances, provided the Mayor believes that the majority of Councillors would support such a step.
 5. **Additional meetings** of Council may be convened in accordance with the MGA:
 - (1) by resolution or consensus of Council with advance notice being given;
 - (2) if the Mayor determines there is an emergency necessitating a meeting with such notice as is possible under the circumstances; or
 - (3) by the Clerk when required to do so by the Mayor or upon written request signed by a majority of Councillors.
 6. Specific **notice** to Councillors need not be provided for:
 - (1) regular Council meetings held pursuant to section 3; or
 - (2) meetings held pursuant to subsection (1) of section 4 or subsection (1) of section 5 if the date was set at a Council meeting three or more days in advance;
- but, subject to any statutory relaxation of notice requirements, two days' notice shall ordinarily be provided for other meetings to Councillors in the manner described in sections 7 and 8.
7. Subject to section 6, notice of meetings shall be provided verbally in person or by telephone or telephone message or by writing or by email to each Councillor. A Councillor may waive any deficiency in the notice provided to him or her for a Council meeting which he or she attends, and shall be deemed to waive any deficiency in notice to him or her for such meetings unless expressly objecting to the adequacy of the notice at such meeting.

8. Within thirty days following the first meeting of Council after a municipal election or by-election, each elected Councillor shall provide to the Clerk:

(1) a telephone number at which the Councillor ordinarily may be reached, with voice messaging capability with adequate capacity at all times to receive messages of one minute in length regarding Council meetings and Town business, and which the Councillor will regularly check for Town messages; and

(2) shall sign any documents required by the Clerk to use an email address on the Town's email system which the Councillor will regularly check.

The Councillor shall be deemed to have received any notice within one business day of it being distributed pursuant to this section.

9. Notice to the public is not required for regular meetings held under section 3, but subject to any statutory relaxation of notice requirements, two days' notice to the public should be provided for other Council meetings, except meetings considered to be urgent or emergencies, by the following options: posting at the Lunenburg Town Hall; social media; internet; print advertisement; signage; or such other means as determined by Council from time to time noting the time, date and place of the meeting.

Conduct of Meetings: General

10. The Mayor shall serve as the Chair of Council meetings. For Committee meetings, the Chair shall be determined in advance by Council when Committee appointments are made. It shall be the duty of the Chair or alternate as set out herein to:

(1) open the meeting of Council by taking the chair and calling the Councillors to order if a **quorum** is present;

(2) declare a meeting dissolved if no quorum has been achieved within fifteen minutes of the scheduled meeting time;

(3) if the Mayor does not attend within fifteen minutes after the time appointed, the **Deputy Mayor** shall call the Councillors to order and if a quorum is present, shall preside over the meeting or until the arrival of the Mayor;

(4) in case neither the Mayor nor the Deputy Mayor (or Committee Chair as applicable) is in attendance within fifteen minutes of the appointed time, the Clerk shall call the Councillors (or Committee members as applicable) to order if a quorum be present, and the Councillors shall choose a Chair who shall preside over the meeting or until the arrival of the Mayor or the Deputy Mayor;

(5) if there is no quorum present within fifteen minutes after the time appointed for the meeting or a quorum is lost during a meeting, the Clerk shall take down the names of the Councillors then present and the Council meeting shall stand adjourned until the next regular Council meeting;

- (6) determine whether a quorum can still be achieved to conduct Council business if an interest is declared by a Council member(s) with reference to the **Municipal Conflict of Interest Act**;
 - (7) receive and submit to Council **motions** properly presented by a Councillor;
 - (8) put to a **vote** a question which is regularly moved and seconded or necessarily arising in the course of the proceedings and to announce the result of the vote;
 - ~~(9) decline to put to a vote, a motion which infringes upon the rules of procedure or Federal, Provincial or Town legislation;~~
 - (10) preside over Councillors, when engaged in debate, within the rules of conduct of debate;
 - (11) enforce on all occasions, the observance of order and decorum, **except with concurrence of Council to relax the rules**;
 - (12) call by name any Councillor persisting in a breach of the rules of order of Council thereby ordering him or her to vacate the Council Chambers;
 - (13) inform the Council when necessary, or when referred to, on a point of order;
 - (14) permit the Chief Administrative Officer to speak on any point upon request pursuant to the MGA;
 - (15) permit relevant questions to be asked through the Chair of any official or employee of the Town, or any member of the public in attendance, to provide information to assist any Council debate; and
 - (16) adjourn the meeting when the business is concluded or, when an adjournment time has been set and approved by majority vote or consensus, when the adjournment time has been reached, except when it is extended by unanimous consent. Meetings should not exceed a maximum duration of three hours or 10:00 p.m. whichever occurs first,
 - (17) at which time they will be adjourned until the next meeting of Council.
11. At Council meetings, unless a majority consents to a different order for that meeting, **Council shall conduct business in the following order**:
- (1) call to order;
 - (2) acknowledgement of Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People;
 - (3) approval of agenda, including additions or deletions;
 - (4) approval of minutes from the previous meeting;

- (5) public hearings, presentations and questions;
- (6) consideration of correspondence, petitions and proclamations;
- (7) business arising from the minutes;
- (8) consideration of committee recommendations, minutes, reports and notices of motions;
- (9) new business;
- (10) in camera business;
- (11) in camera notices of motion and recommendations; and
- (12) adjournment.

12. Five business days before a Council meeting, a Councillor or member of the public may request of the Mayor and Clerk to **add a Council agenda** item with relevant and sufficient particulars and supporting documentation which the Mayor shall in consultation with the Clerk determine to which Council or Committee meeting the agenda the item shall be added.

13. (1) Alternatively, a Councillor may give **notice of motion to add an agenda item** at a Council meeting which shall be:
- a. be in writing;
 - b. include the name of the mover;
 - c. be received by the Clerk at a regular meeting of the Council; and
 - d. be printed in full in the agenda for the next regular meeting and each successive meeting of the Council until considered or otherwise disposed of.
- (2) When a Councillor's motion has been called at two successive meetings of the Council and not proceeded with, it shall be deemed to have been withdrawn and be removed from the agenda unless the Council otherwise decides.
- (3) The mover may withdraw a notice of motion at any time prior to the commencement of debate thereon.
- (4) Council may waive notice of motion on a two-thirds vote of the Council members present and voting except for Policy and Bylaw matters.
- (5) A point of order or personal privilege may be introduced without written notice and without leave.

(6) The following motions may be introduced without notice and without leave:

- a. a motion to adjourn;
- b. a motion to call for the question;
- c. a motion to refer;
- d. a motion to table or to defer to a day certain;
- e. an amendment to a motion;
- f. a motion to suspend a rule of procedure;
- g. a motion to convene in camera; or
- h. any other procedural motion.

14. The Mayor and Clerk shall confer on the Council **agenda content and format** before it is circulated a minimum two business days before the meeting if possible. The agenda will be accompanied with an **agenda package** containing meeting materials in the agenda sequence.

15. The Chair shall decide all questions of order or procedure subject to an **appeal** to the Council.

16. Every Councillor, prior to **speaking on any question or motion**, shall raise a hand and wait to be recognized by the Chair. When two or more Councillors raise their hands to speak, the Chair shall designate the Councillor who has the floor who, in the opinion of the Chair, first raised their hand.

~~17. No Councillor shall speak more than twice, without the leave of Chair, on any motion except to explain a misconception of their remarks, but the mover of a motion shall have the right to reply and sum up in closing the debate.~~

18. No Councillor shall speak more than ten minutes upon any matter at one time, without the leave of the Chair.

19. During a meeting Council may **recess** for short periods or move to another place, without ending the meeting.

20. At regular meetings of Council, except when Council resolves to defer approval of minutes for a maximum of one additional meeting, the **minutes** of the last preceding regular meeting and subsequent special meetings shall be reviewed and after all necessary corrections and amendments have been made and the minutes approved, the approved minutes shall be entered in the minute book of the proceedings of Council and such entry shall conclusively constitute the minutes of Council.

21. The minutes shall be kept by the Clerk and shall:

- (1) record the time when any Councillor joins or leaves a meeting which is in progress;
- (2) contain all resolutions, decisions by consensus and motions, with the name of the movers and seconders except Committee meetings, and shall record the outcome of each vote; and
- (3) mention reports, petitions and other papers submitted to Council only by their respective titles, or a brief description of their contents, which may be attached in full to the minutes as determined relevant by the Clerk.

Conduct of Meetings: Motions and Voting

22. The Chair shall state every **question** properly presented to Council and ~~before putting it to a vote, shall ask "Is Council ready for the question" and~~ if no Councillor offers to speak, the Chair shall put the question, after which no Councillor shall be permitted to speak upon it.

23. The usual form of voting on any question shall be by the Chair calling for "yeas" and "nays", but any Councillor, before or after a voice vote can call for, and obtain through the Chair, a show of hands, ~~and any two Councillors can call for, and obtain through the Chair, a recorded vote with each Councillor's vote entered into the minutes.~~

24. The Mayor and every Councillor who is present when a motion is put, shall vote thereon unless the Councillor has declared an interest in the motion. A failure to expressly signal a "yea" or "nay" or raise one's hand shall be deemed to be a "nay" vote. A tie vote results in the motion being defeated.

25. A motion must be seconded and then repeated by the Chair or read aloud by the Clerk before it is debated. The Chair may direct that the motion be put in writing, **repeated, displayed or read aloud by the Clerk before it is debated or voted on.**

26. After reading of a motion by the Chair or Clerk, it shall be open for discussion. The motion is deemed to be in the possession of Council at this time.

27. A motion which has been seconded and stated by the Chair may at any time before the Council has voted on it be **withdrawn** by the mover with the unanimous consent of Council.

28. When any question is before the Council, the only motions in order shall be:

- (1) a motion to amend the original motion;
- (2) a motion to refer the question, including the motion and amendment if one is moved, to any Committee;
- (3) a motion to defer the consideration of the question either indefinitely or to a specified time;

- (4) a motion to close the debate at a specified time; and
- (5) a motion that the question be put to a vote.

29. A motion

- (1) that the debate be closed at a specified time; or
- (2) that the question be put to a vote,

shall be put to a vote without further amendment or debate, but a motion that the question be put to a vote shall not be in order until every Councillor who has not spoken on the question and claims a right to speak has been heard.

~~30. A motion that the question be put to a vote shall preclude all amendment to the main question until the motion is decided, and shall be put to a vote, without debate. If this motion is resolved in the affirmative, the original question shall be put to a vote immediately, without any amendment or debate.~~

31. When the question before Council contains two or more distinct propositions upon request of any Councillor a vote upon each proposition may be taken separately in such order as determined by the Chair.

32. After a question is finally put by the Chair, no Councillor shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.

33. Whenever the Chair is of the opinion that a motion is out of order, or contrary to legislation, the Chair shall immediately advise the Councillors thereof. If there is no appeal to Council, or if the Chair is sustained on an appeal, the question shall not be put.

34. A motion to adjourn shall always be in order except in the following cases:

- (1) when a Councillor is in possession of the floor;
- (2) when the "yeas" and "nays" are being called for a vote;
- (3) while Councillors are voting; or
- (4) when the adjournment was the last preceding motion.

35. The following questions shall be decided without debate:

- (1) all motions as to priority of business or as to the suspension of the order of the day;
- (2) a motion to allow any person other than Councillors to address Council;
- (3) a motion to postpone to a specified time or day;

(4) a motion to lay on the table (suspend consideration of a pending motion); and

(5) a motion to adjourn.

36. Only one **amendment** to the main motion may be pending at one time. This first degree amendment may have only one amendment known as the second degree amendment pending at one time. As each amendment is voted on, subsequent amendments may be offered and voted on in succession.

37.(1) A motion to rescind shall not be made at the same meeting when the matter is decided, but may be put once at any subsequent meeting by giving prior notice of motion to rescind if the action or direction of Council has not already been completed.

(2) A motion to rescind may be put by any Councillor regardless of how they voted on the original matter.

(3) At a subsequent meeting of Council, the giver of such notice, or in that Councillor's absence any other Councillor on the Councillor's behalf, may put forward the motion of rescission.

(4) A motion to rescind must be seconded.

(5) A motion to rescind is debatable as to the merits of the question which is proposed to be rescinded.

(6) A motion to rescind is amendable.

(7) A motion to rescind shall be passed by a majority of the Councillors present and voting.

38. After any question or motion has been decided, either in the affirmative or negative, a Councillor who voted on the prevailing side may, after the decision has been announced by the Chair, but before adjournment of the meeting, give notice of an intention to move **reconsideration** of the motion approved at the same or next Council meeting. The giving of such a notice operates as a stay or suspension of Council's decision, except in matters where there is great time sensitivity. Council then vote on whether the motion will be reconsidered at the current or next meeting. If the motion to reconsider is adopted, Council will reconsider and then re-vote on the original motion, possibly with a different outcome.

~~39. If a vote to reconsider is deferred to the next meeting and no action is taken, the stay or suspension of the original motion is dissolved and the motion may be acted upon or implemented. Council may still reconsider the motion at a later time if the motion was not acted upon or implemented.~~

40. The following matters are not eligible for reconsideration:

(1) a motion approving the first or second reading of a By-Law enactment, amendment or repeal;

(2) a motion to decide upon a matter which was the subject of a statutory hearing by Council;

(3) a matter that has already been reconsidered; and

(4) a vote to reconsider.

41. Any **notice of motion** given by a Councillor for a subsequent meeting may, in the absence of the Councillor giving such notice, be taken up by any other Councillor.

42. All motions called in pursuance of the general order of the day and not disposed of shall be the first business proceeded with and disposed of at the next meeting of Council.

Conduct of Meetings: Points of Order

43. It shall be the duty of the Chair, and the privilege of any Councillor, to call any Councillor to order, who violates any established rule or order. A point of order must be decided by the Chair before the subject under consideration is proceeded with.

44. When a Councillor is called to order, the Councillor shall remain silent until the point is determined or called upon by the Chair to be heard on the point of order.

45. A point of order is not debatable amongst other Councillors, unless the Chair invites discussion in an effort to assist in making a ruling. Where the Chair permits discussion of a point of order, no Councillor shall speak more than once without the leave of the Chair.

46. Decisions of the Chair on points of order, including an order expelling and excluding a person from the Council Chambers, are not debatable but are appealable to Council by any Councillor. When an appeal is made from the decision of the Chair, the Chair may briefly explain the basis for their ruling and shall then ask Council whether the appeal should be allowed and Council's decision with reasons given shall be final.

47. No Councillor shall use offensive or unparliamentarily language or speak disrespectfully to or about anyone while in Council, or speak outside the parameters of the question in debate.

48. If a Councillor resists the rules of Council, obstructs the business of Council or disobeys the decision of the Chair, or of Council on appeal, on any question of order or practice or upon the interpretation of the rules of Council after being called to order by the Chair, or otherwise disrupts the proceedings of Council, the Councillor may be ordered by the Chair to leave the Councillor's seat provided that a majority vote of Council shall be required to have the expulsion extended to additional meetings.

49. If the Councillor refuses to leave the Councillor's seat, the Chair may order the Councillor to be expelled from the Council Chambers. Such Councillor may, by vote of Council be permitted to resume their seat with or without conditions.

50. Persons who are not Councillors, officers or employees of the Town shall observe silence and order in the Council Chambers, unless given permission to speak by Council. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered, by the Chair to be expelled from the Council Chambers, provided that a majority vote of Council shall be required to have the expulsion extended to

additional meetings. Such member of the public may, by vote of Council be permitted to re-enter Council Chambers with or without conditions.

51. An order of the Chair to expel a person from the Council Chambers pursuant to this part of the Policy constitutes a direction from the Town to leave the premises for purposes of the Protection of Property Act and other applicable laws.

**Questions of Privilege, Parliamentary Inquiries,
and Requests for Information**

52. Any Councillor may raise a **question of privilege** relating to the rights of the Council as a whole or of individual Councillors, in which the former take precedence over the latter. A question of privilege must be disposed of before the matter under consideration is proceeded with.
53. Questions of privilege may relate to matters including: the comfort of Councillors with respect to heating, ventilation, lighting, noise, other disturbances, and anything which otherwise encumbers their ability to participate fully in Council proceedings; the conduct of officers, employees, and visitors; the accuracy of published reports of proceedings; or to any other such matters that may infringe upon the established rights of Council as a whole or of individual Councillors.
54. The Councillor raising a question of privilege shall either state the infringement on their privileges and request that the Chair remedy such infringement or make a motion addressing the question of privilege to the Council. The Chair will rule on whether the matter is a question of privilege to be immediately disposed of. Decisions of the Chair on questions of privilege are not debatable but are appealable to Council by any Councillor.
55. The Councillor raising a question of privilege shall either state the infringement on their privileges and request that the Chair remedy such infringement or make a motion addressing the question of privilege to the Council. The Chair will then rule on whether the matter is a question of privilege to be immediately disposed of which is debatable, but appealable to Council by any Councillor.
56. If the Chair rules in favour of a question of privilege or Council overrules a negative ruling by the Chair then the infringement will be dealt with or the motion regarding the question put before the Council for debate.
57. Once a question of privilege has been disposed of, the normal business of the Council shall be resumed at the point at which it was interrupted.
58. Any Councillor may make a parliamentary inquiry to the Chair to obtain information on a matter of parliamentary procedure or of the applicable legislation and motions bearing on the business at hand. It is the Chair's duty to answer such questions when it may assist the Councillor to make an appropriate motion, raise a proper point of order, or understand the parliamentary situation or the effect of a motion.

59. Any Councillor may make a request for information either to the Chair or through the Chair to another Councillor, employee, or other relevant person to obtain information relevant to the business at hand but not related to parliamentary procedure.
60. Any of the rules of order may be suspended in its operation by the unanimous consent of the Councillors present.
61. If any question arises that is not provided for by applicable legislation or the foregoing rules, it shall be decided by the Chair in accordance with the latest available version of Roberts Rules of Order.
62. Policy #88 Council Meeting Policy is hereby repealed.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members of Intent to Consider:

Date of Passage of Current Policy:

I certify that this Policy was adopted by Council as indicated above.

Municipal Clerk

Date

Draft revisions of GG Committee
GG Jan 16/20

TOWN OF LUNENBURG PROCEDURAL POLICY # - COMMITTEES OF COUNCIL

PURPOSE

1. This Policy describes the structure, composition and role of Committees established and appointed by the Town of Lunenburg ("Town") Council ("Council"). The Policy applies to Committees in which all or some of the voting Committee members are Council members including the Mayor and/or Councillors.

PROCEDURE

2. The following provisions shall apply to all Committees established by this Policy, except where this Policy, another Town Policy, Bylaw or the Municipal Government Act specifically provides otherwise.
3. Committee membership shall be annually reviewed by Council within three months following each municipal general election or election anniversary after seeking the advice of the Nominating **General Government** Committee. Council may also replace at any time Committee members who resign or who, in Council's opinion, are unable or unwilling to discharge their duties, or who fail to attend diligently to the Committee's affairs or otherwise to seek a change in Committee composition. Council shall also appoint such members of external Committees and Boards **(Schedule "A" chart updated from time to time by motion of Council)** as it is authorized to do under Town or Provincial legislation and inter-governmental agreements.
4. The Mayor shall be an *ex officio* member of any Town Committee to which the Mayor is not already appointed and may fully participate **but may only** and vote at these meetings **if it is necessary to achieve a quorum**. ~~The Mayor's attendance will be included in a determination if a Committee quorum has been achieved and the Committee can meet to conduct its business.~~
5. Council may seek unelected resident Committee members as set out in this Policy by advertising same on an annual basis or such other interval as Council determines by motion from time to time. ~~The Town Nominating~~ **General Government** Committee will review and recommend to Council the appointment of qualified resident applicants or non-resident applicants if there are insufficient numbers. Council will select unelected Committee appointments by ballot.
6. **The Mayor shall recommend to Council the annual appointment of Councillors to Committees and external Boards for approval by motion of Council.**

7. Committee members shall be reimbursed their reasonable expenses for attending Committee meetings held outside the Town at such rate as prescribed by Town Policy #86 Council and Management Expense and Hospitality Claims.
8. Committee and external Board members are entitled to an annual honourarium set out in Town Policy #56 Council and Committee Member Honourarium.
9. Council shall appoint a Council member to serve as Chair of each Committee after seeking the advice of the ~~Nominating Committee~~ Mayor in consultation with the General Government Committee. The Chair shall be entitled to speak and to vote on any motion before their Committee(s). Subject to the other provisions of this Policy, the Chair shall also have the powers and responsibilities at Committee meetings that are conferred upon the Chair at Council meetings pursuant to the Town's Bylaws and Policies with any necessary modifications for context. If the Chair is absent from a meeting, the Committee members may elect a Chair pro tempore for that meeting who shall have the same authority as the Chair for the duration of this meeting only.
10. The Chief Administrative Officer or their designate shall serve as Committee Secretaries, with a voice relating to procedural matters, but no vote. The Committee Secretary shall prepare, maintain and circulate Committee agendas, minutes and other relevant records.
11. Committees shall meet at such time and place as annually determined by Council and at such other time and place as Council and/or Committees may determine to accomplish ~~meeting~~ Committee objectives.
12. ~~Subject to Council motion in consultation with the CAO should there be insufficient resources,~~ Committees may utilize the following Town resources to accomplish their mandate unless the CAO or Council determine that there are insufficient resources:
 - (1) Town staff advice and support;
 - (2) Town's facilities and supplies for meetings, photocopying, postage and other administrative needs reasonably necessary and budgeted for to achieve the Committee's mandate;
 - (3) external services reasonably necessary and budgeted for to achieve the Committee's mandate; and
 - (4) such other resources reasonably necessary and budgeted for to achieve the Committee's mandate.
13. A Committee cannot take action on any matter which Council has not previously delegated the authority to it. A Committee may only make recommendations to Council to take action.
14. All Committee meeting minutes, and records shall be open to the public except as expressly authorized by law.

15. A quorum of the Committee shall be the same as that which applies to Council pursuant to provincial legislation, with any necessary changes for context, e.g., section 4 herein.
16. Each Committee member, including the Chair, shall have one vote and there shall be no proxy voting or alternate voting.
17. Subject to the other provisions of this Policy, the rules of procedure, conduct and debate that apply at Council meetings pursuant to Council and Committee Meetings Proceedings Policy and other relevant Town Policies, apply at Committee meetings with any necessary modifications for context, except that no notices of reconsideration shall be permitted at Committee meetings.
18. In the event a Committee fails to provide a recommendation to Council within a deadline set by Council, Council may proceed with a decision regarding a matter within the Committee's mandate without awaiting the Committee's recommendation.
19. Council hereby confirms the following standing Committees and their respective responsibilities as described.

General Government Committee

20. The responsibilities of the General Government Committee are:
 - (1) Discuss, consider, advise and make recommendations to Council concerning the affairs of the Town that may come before Council, in advance of Council making decisions or taking action on such matters, except where Council determines that consideration by the Committee is unnecessary or inadvisable, and except that the following matters shall normally be dealt with by Council without having to be forwarded to the General Government Committee for its recommendations:
 - (a) correspondence;
 - (b) reports and recommendations from other committees of Council;
 - (c) planning matters;
 - (d) first or second reading of By-Law enactments, amendments or repeals; and
 - (e) matters which are the subject of a statutory hearing by Council.
 - (2) ~~Act as the Nominating Committee making~~ **Make** recommendations for Council Committees and external Boards;
 - (3) Oversight of the Town Bylaws and Polices review;
 - (4) Review and recommend the General Government Services budget to Council;
 - (5) Consider annual Town grant applications and recommend same to Council; and
 - (6) Take such other action not inconsistent with this Policy that the Committee reasonably deems necessary to carry out its mandate in accordance with Town Policies and Bylaws and the Municipal Government Act.
21. The Chair of the General Government Committee is the Deputy Mayor.

22. The General Government Committee consists of all Council Members, and membership on the Committee automatically extends to Council Members, without the necessity of formal appointment by Council, and automatically terminates when the person is no longer a Council Member.

Audit Committee

23. The responsibilities of the Audit Committee are:
- (1) A detailed review of the Town financial statements with the Town Auditor;
 - (2) An evaluation of Town internal control systems and management letter with the Town Auditor;
 - (3) A review of the conduct and adequacy of the audit;
 - (4) Consideration of such matters arising out of the audit as may appear to the Audit Committee to require investigation;
 - (5) Review of other matters as may be determined by Council to be the duties of the Audit Committee and any other matters; and
 - (6) Take such other action not inconsistent with this Policy that the Committee reasonably deems necessary to carry out its mandate in accordance with Town Policies and Bylaws and the Municipal Government Act.
24. The Audit Committee shall be comprised of all members of Council and a minimum of one resident at large appointment who is not a member of Council or staff. Resident appointees shall possess knowledge and understanding of financial and investment matters as evidenced in their Committee application form.
25. Council shall advertise for resident Audit Committee applications before December 31. The resident Committee member(s) shall be annually appointed by Council no later than January 31. Resident Committee appointments shall be for a minimum of ~~one~~ two year terms as determined by Council motion.
26. The Chief Administrative Officer (CAO), Finance Director and Accountant shall be non-voting members of the Audit Committee. Through the CAO the Committee may request additional members of the Town's senior management staff to attend Committee meetings.
27. The Audit Committee Chair shall be a member of Council annually appointed by Council no later than January 31 of each year. The Committee Chair will make periodic reports to Council on matters relating to the Committee's work progress.
28. The Audit Committee shall meet at least twice per year as called by the Chair in consultation with voting and non-voting Committee members to receive and review the completed Town audit with the Town Auditor and carry out its additional Municipal Government Act duties.
29. The Committee may also meet with the Town Auditors as it deems appropriate to consider any matter that the Committee members, Council or Auditors determine should be brought to the attention of Council.

30. Committee meetings shall be held in public unless the Committee needs to meet in camera in accordance with the Municipal Government Act.

Heritage Advisory Committee

31. The Town's Heritage Property Bylaw #43. and Provincial Heritage Property Act establishes the responsibilities of the Heritage Advisory Committee as follows which are not modified by this Policy, except the extent to which the additional Committee procedural matters apply:

(1) The Heritage Advisory Committee may advise Town Council respecting:

- (a) the inclusion of buildings, streetscapes and areas in the Town Registry of Heritage Property;
- (b) an application for permission to alter substantially or demolish a Town Heritage Property;
- (c) building or other regulations that affect the attainment of the intent and purpose of the Heritage Property Act; and
- (d) any other matters conducive to the effect of carrying out the intent and purpose of the Heritage Property Act.

32. The Heritage Advisory Committee is comprised of six members, all of whom shall be residents of the Town, annually appointed by Council for a ~~one~~ two year term. Two members of the Committee shall be members of Council, two shall be members of the Lunenburg Heritage Society or individuals who have otherwise demonstrated active concern for the preservation of buildings of historic significance, and two members of the Committee shall be appointed at large.

Planning Advisory Committee

33. The Municipal Government Act provides that the responsibilities of the Planning Advisory Committee are to advise Council respecting the preparation and amendment of planning documents and general planning matters. This includes the preparation, amendment and review of the Town's Municipal Planning Strategy, Land Use By-law and Subdivision By-law and all other planning matters.

34. The Planning Advisory Committee is comprised of at least four residents ~~two~~ members from the public appointed for two year terms and ~~may include other members of~~ three Council members and the public as determined by Council.

Protective Services Committee

35. The Protective Services Committee responsibilities relate to fire protection including oversight of the volunteer firefighting force and their training, buildings and equipment, fire alarm systems, fire investigations and prevention, water supply and hydrants and Fire Protection Services budget matters.
36. The Protective Services Committee is comprised of four Council ~~Town~~ members including the Chair ~~who are all Town Council members~~. For the purpose of fire

protection matters relating to Municipality of the District of Lunenburg Fire Districts 1 and 2 Commission (Commission) only, the Commission may appoint three Commission members to be additional voting members of the Committee, for these matters only, which the total membership of the Committee may be seven.

Recreation/Lunenburg War Memorial Community Centre Committee

37. The responsibilities of the Recreation/Lunenburg War Memorial Community Centre Committee are to:
 - (1) advise Council on matters affecting the development and maintenance of Town recreational facilities, programs and services;
 - (2) encourage a healthy and active community to improve the quality of life for residents and visitors; and
 - (3) provide Council with input on the development of policies and plans related to community recreation opportunities.
38. The Recreation/Lunenburg War Memorial Community Centre Committee is comprised of four members of Council, three ~~unelected Town~~ residents who are appointed for two year terms, and one Municipality of the District of Lunenburg Council member.

Public Infrastructure and Utilities Committee (TBA)

Special Committees

39. Town Council may establish Special Committees at any time as deemed necessary concerning any matter which is within Council jurisdiction. Council in establishing a Special Committee shall approve the terms of reference, termination date and such other provisions as Council determines relevant to the creation, role, responsibilities and dissolution of Special Committees.
40. The general provisions of this Policy shall also apply to Special Committees.
41. A Special Committee shall consist of at least two Council members, one of whom shall be the Chair.
42. When a Special Committee has completed its work, made its report and Council has made a final decision about the report, the Special Committee shall automatically dissolve if it was not previously terminated in Section 39 herein.
43. This Policy repeals and replaces Policies #9 Appointments to Boards and Committees of the Town, #19 Composition and Duties of Planning Advisory Committee and #85 Audit Committee and Bylaw #6 Committees and Boards Bylaw.

Circulated: _____

Document No:**Meeting: Council February 11, 2020****Circulate To: Council, DHs, LD, KR****File: Budget 2019/20**

MEMORANDUM

TO: TOWN COUNCIL

FROM: LISA DAGLEY, CPA, CGA, FINANCE DIRECTOR

DATE: FEBRUARY 6, 2020

RE: NSPI FLOW THROUGH RATE APPLICATION

1. FACTS

The Nova Scotia Utility and Review Board (NSUARB) has approved an overall 4% increase during the years 2020 to 2022 on the consumption component of NSPI's Municipal Rate, as part of the Rate Stabilization Plan. This rate increase excludes any change in the Fuel Adjustment Mechanism (FAM). The Municipal demand rate remains unchanged.

The **FAM** is a regulatory mechanism administered by the NSUARB that enables NSPI to recover rising fuel costs from customers.

There are specific calculations based on NSUARB approved formulas that must be completed in order to determine the flow through rates for 2020, 2021 and 2022. Council needs to approve the submission of a flow through application before the NSPI estimated average rate increase can be passed on to Town of Lunenburg Electric customers.

2. ISSUES AND OPTIONS

An application for this change must be made to the NSUARB and requires the approval of Council. Council is asked to approve a flow through rate increase application based on NSUARB approved flow through formulas.

3. **FINANCIAL IMPACT**

The approved calculation for NSPI increases is based on the cost of power purchased as approximately 80% of the Utility's rate revenue. If there is no flow through there will be an additional cost of approximately \$150,000 in 2020 alone.

The impact to the average residential customer in 2020 is expected to be \$5.70 per month or \$68.40 annually.

4. **STRATEGIC PLAN RELEVANCE**

This report supports Strategic Goal #5: Operate Town business efficiently and effectively by C. Developing and updating Town By-Laws, policies, procedures and plans.

5. **RECOMMENDATION AND DRAFT MOTION**

It is recommended that Council adopt the following draft motion:

Draft Motion: moved and seconded to approved of the submission of an application to the NSUARB for their approval of a per kWh increase to offset power purchase cost increases associated with the January 1, 2020, 2021 and 2022 NSPI Municipal Rate increase as previously approved by the NSUARB.

Attachments –

A – NSPI rates

B – TOL Flow Through Formulas

Acknowledged only by:

Bea Renton
CAO

Nova Scotia Power

MUNICIPAL TARIFFS					
Municipal Rate	units	2019	2020	Variance	% Variance
Demand Charge (Ratcheted)	\$/kVA	12.445	12.445	0.000	
Energy					
Base cost of fuel	¢/kWh	5.609	6.875	1.266	22.6%
Non-fuel	¢/kWh	<u>2.871</u>	<u>2.871</u>	<u>0.000</u>	0.0%
		8.480	9.746	1.266	14.9%
FAM AA	¢/kWh	0.000	0.235	0.235	0%
FAM BA	¢/kWh	<u>0.000</u>	<u>-1.162</u>	<u>-1.162</u>	0%
		0.000	<u>-0.927</u>	<u>-0.927</u>	0%
Total		8.480	8.819	0.339	
Transformer Ownership Credit	¢/kVA	-32.000	-32.000	0.000	0.0%

MUNICIPAL TARIFFS					
Municipal Rate	units	2020	2021	Variance	% Variance
Demand Charge (Ratcheted)	\$/kVA	12.445	12.445	0.000	
Energy					
Base cost of fuel	¢/kWh	6.875	6.300	-0.575	-8.4%
Non-fuel	¢/kWh	<u>2.871</u>	<u>2.871</u>	<u>0.000</u>	0.0%
		9.746	9.171	-0.575	-5.9%
FAM AA	¢/kWh	0.235	0.000	-0.235	-100.0%
FAM BA	¢/kWh	<u>-1.162</u>	<u>0.000</u>	<u>1.162</u>	-100.0%
		-0.927	0.000	0.927	-100.0%
Total		8.819	9.171	0.352	
Transformer Ownership Credit	¢/kVA	-32.000	-32.000	0.000	0.0%

MUNICIPAL TARIFFS					
Municipal Rate	units	2021	2022	Variance	% Variance
Demand Charge (Ratcheted)	\$/kVA	12.445	12.445	0.000	
Energy					
Base cost of fuel	¢/kWh	6.300	6.663	0.363	5.8%
Non-fuel	¢/kWh	<u>2.871</u>	<u>2.871</u>	<u>0.000</u>	0.0%
		9.171	9.534	0.363	4.0%
FAM AA	¢/kWh	0.000	0.000	0.000	0%
FAM BA	¢/kWh	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>	0%
		0.000	0.000	0.000	0%
Total		9.171	9.534	0.363	
Transformer Ownership Credit	¢/kVA	-32.000	-32.000	0.000	0.0%

**PROPOSED
SCHEDULE A**

LUNENBURG ELECTRIC UTILITY

SCHEDULE OF RATES FOR ELECTRIC SUPPLY & SERVICES

(Effective for services rendered on and after January 1, 2020)

RATES

All bills are due and payable when rendered. All unpaid accounts are subject to overdue interest charges in accordance with Regulation 5.2 - "Payment of bills, overdue interest charges, and returned payment charge".

In this Schedule, the word "Town" means the Town of Lunenburg.

"Nova Scotia Power Inc. (NSPI) Municipal Rate Class Increases"

In order to recover increased costs due to NSPI increases and upon notice by the Lunenburg Electric Utility (the "Utility") to the Nova Scotia Utility and Review Board, (the "Board"), the Board may amend the Rates for Domestic Service, Small General, General, Large General, Domestic Service Time-of-Day (Optional), and Street and Yard Lighting based on the following formula, without the necessity of a public hearing.

1) $A/B=C$

2) $C \times D = E$

A = Forecasted power purchase cost from NSPI for the test year;

B = Forecasted Electric Rate Revenue from the above classes for the test year;

C =Percent, expressed as 00.00;

D = NSPI approved increase percent, expressed as 00.00;

E = Average percentage change required to the Lunenburg Electric Utility's rates to recover its purchased power cost.

The Lunenburg Electric Utility, when submitting a request for a change in its Schedule of Rates for Electric Supply and Services, shall provide a comprehensive summary of the forecasted purchase and sales amounts and compare the results with the actual purchase and sales amounts for the previous two years along with an analysis of the difference in the amounts.

Nova Scotia Power Inc. ("NSPI") Municipal Rate Class Adjustments to
Demand Side Management and Fuel Adjustment Mechanism

In order to recover Demand Side Management ("DSM") and Fuel Adjustment Mechanism ("FAM") adjustments due to Nova Scotia Power Inc. ("NSPI") approved DSM and FAM adjustments and upon notice by the Council of the Town of Lunenburg to the Nova Scotia Utility and Review Board (the "Board"), the Board may amend the kWh Rates for Domestic Service, Small General, General, Large General, Domestic Service Time-of-Day (Optional) and Street and Yard Lighting based on the following, without the necessity of a public hearing.

For Domestic Service, Small General, General, and Large General, the following formula will apply:

$$A+B=C$$

$$C \times D/100 = E$$

$$E/F * 100 = G$$

A = NSPI DSM Rate to Municipal Class (cents per kWh)

B = NSPI FAM Rate to Municipal Class (cents per kWh)

C = Net NSPI adjustment (cents per kWh)

D = kWh purchases from NSPI for previous complete fiscal year

E = Total cost adjustment on annual purchases from NSPI

F = kWh sold by Municipal Electric Utility for previous complete fiscal year

G = Adjustment to Municipal electric Consumption Rates as a result of DSM and FAM charges (cents per kWh)

For Street and Yard Lighting Categories the following formula will apply:

$$A/B=C$$

$$C+D=E$$

$$ExB=F$$

A = Current monthly street light charge

B = NSPI rate schedule monthly kWh per month for each street light category

C = Current street light charge per kWh

D = kWh adjustment (in cents per kWh) due to FAM or DSM

E = Adjusted street light charge per kWh

F = Adjusted monthly street light rate

For Domestic Time of Use Rates the following will apply:

On peak charges are twice the Regular Domestic tail block rate;
Shoulder charges are equal to the Regular Domestic tail block rate;
The off-peak charges are set using the following formula:

$$A+B=C$$

$$C \times D = E$$

A = Current kWh purchase price from NSPI

B = kWh adjustment (in cents per kWh) due to FAM or DSM

C = adjusted kWh purchase price from NSPI

D = 4% loss factor

Document No: 7
Meeting: February 11, 2020
Circulate: Council, BR, HM
File:

MEMORANDUM

TO: TOWN COUNCIL

FROM: ARTHUR MACDONALD, HERITAGE MANAGER

DATE: FEBRUARY 5, 2020

**RE: PROVINCIAL HUMAN RIGHTS TRIBUNAL DECISION REGARDING
PROPOSED ACCESSIBLE WASHROOM REQUIREMENTS FOR ALL
RESTAURANTS**

1. FACTS

Jeff Merrill of MODL advised TofL staff of a message from AMANS President regarding accessible washrooms in restaurants as shown in **Attachment "A"**. The discussions could have far reaching consequences for restaurant owners and municipalities throughout Nova Scotia.

2. ISSUES AND OPTIONS ANALYSIS

- Legislation

The discussions regarding Reed et al. verses Province of Nova Scotia could result in amendments to the Food and Safety Regulations under the Health Protection Act and the Nova Scotia Building Code Act and Regulations. These amendments could require Municipal Building Officials to undertake annual inspections of all eating establishments within their jurisdiction to confirm whether they meet the 2019 Building Code Standards, particularly with regards to accessibility.

Currently, the Building Code is not enforced retroactively. An existing restaurant may continue to operate without being brought up to the current standards of the Building Code if there is no development. New development, such as a new use (occupancy) or a new expansion, triggers a building permit, which then requires the building to be brought up to code. The change being considered would require all eating establishment retroactively to be brought up to code in order to obtain their annual food establishment permit.

- **Recommendations Analysis:**

I believe it is very important for all municipalities to have the opportunity to express their comments/concerns to the Province before any changes are made in this regard. The potential impacts on historic downtowns throughout the Province is tremendous let alone the potential financial stain it may pose on small local municipalities and restaurant owners. If restaurants are not afforded the economic means to ensure compliance with the 2019 Building Code, they may have to close down completely, move to a new location, or alternatively, be issued an exemption for undue hardship under the Food and Safety Regulations. As this is still being discussed at the Provincial level, the rules and procedures have not been fully developed. However, it has been suggested that the exemption for undue hardship will be for financial hardship only and not factor in historical significance, structural issues or delays from planning or heritage reviews.

When drafting the new legislation it should be specified that if the modifications are so prohibitively expensive for the eating establishment owner with regards to any heritage legislation or any structural issue, that an avenue for consideration as to whether this meets the threshold of a financial hardship sufficiently enough for an exemption under the Food and Safety Regulations can be considered. For example many of our commercial eating establishments are right on the front lot line with small sidewalks. There is no room on the exterior to accommodate a ramp access. An interior ramp would make the business not-profitable due to the lack of remaining interior floor space. The only solution is to move or close – with limited spaces to move, the only viable solution, in some cases will be to close – not only impacting the business owner but also the limited tax base of the municipality.

As the Department of the Environment is responsible for administering the Food and Safety Regulations under the Health Protection Act, they are the body responsible for the issuance of the annual food establishment licenses. Small municipalities do not have the resources nor are they prepared or capable to handle such an assignment. If the concept is to require local Building Officials to undertake annual inspections of all eating establishments under their municipal jurisdiction, additional funding, personnel and training will be required.

If the Province require these facilities to have an annual provincial license, then the licensing authority, in this case the Department of the Environment, should do the inspections or alternatively, require eating establishments to hire their own Building Code Specialist to provide an Accessibility Report to the License Authority. This arrangement will be similar to QP1's and QP2's with regarding to inspecting and designing on-site disposal systems. The financial burden should not be placed solely on municipalities to administer annual Building Code Accessibility Standards inspections on eating establishments without some form of on-going provincial funding.

There are two (2) options for Council's consideration:

- (1) To approve a motion supporting a correspondence to Richard Derible **Attachment "B"** who is leading the working group with Restorative Justice with a copy to Janice Wentzell at AMANS; or
- (2) To not approve a motion supporting a correspondence to Richard Derible who is leading the working group with Restorative Justice.

3. **FINANCIAL IMPACT**

No direct financial implications are associated directly with sending the correspondence. However, the costs associated with the Town administering their Building Officials to undertake these annual inspections could be significant.

In addition, there could be a significant impact on the Municipality's commercial tax income. If eating establishments are required to relocate or close, property assessments on these historic commercial storefront properties could diminish.

There would also be cultural implications. For example, the tourism food sector could also have an impact on the volume of tourism dollars due to the loss of eating establishments. The accommodation sector could also be harmed due to the lack of restaurants. The cultural and streetscape atmosphere may also change due to vacancies along historic commercial storefronts that could no longer accommodate eating establishment uses. All of these would have a dramatic impact on the Town's ability to showcase their UNESCO World Heritage Site.

4. **STRATEGIC PLAN RELEVANCE**

The review of provincial statutes is in keeping with:

Strategic Plan Goal #5C (e): To develop and update Town By-laws, Policies, Procedures and plans we will encourage the Provincial Government to conduct a full review/update of the MGA with UNSM and Municipal Council's input.

5. **RECOMMENDATION AND DRAFT MOTION**

To approve a motion supporting a correspondence to Richard Derible **Attachment "B"** who is leading the working group with Restorative Justice with a copy to Janice Wentzell at AMANS.

(Draft letter attached as Attachment "B" to be amended and approved by the Mayor)

Attachments:

- A.** Message from AMANS President regarding Accessible Washrooms in Restaurants
- B.** Draft Correspondence to Richard Derible
- C.** Reed et al. verses Province of Nova Scotia Decision

Acknowledged only by:

Bea Renton
Town Manager/Clerk

ATTACHMENT “A”

Message from AMANS President regarding Accessible Washrooms in Restaurants

A **2018 Nova Scotia Human Right Commission** (HRC) ruling could have far-reaching implications to small businesses and municipalities.

The HRC ruled against the Province in the *Reed et al. v. Province of Nova Scotia, 2018*, and stated that the Province's “administration and enforcement of the *Food Safety Regulations* is in respect of ‘the provision of or access to services’ in s.5(l)(a) of the *Nova Scotia Human Rights Act*.

The bottom line? The Respondent discriminated against individuals who use wheelchairs for mobility.

As part of the process, a Provincially-led restorative process has been on-going since the fall, with various stakeholder groups working out the implications and details of the ruling, including a new licensing, inspection and enforcement process. While AMANS recognizes that barriers to accessibility are a reality for many Nova Scotians with disabilities, we are concerned that there are many connecting pieces and unanswered questions with respect to this issue which may have far-reaching implications to small businesses and municipalities.

To ensure our voices are heard and our concerns recognized, AMANS and NSFAM sent a joint letter on December 13 to Premier Stephen McNeil, with copies to Ministers Chuck Porter, Mark Furey and Gordon Wilson outlining our concerns. The letter, which was jointly authored by NSFAM President Pam Mood and myself, asked for the process to be slowed until there is clarity on several issues.

While we are not certain of the direction Government will take, here is what is being discussed:

- That the ruling will apply to all existing and new restaurants;
- That all restaurants are required to have accessible entranceways, pathways and washrooms;
- That approximately 3500 restaurants in the province would fall under this requirement;
- The Standards for Accessible washrooms will be aligned with the 2019 Building Code;
- Restaurants will be asked for proof that they meet the 2019 Building Code for accessibility when they apply to the Department of Environment for their annual food establishment permit renewal;
- Restaurants not meeting the 2019 Building Code will be given a time (three years is being discussed) to comply. At the end of that period, if the restaurant does not comply, it will not be issued its Food Establishment Permit.

Some unanswered questions and concerns we have:

- An exemption for undue hardship is being considered; however, our understanding is that this will be for financial hardship only and not consider issues such as: historical significance, structural issues that prevent retrofit, or delays from planning commission or heritage advisory committee review.
- The line of accountability for inspection and compliance is also still unclear. Municipalities struggle to find Building Officials, particularly in rural areas, and capacity is a very real issue. There was some discussion that the Province may hire resources for first inspections to determine initial code compliance, but we cannot confirm that. If this is the case, who will be responsible to reinspect to ensure follow-up compliance? The building official will become involved if any required renovations trigger a building permit, however, we are still unsure how small adjustments such as moving a paper towel dispenser would be re-inspected.
- We are unsure what impact this will have on historic downtowns in the Province. Downtowns are vital to many municipalities and modifying some of these structures will be architecturally impossible or prohibitively expensive. The cost to retrofit current spaces could very well outweigh the cost to relocate or close completely.

While there are still many unanswered questions, the AMANS Board felt it was important to inform members of what is being discussed. While AMANS was brought into the restorative process late in the game, we made it a point to raise our concerns, and ask the questions noted above. We want to ensure that there is a balance between what is readily achievable and what is an undue burden. We will keep you apprised of any new information we receive.

Regards,

Mike

Mike Dolter CD, MBA, CPA, CMA

President

Association of Municipal Administrators, NS

ATTACHMENT “B”
Draft Correspondence to Richard Derible
(To be amended and approved by the Mayor)

Richard Derible
Restorative Justice

Dear Mr, Derible,

Re: Reed et al. verses Province of Nova Scotia - Comments for Discussion

I believe it is very important for all municipalities to have the opportunity to express their comments/concerns to the Province before any changes are made in this regard. The potential impacts on historic downtowns throughout the Province is tremendous let alone the potential financial stain it may pose on small local municipalities and restaurant owners. If restaurants are not afforded the economic means to ensure compliance with the 2019 Building Code, they may have to close down completely, move to a new location, or alternatively, be issued an exemption for undue hardship under the Food and Safety Regulations. As this is still being discussed at the Provincial level, the rules and procedures have not been fully developed. However, it has been suggested that the exemption for undue hardship will be for financial hardship only and not factor in historical significance, structural issues or delays from planning or heritage reviews.

When drafting the new legislation it should be specified that if the modifications are so prohibitively expensive for the eating establishment owner with regards to any heritage legislation or any structural issue, that an avenue for consideration as to whether this meets the threshold of a financial hardship sufficiently enough for an exemption under the Food and Safety Regulations can be considered. For example many of our commercial eating establishments are right on the front lot line with small sidewalks. There is no room on the exterior to accommodate a ramp access. An interior ramp would make the business not-profitable due to the lack of remaining interior floor space. The only solution is to move or close – with limited spaces to move, the only viable solution, in some cases will be to close – not only impacting the business owner but also the limited tax base of the municipality.

As the Department of the Environment is responsible for administering the Food and Safety Regulations under the Heath Protection Act, they are the body responsible for the issuance of the annual food establishment licenses. Small municipalities do not have the resources nor are they prepared or capable to handle such an assignment. If the concept is to require local Building Officials to undertake annual inspections of all eating establishments under their municipal jurisdiction, additional funding, personnel and training will be required.

If the Province require these facilities to have an annual provincial license, then the licensing authority, in this case the Department of the Environment, should do the inspections or alternatively, require eating establishments to hire their own Building Code Specialist to provide an Accessibility Report to the License Authority. This arrangement will be similar to QP1's and QP2's with regarding to inspecting and designing on-site disposal systems. The financial burden should not be placed solely on municipalities to administer annual Building Code Accessibility Standards inspections on eating establishments without some form of on-going provincial funding.

In addition, there could be a significant impact on the Municipality's commercial tax income. If eating establishments are required to relocate or close, property assessments on our historic commercial storefront properties could diminish.

There would also be cultural implications. For example, the tourism food sector could also have an impact on the volume of tourism dollars due to the loss of eating establishments. The tourism accommodation sector could also be harmed due to the lack of restaurants. The cultural and streetscape atmosphere may also change due to vacancies along historic commercial storefronts that could no longer accommodate eating establishment uses. All of these would have a dramatic impact on the Town's ability to showcase their UNESCO World Heritage Site.

I wish to thank you for your time in considering this discussion. We look forward to working with you to resolve this important issue as we strive to ensure our built environments are more accessible to all. As you can see, there are many issues associated with this discussion and the sooner we bring in all municipal units to have an open and respectful dialog the better it will be for all. Looking forward to finding an admirable solution to this important topic.

Respectfully Submitted,

Attachment "C"

IN THE MATTER OF: A complaint under the Nova Scotia *Human Rights Act*, R.S.N.S. 1989,
c. 214

AND

IN THE MATTER OF: Board File No. 51000-30-H16-1629

BETWEEN:

WARREN REED, BEN MARSTON, PAUL VIENNEAU, JEREMY MACDONALD AND KELLY MCKENNA

Complainants

AND

PROVINCE OF NOVA SCOTIA (DEPARTMENT OF ENVIRONMENT), AND/OR PROVINCE OF NOVA SCOTIA
OR CAPITAL DISTRICT HEALTH AUTHORITY

Respondent

AND

NOVA SCOTIA HUMAN RIGHTS COMMISSION

Commission

AND

RESTAURANT ASSOCIATION OF NOVA SCOTIA

Intervenor

DECISION

Nova Scotia Board of Inquiry Chair: Gail L. Gatchalian, Q.C.

Counsel for the Complainants: David Fraser

Counsel for the Respondents: Kevin Kindred

Counsel for the Commission: Kendrick Douglas

Date of Hearing: July 5 and 6, 2018

Date of Award: September 6, 2018

The Complaint

1. The Complainants, Warren Reed, Ben Marston, Jeremy MacDonald, Kelly McKenna and Paul Vienneau, are people with disabilities who use wheelchairs for mobility. On July 4, 2017, they filed a complaint under the Nova Scotia *Human Rights Act*, R.S.N.S. 1989, c.214, alleging that the Respondent, the Province of Nova Scotia, had discriminated against them in respect of the provision of or access to services or facilities on the basis of physical disability in violation of ss.5(1)(a) and (o) of the *Act*.

2. The issue in this case is the manner in which the Respondent interprets and applies s.20(1) of the *Food Safety Regulations*, N.S. Reg 206/2005, as amended, made under the *Health Protection Act*, S.N.S. 2004, c.4. Subsection 20(1) of the *Food Safety Regulations* provides as follows:

Washroom facilities

20 (1) A food establishment must have washroom facilities for staff and washroom facilities for the public available in a convenient location, unless exempted by the Administrator.

...

3. There are many food establishments in Nova Scotia that do not have washroom facilities for the public that are accessible to wheelchair users. These are food establishments that are “grandfathered” under the *Nova Scotia Building Code Regulations*, N.S. Reg. 26/2017, made under the *Building Code Act*, R.S.N.S. 1989, c.46. The *Building Code Regulations* apply to new construction and to alterations, reconstruction, occupancy and change of occupancy classifications of existing buildings. The *Building Code Regulations* do not require retrofits of existing buildings.

4. The Respondent does not interpret or apply s.20(1) of the *Food Safety Regulations* as requiring food establishments to have washroom facilities for the public that are accessible to wheelchair users. The Respondent therefore issues permits under the *Health Protection Act* and the *Food Safety Regulations* allowing food establishments to operate without washrooms that are accessible to members of the public who use wheelchairs.

5. The question to be determined is whether the Respondent’s interpretation and application of s.20(1) as not requiring food establishments to have washroom facilities for the public that are accessible to wheelchair users constitutes discrimination in respect of the provision of or access to services or facilities on the basis of physical disability in violation of ss.5(1)(a) and (o) of the *Act*.

The Human Rights Act

6. The following provisions of the *Human Rights Act* are relevant to this complaint:

Meaning of discrimination

4 For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.

Prohibition of discrimination

5 (1) No person shall in respect of

(a) the provision of or access to services or facilities;

...

discriminate against an individual or class of individuals on account of

...

(o) physical disability or mental disability;

...

Exceptions

6 Subsection (1) of Section 5 does not apply

...

(f) where a denial, refusal or other form of alleged discrimination is

(i) based upon a *bona fide* qualification,

(ia) based upon a *bona fide* occupational requirement; or

- (ii) a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society;

...

Procedural Background

7. In July and August of 2016, one of the Complainants, Mr. Reed, attempted to file a complaint about the Province's alleged discriminatory enforcement of s.20(1) of the *Food Safety Regulations* with the Nova Scotia Human Rights Commission: *Reed et al. v. Nova Scotia (Human Rights Commission)*, 2017 NSSC 85, at para.2.

8. On August 3, 2015, a Human Rights Officer advised Mr. Reed that she would not accept the complaint. On September 14, 2016, in a reconsideration decision, a second Human Rights Officer advised Mr. Reed that the Commission would not accept the complaint: *Reed, supra*, at paras.3 and 4.

9. The Complainants were successful in their application for judicial review of the decisions of the Human Rights Officers. Justice Edwards held that the *Human Rights Act* does not allow a Human Rights Officer to refuse to accept a complaint. The *Act* requires the Commission to inquire into the complaint. While the Commission may ultimately decide to dismiss the complaint, the dismissal must be on the basis of one of the reasons set out in s.29(4) of the *Act*: *Reed, supra*, at para.8. Justice Edwards ordered the Commission to process the complaint: *Reed, supra* at para.19.

10. The Complainants filed the July 4, 2017 complaint, and I was appointed as a Board of Inquiry to inquire into and render a decision regarding the complaint.

11. The Commission decided to participate in the proceeding by way of "watching brief" only. The Commission did not take a position for or against the complaint.

12. On June 25, 2018, on consent of the parties, I granted the request of the Restaurant Association of Nova Scotia to be added as an intervenor in this matter.

13. The hearing took place on July 5 and 6, 2018 in Halifax, Nova Scotia.

Evidence

14. The Complainants relied on an affidavit of Mr. Reed and on a letter from Ellsworth Campbell, a computational biologist employed with the Centers for Disease Control and Prevention in the United States. The Complainants called one witness, Paul Vienneau, one of the Complainants.

15. The Respondent called one witness, Karen Wong-Petrie, Director, Environmental Health and Food Safety Branch, Sustainability and Applied Sciences Division, with the Nova Scotia Department of Environment, which is responsible for administering the *Food Safety Regulations*.

The Facts

Hand-Washing and Public Health

16. Hand-washing is an important measure for the protection of public health and the prevention of disease.

17. The Province of Nova Scotia has published a Norovirus Fact Sheet which states in part that “[t]he most important measure to prevent any communicable disease is proper hand hygiene,” and that hand hygiene must be performed before preparing food, before eating, after contact with ill individuals, after using the toilet and after changing diapers. The Fact Sheet also states that “[u]sing most commercially available alcohol-based rubs should not be considered a replacement for proper hand hygiene, using liquid soap and water, against norovirus.”

18. Ms. Wong-Petrie believes that she is the one who wrote the Province’s Norovirus Fact Sheet, and she obviously agrees with its contents.

19. The Nova Scotia Department of Health has published a poster entitled “Hand Washing!” that provides instructions on proper hand-washing and that states that “[w]ashing your hands with soap and water is the best way to reduce the spread of germs.”

20. The Department of Environment distributes the “Hand Washing!” poster published by the Department of Health, and suggests to food establishments that the poster be posted in staff and public washrooms and in the food preparation area above the hand-washing sink.

21. Ms. Wong-Petrie testified that the ability of a member of the public to wash their hands before eating is a food safety issue for that individual, and that hand washing is “the number one greatest infection control procedure that’s around.” Ms. Wong-Petrie also testified that when a member of the public is not able to wash their hands in a restaurant, the person could be impacting what eventually moves into the kitchen, or what staff eventually come into contact with.

22. Ms. Wong-Petrie agreed with the following description of the concept of “herd immunity” by Mr. Campbell:

... Herd immunity is a theoretical concept which holds that susceptible persons receive some benefit when those around them are immune to an infectious threat. That is to say: If we can just protect *enough* people, we can effectively protect the rest. However, this theory rests on a single but woefully inaccurate

assumption about human populations: that susceptibility is randomly distributed. The moment that we begin to see groups or communities of susceptible persons, the theoretical basis of herd immunity crumbles and its benefits cease to exist. These groups of susceptible persons act as the kindling necessary to start an outbreak that can spread through a community like wildfire.

To learn that persons who use wheelchairs, or who otherwise cannot readily traverse stairs, are often unable to access washrooms at public restaurants is alarming, not only because it places an undue risk on one demographic, but because the risk of infectious disease is rarely isolated to any single demographic. We cannot assume that because a community constitutes a numerical minority that the effects of their unequal disease burden will have on the community-at-large will also be minor. While members of this demographic constitute an integral part of most every family they also constitute cohesive groups that form resilient social communities. Denying access to handwashing – the most effective means of preventing the transmission of foodborne illnesses – is akin to denying access to other tools of preventive medicine like vaccination.

...

[Emphasis in original]

Hand-Washing and Individuals who use Wheelchairs for Mobility

23. The ability to wash one's hands is especially important for individuals who use wheelchairs for mobility. Their hands are in almost constant contact with dirt and germs because the palms of their hands rub against the rims of the wheels on their chairs, which are in contact with rain water, mud, grime, dog excrement and other unpalatable substances.

24. There are many restaurants in Halifax and in Nova Scotia that do not have washroom facilities that are accessible to individuals who use wheelchairs for mobility.

25. When an individual who uses a wheelchair for mobility is at a restaurant that does not have an accessible washroom, they are unable to properly wash their hands before eating. This poses a health risk for the individual, and a potential health risk for others.

Renovations Required to Make Washrooms Accessible

26. The Restaurant Association is supportive of the idea that restaurants should be accessible. By way of example, the Association is currently rebuilding its website, which will list accessible restaurants, something that it has done for the past 10 years. According to the Association, there are over 100 accessible food establishments within a five-kilometre radius of downtown Halifax.

27. The Restaurant Association is concerned, however, of the possible financial impact on restaurants if s.20(1) of the *Food Safety Regulations* is interpreted to require restaurants to have washroom facilities for the public that are accessible to individuals who use wheelchairs for mobility.

28. The Restaurant Association provided some general and anecdotal information about the potential cost of requiring older buildings to be accessible:

... There are many operations that are in older buildings and will incur considerable costs if required to address and resolve certain accessibility issues. Most of these types of buildings are in Halifax but there are some spread throughout the province. Added to this is that most restaurants rent and do not own their premises. Many of the landlords of older buildings don't want major structural changes, which is what most of the changes would be for compliance.

Some examples of recent quotes for accessible access to restaurants:

(Halifax Restaurant) to install a ramping system – the quote was \$41,000 and involved some major structure items. The other part of this ramp system was that it had to be built inside the restaurant utilizing approximate 100sq.ft. That meant there was a loss of revenue for that space and a monthly carrying cost of approximately \$2,500.

Another recent quote for a renovation to a restaurant (Halifax) for complete accessibly [sic] with washrooms & ramping access was \$135,000. The challenge with this is that the average profit for a restaurant in NS is 3.2-3.5 % (that is they make \$3.20-\$3.50 for every \$100 in sales). It takes a lot of sales to pay for even modest renovations; still a lot of operators have committed to make more accessible improvements.

29. The example of the \$135,000 quote given by the Restaurant Association related to a proposed new food establishment that was not grandfathered under the *Building Code Regulations* and therefore would be required to meet the accessibility standards under those *Regulations*.

30. Mr. Vienneau gave an example of a restaurant on Spring Garden Road that has washrooms for the public, one for men and one for women with stalls, neither of which are accessible to wheelchair users. Fairly minor modifications would be required to make one of the washrooms accessible: removal of a raised "lip" on the floor, removal of the stalls in the women's washroom to make it barrier-free, and conversion of both of the washrooms into gender-neutral washrooms.

Respondent's Interpretation and Administration of the Food Safety Regulations

31. The Nova Scotia Department of Environment is responsible for the licensing of food establishments under the *Health Protection Act* and the *Food Safety Regulations*.

32. A “food establishment” is defined in s.75(c) of the *Health Protection Act* as follows:

75 In this Part,

...

(c) “food establishment” means any premises, including a mobile, stationary, temporary or permanent facility or location and the surroundings under control of the same person, in which food is processed, manufactured, prepared, labelled, served, sold, offered for sale or distributed free of charge, dispensed, displayed, stored or distributed, but does not include a dwelling except a dwelling used for commercial food preparation; ...

...

33. Section 81 of the *Health Protection Act* provides as follows:

Establishment or operation of food establishment

81 No person shall establish or operate a food establishment except in accordance with this Part and the regulations.

34. Under s.82 of the *Health Protection Act*, a person requires a permit to operate a food establishment, unless exempted by the Administrator under the *Act*, and applications and fees for permits are to be set out in the regulations:

Permit required

82 (1) No person shall operate a food establishment, unless exempted by the Administrator, without first having obtained a permit from the Administrator.

(2) An application for a permit in respect of a food establishment shall be made to the Administrator in accordance with the regulations.

(3) Subject to this Part and the regulations, the Administrator shall issue a permit in respect of a food establishment to an applicant upon payment of the prescribed fee.

35. The Administrator appointed under the *Act* is the Director of the Regional Integration Compliance Operations Division with the Department of Environment.

36. Section 83 of the *Health Protection Act* describes the circumstances in which the Administrator shall not issue or renew a permit, or may suspend or revoke a permit:

Where permit is not to be issued or may be revoked

83 (1) The Administrator shall not issue or renew a permit, or may suspend or revoke a permit, in respect of a food establishment to an applicant where the Administrator is of the opinion that

(a) the past conduct of the applicant or, where the applicant is a corporation, of any of its officers or directors, affords reasonable grounds to believe that the operation of the food establishment would not be carried on in accordance with this Part and the regulations;

(b) the applicant does not have or will not have available all premises, facilities and equipment necessary to operate a food establishment in accordance with this Part and the regulations;

(c) the applicant is not complying or will not be able to comply with this Part and the regulations; or

(d) the operation of the food establishment represents or would represent a risk to human health.

(2) Any condition that is injurious to human health or, in the opinion of the Administrator, is potentially injurious to human health is deemed a risk under this Part.

37. Under s.86 of the *Health Protection Act*, “[t]he Administrator may designate types or classes of food establishments for which permits are issued under Section 82.”

38. Under s.87 of the *Act*, “[t]he Administrator may amend, add or impose terms and conditions on a permit.”

39. Section 89 of the *Act* requires a food establishment to be constructed and maintained in a manner that is not injurious to human health:

Construction and maintenance of food establishment

89 A food establishment must be constructed and maintained in such a manner that no condition exists that is injurious to human health or that, in the opinion of the Administrator, is potentially injurious to human health.

40. Section 93 of the *Act* allows the Administrator or an inspector to enter premises for the purpose of carrying out their duties under the *Act* or the regulations:

Entry and inspection without warrant

93 (1) The Administrator or an inspector may, at any reasonable time, for the purpose of carrying out the Administrator's duties or inspector's duties, as the case may be, under this Part or the regulations,

(a) enter without a warrant any premises where there are reasonable and probable grounds to believe that the premises are a food establishment and that records relating to the food establishment are to be found in the premises; and

(b) inspect the premises and any food or records relating to food.

...

41. Section 105(1) of the *Act* authorizes the Governor in Council to make regulations:

105 (1) ...

...

(c) providing for the exemption from this Part or the regulations, or any part thereof, of any person or class of persons or of any food product and prescribing the terms and conditions of the exemption;

...

(e) prescribing the facilities and equipment to be provided and maintained at food establishments and the operation of food establishments;

...

(f) respecting cleanliness and sanitation of food establishments;

...

(j) providing for the issue, renewal, suspension, reinstatement or revocation of or refusal to issue or renew permits and prescribing the fees payable for permits or the renewal of permits;

...

(p) providing for the inspection of premises before the issue of permits;

...

(r) prescribing conditions to which permits may be subject;

...

42. Section 5 of the *Food Safety Regulations* sets out the classes of food establishment permits (e.g. “temporary event,” “eating establishment” or “foodshop”), the expiry dates for permits and the fees prescribed for permits.

43. Section 6 of the *Food Safety Regulations* requires an application for a permit to be in a form prescribed by the Administrator and requires the application to include the fee, any reasonable information required by the Administrator, and the plans and specifications of the food establishment.

44. Section 9 of the *Food Safety Regulations* sets out the requirements for the renewal of a permit.

45. Section 11 of the *Food Safety Regulations* deals with the suspension or cancellation of a permit.

46. The Environmental Health and Food Safety Branch of the Sustainability and Applied Sciences Division of the Department of Environment develops the government's food safety program, ensures compliance with and enforcement of the *Food Safety Regulations*, and provides education, outreach, training and food-borne illness outbreak management. The Environmental Health and Food Safety Branch considers its mandate, as it pertains to food safety, to be the reduction of food-borne illness in populations by mitigating, controlling or eliminating biological, physical or chemical hazards that might present themselves at permanent food establishments in Nova Scotia.

47. The approach of the Environmental Health and Food Safety Branch to compliance with the *Food Safety Regulations* is "a lightest touch approach," which Ms. Wong-Petrie described as getting to the outcome of reducing food-borne illness by reducing hazards in food establishments in a way that is not overly burdensome to industry or to government and in a way that is responsible in terms of budgetary accountability.

48. As Ms. Wong-Petrie described it, the compliance continuum, at one end, is comprised of methods such as education, training, and informal discussions with inspectors during inspections, and at the other end, involves suspension or revocation of permits.

49. The Inspection Compliance and Enforcement Division of the Department of Environment implements the food safety program developed by the Environmental Health and Food Safety Branch of the Sustainability and Applied Sciences Division. The public health inspectors who deliver the food safety program are part of the Inspection Compliance and Enforcement Division.

50. In 2017, the Department conducted just over 13,000 inspections and issued approximately 6,000 permits under the *Food Safety Regulations*.

51. An application for a permit to establish or operate a food establishment triggers an inspection. The application must be accompanied by a floor plan and a menu. An inspector conducts a pre-inspection to determine compliance with the *Food Safety Regulations*. The inspector considers factors such as design, construction, personnel, hygiene, training, how food is to be stored, refrigeration, freezers, and food flow. The Department may then issue a permit, or schedule another pre-inspection. The Department conducted approximately 2,000 pre-inspections in 2017.

52. Inspectors also conduct what are called "routine inspections" of food establishments based on an assessment of risk. High risk establishments are inspected twice a year. Medium risk establishments are inspected once every 12 months. Low risk establishments are inspected once every 18 months. The Department conducted approximately 11,000 routine inspections in 2017.

53. The Department also conducts ad hoc inspections in response to every complaint lodged against a food establishment.

54. If a routine inspection raises concerns that must be followed up, the Department will conduct a re-inspection.
55. Finally, the Department conducts what are called “consultation inspections,” which are requested by the operator.
56. If an inspector identifies a deficiency that the Department considers critical to health, such as a broken refrigerator or lack of potable water, the inspector may suspend the operator’s permit until the issue has been resolved.
57. If an inspector identifies a deficiency that the Department considers to be non-critical to health, the operator is typically given a time frame within which to correct the deficiency. According to Ms. Wong-Petrie, if the deficiency continues, even if it is not considered critical to health, the deficiency could, if not addressed, lead to a warning, suspension or revocation of a permit. The Department considers suspensions and revocations to be severe, and there have only been 87 suspensions and 2 revocations in the last 10 years.
58. According to Ms. Wong-Petrie, the cost of compliance does not exempt an operator from complying with the *Food Safety Regulations*. However, the Department might provide an operator with time to correct the deficiency based on the cost of correcting it.
59. The Department interprets the requirement to have washroom facilities for staff and the public available in a convenient location in s.20(1) of the *Food Safety Regulations* as only requiring a washroom to be in a location that does not pose a risk to food safety. For example, if the public can only access the washroom by walking through the kitchen, the Department would consider the food establishment to be in violation of the requirement to have a washroom available to the public in a convenient location because it poses an unacceptable risk to the food that is being prepared. If staff could only access a washroom by walking up stairs or going through another business, the Department would consider the food establishment to be in violation of the requirement to have a washroom available to staff in a convenient location, because staff would be exposing themselves and their hands to potential food-borne illness.
60. In the last 10 years, the Department has only issued eight exemptions under s.20(1) of the *Food Safety Regulations*. None of the exemptions were for restaurants, but rather, establishments such as general stores, convenience stores, or small take-out establishments. The Department considered these food establishments to be low-risk. Of the eight exemptions, only one remains active as the others related to food establishments that are no longer in operation.
61. In five of the above-noted exemptions under s.20(1) of the *Food Safety Regulations*, one of the factors relied on by the Administrator for granting the exemption was that compliance would be “so cost prohibitive as to make the continued operation of the business non viable.”

62. In two of the exemptions granted under s.20(1) of the *Food Safety Regulations*, the operator was given a time frame within which to comply with the *Regulations*: in one case, prior to the third year of operation, and in the other case, one year.

63. The Department does not interpret s.20(1) of the *Food Safety Regulations* as requiring a washroom for the public that is wheelchair accessible. The Department does not consider the accessibility of washrooms in food establishments to relate to food safety.

64. The Department does not consider hand washing by members of the public to fall within the mandate of its food safety program.

65. The Department therefore issues permits and renews permits under the *Health Protection Act* and the *Food Safety Regulations* allowing food establishments to operate without washrooms that are accessible by members of the public who use wheelchairs for mobility.

Argument

The Complainants

66. The position of the Complainants is that the failure of the Respondent to require food establishments to have washroom facilities for the public that are accessible for individuals who use wheelchairs for mobility under s.20(1) of the *Food Safety Regulations* has a discriminatory impact on those individuals contrary to ss.5(1)(a) and (o) of the *Human Rights Act*.

67. The Complainants argue that Respondent's interpretation and application of s.20(1) of the *Food Safety Regulations* adversely affects the health of individuals who use wheelchairs for mobility and the health of the population generally.

68. The Complainants, anticipating that the Respondent would rely on the Province's promise of full accessibility by 2030 under the new *Accessibility Act*, S.N.S. 2017, c.2, argue that deferring the enforcement of s.20(1) of the *Food Safety Regulations* to require washrooms that are accessible would perpetuate the discrimination and increase the probability of a public health incident.

69. The Complainants characterize the approach of the Respondent to s.20(1) of the *Food Safety Regulations* as systemic discrimination.

70. The Complainants assert that their complaint is not solely about the ability to access a toilet, but that it is also about access to basic hygiene, as individuals in non-motorized wheelchairs spend most of their day with their hands on the hand rims of the wheels in order to move the chair, and the hand rims are in close proximity to the ground and get dirty throughout the day. The dirt is then transferred to the individual's hands. Individuals in

wheelchairs who do not have access to handwashing facilities have their health placed at risk. The Complainants rely on the letter from Mr. Campbell for their argument that jeopardizing the health of individuals who use wheelchairs jeopardizes the whole population.

71. In addition to relying on ss.5(1)(a) and (o) of the *Human Rights Act*, the Complainants rely on the right to equal protection and equal benefit of the law without discrimination on the basis of physical disability under s.15(1) of the *Canadian Charter of Rights and Freedoms*.

72. The Complainants argue that the purpose of the *Health Protection Act* is to protect the health of all Nova Scotians.

73. The Complainants argue that in order to be licensed as a food establishment under the *Health Protection Act*, a food establishment must have washroom facilities for the public available in a convenient location, pursuant to s.20(1) of the *Food Safety Regulations*. The Complainants argue that “convenient” in s.20(1) of the regulations means a location that is accessible, and that “the public” in s.20(1) includes individuals who use wheelchairs.

74. Until the hearing, the Complainants were not aware of the reason why the Respondent did not require food establishments to have washroom facilities for the public that are accessible to wheelchair users.

75. The Complainants rely on *Waplinton v. Maloney Steel Ltd.*, 1983 CarswellAlta 513, 4 C.H.R.R. D/1483 (ABQB) for the proposition that individuals have a right to washroom facilities that are suitable for them, and on *Council of Canadians with Disabilities v. VIA Rail Canada Inc.*, [2007] 1 SCR 650, 2007 SCC 15 for the proposition that individuals have a right to an accessible washroom.

76. The Complainants seek an order requiring the Respondent to enforce s.20 of the *Food Safety Regulations* in a consistent and non-discriminatory manner so that licensed food establishments must have a washroom that is accessible to all members of the public.

77. The Complainants seek an unspecified amount of nominal damages to be used for the purpose of accessible washrooms to protect public health.

The Position of the Respondent

78. The Respondent agrees that accessibility is an important issue, and that all Nova Scotians, including Nova Scotians who use wheelchairs, have a right to participate fully in society and public life, and that barriers that prevent full participation and cause disability must be addressed.

79. However, the Respondent submits that accessibility cannot and should not be addressed in the context of the *Food Safety Regulations* and that accessibility, including the accessibility of washrooms, is not a food safety issue.

80. Rather, according to the Respondent, the legal requirements with respect to accessibility of buildings, including restaurants, are set out in the *Building Code Regulations* and in the Halifax Regional Municipality *By-Law S-1000 Respecting the Regulation of Sidewalk Cafés*.

81. The Respondent states that it is the *Building Code Regulations* and *By-Law S-1000* that create the situation where a patron who uses a wheelchair may be served at a restaurant, including a patio of a restaurant, that does not have an accessible washroom. However, the complaint does not directly address either the *Building Code Regulations* or *By-Law S-1000*. As a result, the Respondent asserts that the core policy issues with respect to the scope of the *Building Code Regulations*, the grandfathering of existing buildings, and *By-Law S-1000* are not directly dealt with by the complaint.

82. The Respondent also asserts that, because the complaint is not against individual restaurants, a whole set of policy issues involving accommodation and undue hardship that could be presented by the restaurants is bypassed because of the manner in which the Complainants framed the complaint.

83. The Respondent argues that the complaint does not address a “service” within the meaning of s.5(1)(a) of the *Human Rights Act*. The Respondent states that the Complainants are seeking the enforcement of the *Food Safety Regulations* according to their interpretation, and that the enforcement of regulations is not a “service” within the meaning of the *Human Rights Act*. The Respondent points out that neither of the cases relied on by the Complainants involved the enforcement of regulations or policies by a government regulator.

84. The Respondent acknowledges that some aspects of government activities have been recognized as “services” under the *Human Rights Act*. For example, in *O’Quinn v. Nova Scotia Workers’ Compensation Board*, [1995] 131 DLR (4th) 318, the Nova Scotia Court of Appeal found that government-administered workers’ compensation benefits amount to a “service” under the *Human Rights Act*. A similar conclusion was reached with respect to public pension benefits in *Nova Scotia (Minister of Finance) v. Hodder et al.*, 1998 CanLII 5962 (NSCA).

85. The Respondent relies on *Watkin v. Canada (Attorney General)*, 2008 FCA 170 for the proposition that government’s enforcement activities per se are not a “service” within the meaning of human rights legislation. In *Watkin, supra*, the allegation was that Health Canada enforced the *Food and Drug Act* unequally based on ethnicity. The Federal Court of Appeal rejected the argument that the enforcement activity of Health Canada involved “services” under the *Canadian Human Rights Act*.

86. The Respondent argues that even if this case involved actions that could somehow be characterized as a “service”, then the “service” is not provided to the Complainants. Rather, the enforcement of the *Food Safety Regulations* is between the Department of Environment and the food establishments. Relying on *Watkin, supra*, the Respondent argues that simply because

government activity is undertaken for the public good does not, in and of itself, transform that activity into a “service.”

87. The Respondent relies on the recent decision of the Supreme Court of Canada in *Canada (Canadian Human Rights Commission) v. Canada (Attorney General)*, 2018 SCC 31 for the proposition that the government, in legislating, is not providing a “service” within the meaning of human rights legislation, and that a human rights tribunal does not have the jurisdiction to negotiate with the responsible Minister the manner in which legislative provisions are to be applied.

88. The Respondent argues that the complaint is based on an incorrect interpretation of the *Food Safety Regulations*, and that the *Food Safety Regulations* do not require a restaurant to have a washroom accessible to wheelchair users. The Respondent argues that the food safety regulatory regime is focused on ensuring that food establishments adhere to practices that minimize the risk of food contamination, which in turn protects public health. The Respondent argue that the *Food Safety Regulations* do not regulate food establishments in terms of other public interests, such as Building Code compliance and accommodation of disability. Such matters, according to the Respondent, fall outside the narrow focus of food safety. Therefore, says the Respondent, the location of the washroom under s.20(1) of the *Food Safety Regulations* must be reviewed solely with a narrow focus on food safety, and not with a broader focus on accessibility. The argument of the Respondent is that the Department’s mandate is to regulate the hygiene of food establishments and food handlers, not food consumers.

89. The Respondent finds support for its interpretation of s.20(1) of the *Food Safety Regulations* as requiring the least amount of interference or the lightest exercise of power to respond to a health hazard or public health emergency in s.2 of the *Health Protection Act*, which reads as follows:

Restrictions on private rights and freedoms limited

2 Restrictions on private rights and freedoms arising as a result of the exercise of any power under this Act shall be no greater than are reasonably required, considering all of the circumstances, to respond to a health hazard, notifiable disease or condition, communicable disease or public health emergency.

90. The Respondent argues that, in the alternative, the exceptions under s.6(f) of the *Human Rights Act* apply to this case.

91. The Respondent argues that its approach to s.20(1) of the *Food Safety Regulations* is based upon a “*bona fide* qualification” under s.6(f)(i) of the *Human Rights Act*. The Respondent states that in order for this exemption to apply, one would need to weigh the potential consequences to individual restaurants flowing from the remedy being requested.

92. The Respondent also argues that the exception in s.6(f)(ii) of the *Human Rights Act* is engaged because the remedy sought in the complaint would be inconsistent with the Province's legislated plans for addressing accessibility issues in the *Accessibility Act*, in which the Province has adopted a goal of achieving accessibility by 2030. The Respondent argues that the remedy sought in the complaint would take the one issue of accessible washrooms in restaurants, and using the food safety inspection process, require immediate change in the industry, at the risk of closing down businesses, and that this would be inconsistent with and ultimately damaging to the progressive realization of accessibility contemplated in the *Accessibility Act*.

93. The Respondent asserts that the Province's decision to address accessibility of the built environment, including restaurants, under the progressive realization process in the *Accessibility Act* is "a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society" under s.6(f)(ii) of the *Human Rights Act*.

94. The Respondent argues that the exception in s.6(f)(ii) of the *Human Rights Act* indicates a need for a level of deference to government in developing a complex regulatory response to a social problem, relying on *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37 at para.37.

Reply of the Complainants

95. In reply, the Complainants state that in the ten years since the Federal Court of Appeal decision in *Watkin, supra*, it has not been cited by a non-federal court or tribunal, that the decision is not binding on this Tribunal, that it can be distinguished, and that it is not good law.

96. The Complainants rely on *Johnson v. Halifax Regional Police Service*, 2003 CarswellNS 621, [2003] N.S.H.R.B.I.D. No.2, 48 C.H.R.R. D/307 for the argument that the discriminatory enforcement of regulations constitutes a "service" within the meaning of the *Human Rights Act*.

97. The Complainants point out that, unlike in *Watkin, supra*, this case does not involve a single decision or a series of discrete decisions about whether or not to enforce a particular law or take any particular enforcement action. Rather, we are dealing with a systemic practice that has a widespread discriminatory impact.

98. The Complainants also state that *Watkin, supra* is distinguishable because it did not deal with access to both services and facilities, as is the case here.

99. The Complainants take issue with the Respondent's interpretation of s.20(1) of the *Food Safety Regulations*. The Complainants rely on the decision of the Nova Scotia Court of Appeal in *Halifax (Regional Municipality) v. Nova Scotia (Human Rights Commission)*, 2008 NSCA 21 for the proposition that human rights legislation is quasi-constitutional and therefore that the regulations must be administered in a manner that is non-discriminatory.

100. The Complainants also assert that the Respondent's interpretation ignores the words "for the public" in s.20(1) of the *Food Safety Regulations*. Relying on the Court's approach to statutory interpretation in *Heritage Capital Corp. v. Equitable Trust Co.*, [2016] 1 SCR 306, 2016 SCC 19, the Complainants assert that the words mean that a restaurant must have a washroom for the public for public health purposes.

101. The Complainants state that the Respondent has provided no evidence to support its reliance on the exceptions in s.6(f) of the *Human Rights Act*. The Complainants argue that the Respondent's discriminatory conduct is not a limit that is "demonstrably justified" or that is "minimally impairing" of the rights of individuals who use wheelchairs.

102. The Complainants assert that the remedy they seek will not necessarily lead to the revocation of permits. The Complainants state that whether or not enforcement of s.20(1) of the *Food Safety Regulations* will cause undue hardship to a food establishment will have to be determined on a case by case basis. The Complainants point out that the Respondent has the authority to grant exemptions from s.20(1), and to grant extensions of the time for compliance with s.20(1).

Position of the Restaurant Association of Nova Scotia

103. The Restaurant Association of Nova Scotia argues that the remedy sought by the Complainants would be catastrophic to the food and beverage sector in Nova Scotia because the impact to small and medium sized family owned restaurants would be immense. The Association argues that, with the low profit margins in this sector, the expenses involved in having washrooms that are accessible to wheelchair users could have major impacts such as business closures, loss of jobs, and loss of tax revenue.

Reply of Complainants to Restaurant Association

104. The Complainants reply to the concerns of the Restaurant Association by stating that the language used is hyperbolic, and that Mr. Vienneau gave examples of where minimal investment was required to provide an accessible washroom. The Complainants state further that the Province has already applied s.20(1) of the *Food Safety Regulations* in a manner that recognizes undue financial hardship.

Reply of Respondent to Restaurant Association

105. The Respondent states that the submissions of the Restaurant Association are relevant in assessing potential undue hardship. The Respondent also argues that it is not entirely clear what standard should be used to determine "accessible," and therefore that accessibility issues should be left to be determined under the *Building Code Regulations*, where actual standards are found.

Issues

106. The issues that need to be determined in this complaint are:

1. What does s.20(1) of the *Food Safety Regulations* mean?
2. Does the Respondent's interpretation and application of s.20(1) of the *Food Safety Regulations* constitute discrimination on the basis of physical disability within the meaning of s.4 of the *Human Rights Act*?
3. If there is discrimination on the basis of physical disability, is it in respect of the provision of or access to services or facilities within the meaning of s.5(1)(a) of the *Human Rights Act*?
4. If there is discrimination on the basis of physical disability in respect of the provision of or access to services or facilities, do either of the defences to discrimination in s.6(f)(i) or s.6(f)(ii) of the *Human Rights Act* apply?
5. If there is discrimination on the basis of physical disability in respect of the provision of or access to services or facilities, and if neither of the defences to discrimination in s.6(f)(i) or s.6(f)(ii) *Human Rights Act* apply, what is the appropriate remedy?

Decision

Meaning of s.20(1) of the Food Safety Regulations

107. Section 20 of the *Food Safety Regulations* provides in full as follows:

Washroom facilities

- 20
- (1) A food establishment must have washroom facilities for staff and washroom facilities for the public available in a convenient location, unless exempted by the Administrator.
 - (2) A washroom facility must be constructed, equipped, and designed in accordance with the *Nova Scotia Building Code*.
 - (3) If an inspector gives written approval, the same washroom facilities may be used for both staff and the public.

108. The leading cases on statutory interpretation are *Rizzo v. Rizzo Shoes, Ltd.*, 1998 CanLII 837 (SCC), [1998] 1 S.C.R. 27 and *Bell ExpressVu Limited Partnership v. Rex*, 2002 SCC 42 (CanLII). In both cases, the Supreme Court of Canada quoted the following passage from *Driedger's Construction of Statutes* (2nd ed. 1983):

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.

Rizzo, supra at 21; *Bell, supra* at para.26

109. Furthermore, s.9(5) of the *Interpretation Act*, R.S.N.S. 1989, c.235 provides as follows:

9(5) Every enactment shall be deemed remedial and interpreted to insure the attainment of its objects by considering among other matters

- (a) the occasion and necessity for the enactment;
- (b) the circumstances existing at the time it was passed;
- (c) the mischief to be remedied;
- (d) the object to be attained;
- (e) the former law, including other enactments upon the same or similar subjects;
- (f) the consequences of a particular interpretation; and
- (g) the history of legislation on the subject

110. Reading the words of s.20(1) of the *Food Safety Regulations* in their grammatical and ordinary sense is straightforward: the regulation requires, in part, a food establishment to have washroom facilities for the public available in a convenient location, unless exempted by the Administrator. There must be separate washroom facilities for staff and for the public, unless there is written approval given by an inspector under s.20(3) of the regulations.

111. The provisions of the *Health Protection Act* indicate that the purpose of the *Act*, and the *Food Safety Regulations* made under the *Act*, including s.20(1) of the regulations, is the protection of public health:

- The title of the act refers to health protection.
- Under ss.82(1) and 83(1)(d) of the *Act*, which fall under Part II – Food Safety of the *Act*, no person shall operate a food establishment without first having obtained a permit from the Administrator, and the Administrator shall not issue or renew a permit, or may suspend or revoke a permit, where he or she is of the opinion that ***the operation of the food establishment represents or would represent a risk to human health.***

- Under s.89 of the *Act*, a food establishment must be constructed and maintained in such a manner that ***no condition exists that is injurious to human health*** or that, in the opinion of the Administrator, ***is potentially injurious to human health***.

112. I have found, and the Respondent agrees, that hand-washing by customers in food establishments is an important measure for the protection of public health and the prevention of disease.

113. I do not accept the Respondent's interpretation of s.20(1) of the *Food Safety Regulations*, which is:

- that the requirement for washroom facilities for the public must be narrowly construed to require only that the location of the washroom for the public not pose a risk to food safety,
- that the regulation eliminates any assessment of whether washroom facilities are accessible to wheelchair users because accessibility is not a food safety issue, and
- that interpreting s.20(1) as requiring an assessment of washroom accessibility would be inconsistent with the scheme and purpose of the legislation, which is food safety.

114. There is nothing in the express terms of the *Health Protection Act* or the *Food Safety Regulations* that supports such a narrow interpretation of s.20(1) of the *Food Safety Regulations*.

115. I do not accept the Respondent's argument that s.2 of the *Health Protection Act* supports its very narrow interpretation and application of s.20(1) of the *Food Safety Regulations*. I find that s.2 of the *Act* concerns the "exercise of any power under this *Act*," such as the power to grant exemptions under s.20(1) of the *Regulations*, but not to the interpretation of substantive requirements of the *Act* or the *Regulations*, such as the requirement to have washroom facilities for the public in 20(1) of the *Regulations*. I find that this interpretation of s.2 of the *Act* is one that better achieves the broad purpose of the *Act*, which is the protection of public health, than the interpretation offered by the Respondent.

116. An interpretation of s.20(1) of the *Food Safety Regulations* that better ensures the attainment of the purpose of public health protection is an interpretation that assumes that the provision of washroom facilities for the public has a public health protection benefit, and an interpretation that allows a consideration as to whether wheelchair users can, in fact, access and use a public washroom in a food establishment and therefore whether those individuals can access the public health protection benefit of s.20(1).

117. Subsection 20(1) of the *Food Safety Regulations* does explicitly address wheelchair accessibility of washrooms. However, it certainly does not preclude a consideration of the wheelchair accessibility of washrooms, particularly if such a consideration furthers the purpose of public health protection, which I find that it does.

Discrimination under s.4 of the Human Rights Act

118. The next question is whether the Respondent's interpretation and application of s.20(1) of the *Food Safety Regulations* constitutes *prima facie* discrimination under s.4 of the *Human Rights Act*.

119. For ease of reference, s.4 of the *Human Rights Act* provides as follows:

4. For the purpose of this Act, a person discriminates where the person makes a distinction, whether intentional or not, based on a characteristic, or perceived characteristic, referred to in clauses (h) to (v) of subsection (1) of Section 5 that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society.

120. The Respondent interprets and applies s.20(1) of the *Food Safety Regulations* as requiring food establishments to have washroom facilities for the public, but not requiring them to have washroom facilities that are accessible to members of the public who use wheelchairs for mobility. What this means in practice is that the Respondent issues permits to food establishments allowing them to operate without washroom facilities that can be used by members of the public who use wheelchairs. The Respondent's interpretation and application of s.20(1) of the *Food Safety Regulations*, which includes the issuing of permits, makes a distinction based on physical disability that has the effect of imposing burdens or disadvantages on individuals based on their physical disability.

121. The Respondent's interpretation and application of s.20(1) of the *Food Safety Regulations*, including the issuing of permits to food establishments, in a manner that requires food establishments to have washroom facilities for the public but not for members of the public who use wheelchairs, meets the definition of discrimination in s.4 of the *Human Rights Act*.

Provision of or access to services or facilities under s.5(1)(a) of the Human Rights Act

122. The next question is whether the discrimination described above is in respect of "the provision of or access to services or facilities" under s.5(1)(a) of the *Human Rights Act*.

123. For ease of reference, s.5(1) provides as follows:

Prohibition of discrimination

- 5 (1) ***No person shall in respect of***
- (a) ***the provision of or access to services or facilities;***
 - (b) accommodation;
 - (c) the purchase or sale of property;
 - (d) employment;
 - (e) volunteer public service;
 - (f) a publication, broadcast or advertisement;
 - (g) membership in a professional association, business or trade association, employers' organization or employees' organization,
- discriminate against an individual or class of individuals on account of***
- ...
- (o) ***physical disability or mental disability***
- ...

[Emphasis added]

124. The Respondent interprets and applies s.20(1) of the *Food Safety Regulations* as requiring a food establishment to have washroom facilities for the public available in a convenient location, but not requiring those washroom facilities to be accessible to individuals who use wheelchairs for mobility. What this means in a practical sense is that the Respondent uses this interpretation:

- in the conversations that take place between inspectors and operators during inspections, whether they be pre-inspections, routine inspections, re-inspections, ad hoc inspections and consultation inspections;
- in deciding whether to issue permits or to renew permits;
- in decisions about whether to provide food establishments with extensions of time to come into compliance, and if so, how much time will be provided;
- in deciding whether to grant exemptions;
- in deciding whether to issue warnings; and

- in deciding whether to suspend or revoke a permit.

125. I will refer to these activities as “the Respondent’s administration and enforcement of the *Food Safety Regulations*.”

126. The Respondent asserts that the conduct being complained of is “enforcement” and that the enforcement activities of government are not “services” within the meaning of human rights legislation. The Respondent also argues that, even if the impugned activities of government are a “service,” they are a service provided to food establishments and not to the Complainants, and therefore do not fall within s.5(1)(a) of the *Human Rights Act*.

127. A reading of the words of s.5(1)(a), in the context of the *Human Rights Act* as a whole, and in light of the *Act*’s purpose, leads me to conclude that the Respondent’s administration and enforcement of the *Food Safety Regulations* are in respect of the provision of or access to services within the meaning of the *Act*.

128. First, there are no words in s.4, s.5(1)(a) or any other section of the *Human Rights Act* that suggest that “services” exclude activities such as the Respondent’s administration and enforcement of the *Food Safety Regulations*.

129. In fact, the wording of s.4 is very broad, applying to a “distinction”:

... that has the effect of imposing burdens, obligations or disadvantages on an individual or a class of individuals not imposed upon others or which withholds or limits access to opportunities, benefits and advantages available to other individuals or classes of individuals in society

130. Furthermore, there are no words in s.5(1)(a) that restrict the phrase “in respect of the provision of or access to services.”

131. I find that the ordinary meaning of “services” in s.5(1)(a) of the *Human Rights Act* includes the activities of the Respondent here. The Respondent provides inspection, licensing, compliance and enforcement services to food establishments, and public health protection services to the public when it administers and enforces the *Food Safety Regulations*.

132. Second, the purpose section of the *Human Rights Act* is broad and specifically recognizes that government and all public agencies have the responsibility to ensure that every individual in the Province is afforded an equal opportunity to enjoy a full and productive life:

Purpose of Act

2 The purpose of this Act is to

- (a) recognize the inherent dignity and the equal and inalienable rights of all members of the human family;
- (b) proclaim a common standard for the achievement of basic human rights by all Nova Scotians;
- (c) recognize that human rights must be protected by the rule of law;
- (d) affirm the principle that every person is free and equal in dignity and rights;
- (e) **recognize that the government, all public agencies** and all persons in the Province **have the responsibility to ensure that every individual in the Province is afforded an equal opportunity to enjoy a full and productive life and that failure to provide equality of opportunity threatens the status of all persons;** and
- (f) extend the statute law relating to human rights and provide for its effective administration.

[emphasis added]

133. An interpretation of “services” in s.5(1)(a) as encompassing the Respondent’s administration and enforcement of the *Food Safety Regulations*, all for the purpose of protecting the health of the public, better achieves the purposes in s.2 of the *Human Rights Act*, especially the purpose in s.2(e) of the *Act*, than the interpretation advanced by the Respondent.

134. Third, the context of the *Human Rights Act* suggests that “services” should include the Respondent’s administration and enforcement of the *Food Safety Regulations*.

135. Section 21 of the *Human Rights Act* states that the *Act* is binding on the Province.

136. Subsection 10(1) of the *Human Rights Act* provides that regulations that are discriminatory on their face are void and of no legal effect:

Void

10 (1) Where, in a regulation made pursuant to an enactment, there is a reference to a characteristic referred to in clauses (h) to (v) of subsection (1) of Section 5 that appears to restrict the rights or privileges of an individual or class of individuals to whom the reference applies, the reference and all parts of the regulation dependent on the reference are void and of no legal effect.

137. If s.20(1) of the *Food Safety Regulations* were amended to state that food establishments need not have a washroom that is accessible to wheelchair users, it would have the same effect as the practice of the Province being challenged in this case, and would run afoul of s.10(1) of the *Human Rights Act*.

138. If the Respondent published material for the benefit of food establishments that set out its position that food establishments need not have a washroom that is accessible to wheelchair users under s.20(1) of the *Food Safety Regulations*, it would simply reflect the actual practice of the Respondent at issue in this case, and such a publication would run afoul of s.5(1)(f) and (o) of the *Human Rights Act*.

139. Reading “services” in s.5(1)(a) of the *Human Rights Act* harmoniously with other provisions of the *Act* therefore supports an interpretation of “services” that includes the Respondent’s administration and enforcement of s.20(1) of the *Food Safety Regulations*.

140. I do not accept the Respondent’s argument that, because other spheres of activity listed in s.5(1) of the *Human Rights Act* are transactional, “services” must be interpreted as only concerning transactional activities between a service provider and the receiver of that service. Subsection 5(1) includes in subsection (f) “a publication, broadcast or advertisement,” which are not transactional activities.

141. I find support for an interpretation of “services” as including the Respondent’s administration and enforcement of the *Food Safety Regulations* in the decision of the Nova Scotia Court of Appeal in *The Workers’ Compensation Board of Nova Scotia v. O’Quinn*, 1995 CanLII 4179, in which the Court dismissed the argument of the Workers’ Compensation Board that workers’ compensation benefits were not “services” within the meaning of s.5(1)(a) of the *Human Rights Act*.

142. In reaching its decision in *O’Quinn, supra*, the Nova Scotia Court of Appeal relied on:

1. A broad, liberal and purposive approach to the interpretation of human rights legislation.
2. The fact that the word “services” in the Nova Scotia *Human Rights Act* is not limited by any phrase similar to the phrase “generally available to the public,” as it is in human rights legislation in other provinces.
3. The fact that the scope of the word “services” was broadened by amendments made by the Nova Scotia legislature to the *Human Rights Act* in 1991 that deleted the limiting phrases “customarily provided members of the public” and “to which members of the public have access.”
4. The broad social goals included in s.2 of the *Human Rights Act*, which had been in the preamble to the previous legislation and then became embodied in

the amended legislation as its stated purpose, in particular s.2(e) which recognizes the responsibility that the government, all public agencies and all persons in the province have to ensure equal opportunity for all individuals.

143. In *O'Quinn*, the Nova Scotia Court of Appeal adopted the approach to the interpretation of human rights legislation articulated by the Supreme Court of Canada in *University of British Columbia v. Berg*, [1993] 2 S.C.R. 353, per Lamer C.J.:

In addressing the issue of the interpretation of the British Columbia *Human Rights Act*, Lamer C.J. made reference to the recent decision of the Supreme Court, which set out quite a different approach to interpretation than the approach that was used in *Jenkins*. He said at p.370:

“In my reasons in *Heerspink*, I commented on the unique nature of human rights legislation (at pp.157-58):

When the subject matter of a law is said to be the comprehensive statement of the ‘human rights’ of the people living in that jurisdiction, then there is no doubt in my mind that the people of that jurisdiction have through their legislature clearly indicated that they consider that law, and the values it endeavours to buttress and protect, are, save their constitutional laws, more important than all others.

Following *Heerspink*, this Court has had many occasions to comment on the privileged status of human rights legislation. In *Ontario Human Rights Commission v. Simpson-Sears Ltd.*, *supra*, McIntyre J. observed (at p.547) that “[l]egislation of this type is of a special nature, not quite constitutional but certainly more than the ordinary – and it is for the courts to seek out its purpose and give it effect.’ This Court has repeatedly stressed that a broad, liberal and purposive approach is appropriate to human rights legislation, and that such legislation, according to La Forest J. in *Robichaud*, at p.89, ‘must be so interpreted as to advance the broad policy considerations underlying it.’”

144. In *Nova Scotia v. Hodder*, 1998 CanLII 5962, the Nova Scotia Court of Appeal relied on the Court’s reasons in *O'Quinn* to hold that the administration by the Province of Nova Scotia of pension and other benefits falls within the meaning of “the provision of services” under s.5(1)(a) of the *Human Rights Act*.

145. The decision of Edwards J. in *Reed*, *supra*, which allowed the Complainants’ application for judicial review of the Human Rights Officers’ decision not to accept their complaint, also supports a finding that the Respondent’s discriminatory administration and enforcement of

s.20(1) of the *Food Safety Regulations* falls within the purview of the *Human Rights Act*. Edwards J. found that the complaint fell squarely within the mandate of the Human Rights Commission in s.2(e) of the *Human Rights Act*: *Reed, supra* at para.12. Edwards J. also held that “[t]he *Human Rights Act* trumps the Ombudsman, the *Building Code of Canada*, and the other affected departments of government”: *Reed, supra* at para.14.

146. An interpretation of “services” that encompasses the Respondent’s administration and enforcement of s.20(1) of the *Food Safety Regulations* also better achieves the purpose of human rights legislation to address the effects of systemic discrimination: see *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 SCR 3, 1999 CanLII 652 (“*Meiorin*”) at para.42.

147. McLachlin J., as she then was, writing for the Supreme Court of Canada in *Meiorin, supra*, articulated a revised approach to what an employer must show to justify a *prima facie* case of discrimination, given the difficulties with the conventional approach. Under the conventional approach, if an employer could not justify a directly discriminatory standard as a *bona fide* occupational requirement (“BFOR”), the standard would be struck down in its entirety. However, if the standard was found to be a neutral one that adversely affected a certain individual, the employer would have to accommodate the individual claimant to the point of undue hardship, but the discriminatory standard would remain intact: *Meiorin, supra*, at para.30.

148. In explaining the Court’s decision to articulate a new approach, McLachlin J. relied in part on the conclusion that the conventional analysis served to legitimize systemic discrimination, or “discrimination that results from the simple operation of established procedures of recruitment, hiring and promotion, no one of which is necessarily designed to promote discrimination”: *Meiorin, supra* at para.39, quoting from *Canadian National Railway Co. v. Canada (Canadian Human Rights Commission)*, 1987 CanLII 109 (SCC), [1987] 1 S.C.R. 1114, at p.1139.

149. McLachlin J. explained how the conventional analysis might serve to legitimize systemic discrimination as follows:

40 Under the conventional analysis, if a standard is classified as being “neutral” at the threshold stage of the inquiry, its legitimacy is never questioned. The focus shifts to whether the individual claimant can be accommodated, and the formal standard itself always remains intact. The conventional analysis thus shifts attention away from the substantive norms underlying the standard, to how “different” individuals can fit into the “mainstream”, represented by the standard.

Meiorin, supra at para.40

150. McLachlin J. wrote that the conventional analysis applicable to adverse effects discrimination “bars the court from assessing the legitimacy of the standard itself”: *Meiorin, supra*, at para.41. McLachlin J. relied on the following passage from the article by Shelagh Day and Gwen Brodsky, “The Duty to Accommodate: Who Will Benefit?” (1996), 75 *Can. Bar Rev.* 433, where the authors discuss the conventional approach to neutral standards and the duty to accommodate those who are adversely affected by them:

41 ...

The difficulty with this paradigm is that it does not challenge the imbalances of power, or the discourse of dominance, such as racism, ablebodyism and sexism, which result in a society being designed well for some and not for others. It allows those who consider themselves “normal” to continue to construct institutions and relations in their image, as long as others, when they challenge this construction are “accommodated.”

Accommodation, conceived this way, appears to be rooted in the formal model of equality. ... Accommodation does not go to the heart of the equality question, to the goal of transformation, to an examination of the way institutions and relations must be changed in order to make them available, accessible, meaningful and rewarding for the many diverse groups of which our society is composed. Accommodation seems to mean that we do not change procedures or services, we simply “accommodate” those who do not quite fit. We make some concessions to those who are “different” rather than abandoning the idea of “normal” and working for genuine inclusiveness.

...

Meiorin, supra, at para.41

151. McLachlin J. explained how the conventional analysis shielded systemic discrimination from scrutiny in the case before the Court:

42 ... Although the Government may have a duty to accommodate an individual claimant, the practical result of the conventional analysis is that the complex web of seemingly neutral, systemic barriers to traditional male-dominated occupations remains beyond the direct reach of the law. The right to be free from discrimination is reduced to a question of whether the “mainstream” can afford to confer proper treatment on those adversely affected, within the confines of its existing formal standard. If it cannot, the

edifice of systemic discrimination receives the law's approval. This cannot be right.

Meiorin, supra, at para.42

152. McLachlin J. stated that “the conventional analysis may compromise both the broad purposes and the specific terms of the Code”: *Meiorin, supra*, at para.43. She then set out the relevant purposes from the British Columbia *Human Rights Code*:

44 In British Columbia, the relevant purposes are stated in s.3 of the Code:

3 ...

(a) to foster a society in British Columbia in which there are no impediments to full and free participation in the economic, social, political and cultural life of British Columbia;

(b) to promote a climate of understanding and mutual respect where all are equal in dignity and rights;

(c) to prevent discrimination prohibited by this Code;

(d) to identify and eliminate persistent patterns of inequality associated with discrimination prohibited by this Code;

(e) to provide a means of redress for those persons who are discriminated against contrary to this Code. ...

Meiorin, supra, at para.44

153. In light of the explicit purposes of the Code, and the principle that human rights statutes ought to be interpreted liberally so that they may better fulfill their objectives, McLachlin J. held that the conventional approach did not allow these statutes to accomplish their objectives as well as they might otherwise do:

44 ...

This Court has held that, because of their status as “fundamental law”, human rights statutes must be interpreted liberally, so that they may better fulfill their objectives: *O'Malley, supra*, at p.547, *per* McIntyre J.; *Action Travail, supra*, at pp.1134-36, *per* Dickson C.J.; *Robichaud v. Canada (Treasury Board)*, 1987 CanLII 73 (SCC), [1987] 2 S.C.R. 84, at pp.89-90, *per* La Forest J. An interpretation that allows the rule itself to be questioned only if the discrimination can be characterized as “direct”

does not allow these statutes to accomplish their purposes as well as they might otherwise do.

Meiorin, supra, at para.44

154. Returning to the wording of the human rights legislation before her, McLachlin J. concluded that, “[s]tated simply, there is no statutory imperative in this case to perpetuate different categories of discrimination and provide different remedies for their respective breaches”: *Meiorin, supra*, at para.46.

155. While *Meiorin, supra* dealt with an employer’s justification for discrimination rather than on the meaning of “services,” the Court’s reasoning, with its focus on the importance of addressing systemic discrimination, is helpful in determining the meaning of “services” in the Nova Scotia *Human Rights Act*.

156. An interpretation of “services” in s.5(1)(a) of the *Human Rights Act* that captures only the direct transaction between a service provider and the receiver of that service (in this case, as capturing only the direct relationship between food establishments and customers) might “serve to legitimize systemic discrimination”, in the words of McLachlin J. in *Meiorin, supra* at para.39, by failing to take into account the fact that there are numerous structures, systems and practices in society that all work together to create barriers to the full participation in society by individuals who use wheelchairs for mobility. In the context of this case, these structures, systems and practices would include not only the failure of individual food establishments to provide washroom facilities that are accessible to wheelchair users, but also the regulatory regime that the Respondent administers in a way that condones such practices.

157. If, as the Respondent submits, “services” in s.5(1)(a) of the *Human Rights Act* only captures the direct relationship between the food establishment and the Complainants, and not the service provided to the public by the Respondent in its administration of the *Food Safety Regulations*, the legitimacy of the Respondent’s discriminatory administration of that regime is not questioned. The focus shifts to whether an individual complainant can be accommodated by a particular food establishment, and the Respondent’s practice remains intact.

158. Borrowing from the words of McLachlin J. in *Meiorin, supra*, although individual food establishments may have a duty to accommodate an individual complainant, the practical result of the Respondent’s approach would be that part of the complex web of seemingly neutral, systemic barriers to wheelchair users remains beyond the direct reach of the law.

159. It is significant that the purposes of the Nova Scotia *Human Rights Code* go beyond those at issue in *Meiorin, supra*, by explicitly recognizing that the Nova Scotia government, the Respondent in this case, has “the responsibility to ensure that every individual in the Province is afforded an equal opportunity to enjoy a full and productive life.”

160. A narrow interpretation of “services,” to exclude the services of the Respondent in administering and enforcing the food safety regime for the benefit of the public’s health, would compromise both the broad purposes and the specific terms of the Nova Scotia *Human Rights Act*.

161. Furthermore, there is no “statutory imperative” in the Nova Scotia *Human Rights Act* that would restrict the meaning of services in the manner suggested by the Respondent.

162. Moreover, the Respondent’s narrow interpretation of “services” also seems to result in absurdity. If, for example, food establishments had washroom facilities for the public but prohibited members of certain racialized groups from using those washrooms, and if that practice was well-known to the Respondent and yet the Respondent continued to issue or renew permits for those food establishments, the Respondent maintains that its conduct would not fall within the purview of the *Human Rights Act* and that if members of the public wished to address the Respondent’s conduct directly, as opposed to the conduct of the food establishments, they would have to launch a *Charter* challenge against the government. This cannot be right, given the broad purpose of the *Human Rights Act*, the wording and context of the *Act* as a whole, and the legislative history of s.5(1)(a) of the *Act*.

163. I have very carefully considered the decision of the Federal Court of Appeal in *Watkin v. Canada (Attorney General)*, 2008 FCA 170, upon which the Respondent relies for the proposition that the Respondent’s conduct constitutes “enforcement activities,” and that enforcement activities do not fit the meaning of “services” in human rights legislation. I find that the decision in *Watkin, supra*, is not applicable to this complaint or to the Nova Scotia *Human Rights Act*.

164. The word “services” in the *Canadian Human Rights Act*, the statute at issue in *Watkin, supra*, is modified and limited by the phrase “customarily available to the general public,” a limiting phrase not found in the Nova Scotia legislation, a fact that the Nova Scotia Court of Appeal considered to be significant in *O’Quinn, supra*:

5. It is a discriminatory practice in the provision of goods, **services**, facilities or accommodation **customarily available to the general public**
 - (a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual ...

...

Watkin, supra at para.20

165. This difference in wording was significant to the decision of the Federal Court of Appeal that the enforcement activities of Health Canada at issue in *Watkin, supra* did not fall within the jurisdiction of the *Canadian Human Rights Act*:

22 In my view, Health Canada, when enforcing the *Food and Drugs Act* in the manner complained of is not providing “services, ... **customarily available to the general public**” within the meaning of section 5. The actions in question are coercive measures intended to ensure compliance. The fact that these measures are undertaken in the public interest does not make them “services”.

...

31 ... I agree that because government actions are generally taken for the benefit of the public, the “**customarily available to the general public**” requirement in section 5 will usually be present in cases involving discrimination arising from government actions (see for example *Rosin, supra* at para.11, and *Saskatchewan Human Rights Commission v. Saskatchewan (Department of Social Services)*, (1988), 52 D.L.R. (4th) 253 at 266-268. However, the first step to be performed in applying section 5 is determine whether the actions complained of are “services” (see *Gould, supra* per La Forest J., para.60). In this respect, “services” within the meaning of section 5 contemplate something of benefit being “held out” as services and “offered” to the public (*Gould, supra*, per La Forest J., para.55). Enforcement actions are not “held out” or “offered” to the public in any sense and are not the result of a process which takes place “in the context of a public relationship” (*Idem*, per Iacobucci J., para.16). I therefore conclude that the enforcement actions in issue in this case are not “services” within the meaning of section 5.

Ibid. at paras.22 and 31 [emphasis added]

166. The decision in *Watkin, supra*, is also distinguishable on the facts. The “coercive measures” of Health Canada in that case were very different from the broad range of activities undertaken by the Respondent in this case. *Watkin, supra* involved discrete actions of Health Canada vis-à-vis one corporation, specifically a request to cease and desist advertising a certain product, a request to recall and cease the sale of the product, and a seizure of a quantity of the product. As the Complainants point out, unlike *Watkin, supra*, this case involves a systemic practice of the Respondent affecting all food establishments at every stage of the compliance spectrum.

167. The Federal Court of Canada in *Watkin, supra*, found support for its decision about the meaning of “services” in the *Canadian Human Rights Act* in the decision of the Supreme Court of Canada in *Gould v. Yukon Order of Pioneers*, [1996] 1 SCR 571. In *Gould, supra*, the Court concluded that the exclusion of the female appellant from membership in the Yukon Order of Pioneers based on sex did not fall within the meaning of “services” in the *Yukon Human Rights Act*. However, significant to the decision of the majority in *Gould, supra*, written by Iacobucci J., and to the concurring judgment of La Forest J., was the limiting phrase “when offering or

providing services, goods or facilities to the public” in s.8(a) of the Yukon *Human Rights Act*: *Gould, supra, per Iacobucci J.* at paras.16-17; *per La Forest J.* at paras.20 and 51-55.

168. La Forest J., in his concurring judgment in *Gould, supra*, observed that human rights legislation across Canada contained a phrase limiting the word “services,” and in doing so, suggested that s.4 of the Nova Scotia *Human Rights Act* was similar in that it employed a definition of discrimination stated in terms of the denial of “opportunities, benefits and advantages available to other individuals or classes of individuals in society”: *Gould, supra* at para.53. However, I do not find this statement to be helpful or applicable to the interpretation of “services” in this case. First, the statement was not necessary to Iacobucci J.’s judgment. Second, he did not refer to the entire definition of discrimination in s.4, which is much broader than the wording relied on in his judgment. Third, the Nova Scotia Court of Appeal decision in *O’Quinn, supra* focused specifically on the wording of s.5(1)(a) of the Nova Scotia *Human Rights Act*, noted the lack of language limiting “services” and relied on the fact that the legislature amended the legislation to remove the limiting language previously in the *Act* to distinguish the Nova Scotia *Act* from other human rights legislation in Canada.

169. Finally, I find that the decision of the Supreme Court of Canada in *Canada (Canadian Human Rights Commission), supra*, relied on by the Respondent, does not apply to this case. In *Canada (Canadian Human Rights Commission), supra*, the complaints were a direct attack on the *Indian Act*: at para.3, *per Gascon J.* for the majority. The complainants in that case needed to demonstrate that the legislative provisions fell within the statutory meaning of a “service”: *ibid*. The Canadian Human Rights Tribunals concluded that legislation was not a service under the *Canadian Human Rights Act* and dismissed the complaints: *ibid*. On judicial review, both the Federal Court and the Federal Court of Appeal found the Tribunal decisions to be reasonable. The appeals to the Supreme Court of Canada were dismissed. The Complainants in this case are not attacking s.20(1) of the *Food Safety Regulations*. They are challenging the government’s administration and application of that regulation, and in particular, the government’s failure to enforce that section in respect of members of the public who use wheelchairs for mobility.

170. I conclude that the Respondent’s administration and enforcement of the *Food Safety Regulations* is in respect of “the provision of or access to services” in s.5(1)(a) of the Nova Scotia *Human Rights Act*, and that therefore the Respondent discriminated against individuals who use wheelchairs for mobility in its administration and enforcement of s.20(1) of the *Food Safety Regulations* contrary to ss.5(1)(a) and (o) of the *Human Rights Act*.

171. Given this conclusion, I do not find it necessary to determine whether the activities of the Respondent also fall within the meaning of “the provision of or access to facilities” in s.5(1)(a) of the Nova Scotia *Human Rights Act*, or whether s.15(1) of the *Charter* supports the position of the Complainants in this case.

Defences: BFOQ or Reasonable Limit Prescribed by Law

172. The Respondent asserts that, in the event that I find that it has discriminated on the basis of physical disability in the provision of or access to services in violation s.5(1)(a) and (o) of the *Human Rights Act*, the discrimination is permitted under s.6(f)(i) of the *Act* as a *bona fide* qualification or under s.6(f)(ii) of the *Act* as “a reasonable limit prescribed by law as can be demonstrably justified in a free and democratic society.”

173. I do not find that either of these exceptions apply in this case.

174. The *Meiorin* test applies to all claims of discrimination under human rights legislation, and all those governed by such legislation “are now required in all cases to accommodate the characteristics of affected groups within their standards, rather than maintaining discriminatory standards supplemented by accommodation for those who cannot meet them”: *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights) (“Grismer”)*, [1999] 3 S.C.R. 868, 1999 CanLII 646 (SCC) at para.19 [emphasis in original].

175. McLachlin J., writing for the Court in *Grismer*, explained the *Meiorin* test as follows:

Once the plaintiff establishes that the standard is *prima facie* discriminatory, the onus shifts to the defendant to prove on a balance of probabilities that the discriminatory standard is a BFOR or has a *bona fide* and reasonable justification. In order to establish this justification, the defendant must prove that:

- (1) it adopted the standard for a purpose or goal that is rationally connected to the function being performed;
- (2) it adopted the standard in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal;
- (3) the standard is reasonably necessary to accomplish its purpose or goal, in the sense that the defendant cannot accommodate persons with the characteristics of the claimant without incurring undue hardship.

Grismer, supra at para.20

176. The Respondent does not interpret s.20(1) of the *Food Safety Regulations* as requiring food establishments to have washroom facilities that are accessible and therefore usable by members of the public who use wheelchairs because the Respondent interprets its mandate as being focused on food safety, and it considers hand washing by members of the public and washroom accessibility issues as not relating to food safety. Thus, the Respondent adopted its approach to s.20(1) of the *Food Safety Regulations* – the standard at issue in this case – for the purpose of focusing solely on food safety. This purpose is rationally connected to the function

being performed by the Respondent, which is the administration and enforcement of the *Food Safety Regulations*.

177. I find that the Respondent adopted the standard (its administration and enforcement of s.20(1) of the *Food Safety Regulations*) in good faith, in the belief that it was necessary for the fulfillment of the goal of focusing on food safety.

178. I find that the Respondent fails the third branch of the *Meiorin* test.

179. McLachlin J., in the context of a claim of discrimination by an employee against an employer in *Meiorin, supra*, explained that the third branch of the test requires a respondent to build conceptions of equality into the standard by considering, within the standard, “reasonable alternatives” and “various ways” to accommodate individuals that are “less discriminatory,” without causing undue hardship:

55 This approach is premised on the need to develop **standards that accommodate the potential contributions of all employees in so far as this can be done without undue hardship** to the employer. Standards may adversely affect members of a particular group, to be sure. But as Wilson J. noted in *Central Alberta Dairy Pool, supra* at p. 518: “[i]f a **reasonable alternative exists** to burdening members of a group with a given rule, that rule will not be [a BFOR]”. It follows that a rule or standard must accommodate individual differences to the point of undue hardship if it is found reasonably necessary. Unless no further accommodation is possible without imposing undue hardship, the standard is not a BFOR in its existing form and the *prima facie* case of discrimination stands.

...

64 Courts and tribunals should be sensitive to **the various ways in which individual capabilities may be accommodated**. Apart from individual testing to determine whether the person has the aptitude or qualification that is necessary to perform the work, the possibility that there may be **different ways** to perform the job while still accomplishing the employer’s legitimate work-related purpose should be considered in appropriate cases. The skills, capabilities and potential contributions of the individual claimant and others like him or her must be respected as much as possible. Employers, courts and tribunals should be innovative yet practical when considering how this may best be done in particular circumstances.

65 Some of the important questions that may be asked in the course of this analysis include:

- (a) Has the employer investigated **alternative approaches** that do not have a discriminatory effect, such as individual testing against a more individually sensitive standard?
- (b) If alternative standards were investigated and found to be capable of fulfilling the employer's purpose, why were they not implemented?
- (c) Is it necessary to have all employees meet the single standard for the employer to accomplish its legitimate purpose or could standards be reflective of group or individual differences and capabilities be established?
- (d) Is there a way to do the job that is **less discriminatory** while still accomplishing the employer's legitimate purpose?
- (e) Is the standard properly designed to ensure that the desired qualification is met without placing an undue burden on those to whom the standard applies?
- (f) Have other parties who are obliged to assist in the search for possible accommodation fulfilled their roles? ...

...

68 Employers designing workplace standards owe an obligation to be aware of both the differences between individuals, and differences that characterize groups of individuals. They **must build conceptions of equality** into workplace standards. By enacting human rights statutes and providing that they are applicable in the workplace, the legislatures have determined that **the standards governing the performance of work should be designed to reflect all members of society, in so far as this is reasonably possible**. Courts and tribunals must bear this in mind when confronted with a claim of employment-related discrimination. To the extent that a standard unnecessarily fails to reflect the differences among individuals, it runs afoul of the prohibitions contained in the various human rights statutes and must be replaced. **The standard itself is required to provide for individual accommodation, if reasonably possible**. A standard that allows for such accommodation may be only slightly different from the existing standard but it is a different standard nonetheless.

...

Meiorin, supra at paras.55, 64-65 and 68 [emphasis added]

180. In *Grismer, supra*, the Superintendent of Motor Vehicles was found to have discriminated on the basis of disability in the provision of services when he cancelled Mr. Grismer's driver's license because of a medical condition affecting Mr. Grismer's vision. The Court found that the Superintendent of Motor Vehicles failed the third branch of the *Meiorin* test.

181. The standard at issue in *Grismer, supra* was "an absolute denial of a driver's license" to people with Mr. Grismer's condition: *Grismer, supra* at para.32. McLachlin J., writing for the Court, held that the Superintendent bore the burden of demonstrating that the standard incorporated every possible accommodation to the point of undue hardship, and that the Superintendent could have done this in two ways:

32 Against this backdrop, I come to the question of whether the Superintendent met the burden of showing that the standard he applied to people with H.H. – an absolute denial of a driver's license – was reasonably necessary to achieve the goal of moderate highway safety. In order to prove that its standard is "reasonably necessary", the defendant always bears the burden of demonstrating that the standard incorporates every possible accommodation to the point of undue hardship, whether that hardship takes the form of impossibility, serious risk or excessive cost. In this case, there are at least two ways in which the Superintendent could show that a standard that permits no accommodation is reasonably necessary. First, he could show that no one with the particular disability could ever meet the desired objective of reasonable highway safety. For example, using current technology, someone who is totally blind cannot safely operate a motor vehicle on the highway. Since accommodation of such a person is impossible, it need not be further considered. Alternatively, if the Superintendent could not show that accommodation is totally inconsistent with his goal, he could show that accommodation is unreasonable because testing for exceptional individuals who can drive safely despite their disability is impossible short of undue hardship.

Grismer, supra at para.32

182. The Superintendent failed to prove on a balance of probabilities that no one with Mr. Grismer's condition could drive with a reasonable level of safety and that, alternatively, individual assessment was not feasible because it would have been impossible short of undue hardship: *Grismer, supra* at paras.34-41.

183. McLachlin J. criticized the Superintendent's failure to consider any of the options that might have made an assessment of Mr. Grismer's driving abilities viable and affordable:

42 In summary, the Superintendent offered ***no evidence that he had considered any of the options*** that might have made an assessment of Mr. Grismer's driving abilities viable and affordable. Content to rely on the general

opinion of the medical community, and ignoring the evidence that some people with H.H. can and do drive safely, **he offered not so much as a gesture in the direction of accommodation. His position, quite simply, was that no accommodation was necessary.** Under the *Meiorin* test, **it was incumbent on the Superintendent to show that he had considered and reasonably rejected all viable forms of accommodation.** The onus was on the Superintendent, having adopted a *prima facie* discriminatory standard, to prove incorporating aspects of individual accommodation with the standard was impossible short of undue hardship. The Superintendent did not do so. On the facts of this case, the Superintendent's blanket refusal to issue a driver's license was not justified. ...

Grismer, supra at para.42

184. McLachlin J. concluded by clarifying that the Court's decision established Mr. Grismer's right to be assessed, not his right to a driver's license, and that "those who provide services subject to the *Human Rights Code* must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship":

44 This case deals with no more than the right to be accommodated. It does not decide that Mr. Grismer had the right to a driver's license. It merely establishes that he had a right to be assessed. That was all the Member found and all that we assert. The discrimination here lies not in the refusal to give Mr. Grismer a driver's license, but in the refusal to even permit him to attempt to demonstrate that his situation could be accommodated without jeopardizing the Superintendent's goal of reasonable road safety. This decision stands for the proposition that those who provide services subject to the *Human Rights Code* must adopt standards that accommodate people with disabilities where this can be done without sacrificing their legitimate objectives and without incurring undue hardship. It does not suggest that agencies like the Motor Vehicle Branch must lower their safety standards or engage in accommodation efforts that amount to undue hardship.

185. In this case, the Respondent's approach to s.20(1) of the *Food Safety Regulations* is not reasonably necessary to accomplish its purpose or goal because it has failed to establish that it cannot accommodate persons with the characteristics of the Complainants without incurring undue hardship.

186. The Respondent did not offer any evidence, or even make the argument, that it would experience any hardship itself if it administered and enforced s.20(1) of the *Food Safety Regulations* as requiring food establishments to have washroom facilities that are accessible to members of the public who use wheelchairs for mobility.

187. The Respondent asserted that individual food establishments would suffer undue hardship if it were to apply s.20(1) of the *Food Safety Regulations* as requiring food establishments to have washrooms that are wheelchair accessible, because this would lead to the revocation of permits and the ultimate closure of food establishments because of the cost involved in providing accessible washroom.

188. Assuming, without deciding, that the Respondent may rely on hardship caused to third parties, in this case food establishments, to justify its discriminatory administration and enforcement of s.20(1) of the *Food Safety Regulations*, the Respondent offered no evidence that it considered every reasonable alternative to burdening wheelchair users or the various ways in which it could apply s.20(1) in a manner that is less discriminatory to wheelchair users, without causing undue hardship to food establishments.

189. Similar to the case in *Grismer, supra*, the Respondent could have discharged the burden on it under the third branch of the *Meiorin* test in two ways. First, the Respondent could have demonstrated that no food establishment that is grandfathered under the *Building Code Regulations* could ever provide a washroom available to the public that is accessible to wheelchair users because in every case it would cause undue financial hardship to the establishment and threaten its ongoing operation. Alternatively, the Respondent could have demonstrated that a case-by-case assessment of undue financial hardship on food establishments would cause a food establishments undue hardship.

190. Neither the Respondent nor the Restaurant Association asserted or called evidence to establish that no food establishment grandfathered under the *Building Code Regulations* could ever provide a washroom available to the public that is accessible to wheelchair users because in every case it would cause undue financial hardship to the establishment and threaten its ongoing operation. Mr. Vienneau provided an example of the fairly minor renovations that would need to take place at one restaurant to provide a wheelchair accessible washroom.

191. The Respondent has also failed to show that if it undertook a case-by-case assessment of whether providing an accessible washroom would cause a food establishment undue financial burden, that this would cause food establishments undue hardship. An obvious reasonable alternative to the Respondent's standard would have been for the Respondent to apply the requirement in s.20(1) of the *Food Safety Regulations* to have washrooms for the public as requiring washroom that are accessible to members of the public who use wheelchairs, and allow food establishments to apply for extensions of time to come into compliance with the regulation or exemptions from the regulation by demonstrating that compliance would cause them undue financial hardship and/or render the continued operation of the food establishment unviable. These tools are available to the Respondent and have been used by the Respondent to grant exemptions from s.20(1) of the *Food Safety Regulations* or extensions of time to comply with the regulation, including on the basis of financial hardship.

192. Some food establishments may be able to provide accessible washrooms for the public. Some may not be able to do so without experiencing undue financial hardship. Some may need time to comply. This does not justify the Respondent's approach, which is that no accommodation is necessary. Under the *Meiorin* test, which applies to the defences to discrimination in both ss.6(f)(i) and (ii) of the *Human Rights Act*, it was incumbent on the Respondent to show that it had considered and reasonably rejected all viable forms of accommodation. The Respondent did not do so.

193. Although I do not find it necessary to do so, I will address the Respondent's assertion that its approach to s.20(1) of the *Food Safety Regulations* is a "reasonable limit prescribed by law" because the Respondent's decision to address accessibility of the built environment, including restaurants, under the progressive realization process in the *Accessibility Act*. The conduct or activity at issue in this case is the Respondent's practice in administering and enforcing s.20(1) of the *Food Safety Regulations*. The Respondent's practice is not "prescribed by law." It is not required by s.20(1). In fact, I find that the Respondent's practice is inconsistent with s.20(1) and the regulations and the *Health Services Act* as a whole. Furthermore, there is no evidence that the Respondent's approach to the *Food Safety Regulations* was in any way related to or because of the progressive realization approach taken in the *Accessibility Act*. The *Food Safety Regulations* came into force in 2004, and the Respondent's approach dates back at least to that time. The *Accessibility Act* came into force in 2017.

194. On the facts of this case, the Respondent's blanket refusal to administer and enforce s.20(1) of the *Food Safety Regulations* in a way that does not require food establishments to have washrooms that are accessible to members of the public who use wheelchairs for mobility is not justified under s.6(f)(i) or (ii) of the *Human Rights Act*.

Remedy

195. The Complainants, in addition to seeking an order requiring the Respondent to enforce s.20(1) of the *Food Safety Regulations* in a non-discriminatory manner, seek nominal damages to be used for the purpose of accessible washrooms to protect public health. The Complainants did not specify the amount of damages, or explain how such damages could be put toward the purpose of accessible washrooms to protect public health.

196. Given my finding that the Complainants experienced discrimination, I find that they are entitled to some amount of damages. The Board of Inquiry in *Trask v. Department of Justice (Correctional Services)*, 2010 NSHRC 1 (CanLII) at paras.197-203 reviewed a number of Nova Scotia Human Rights Board of Inquiry cases involving disabled employees who were terminated from their employment. The general damage awards in those cases ranged from a low of \$1,000 (in a 2004 decision) to a high of \$10,000 (in a 2007 decision). Consistent with the request of the Complainants for an amount of damages that is "nominal," but yet recognizes the discrimination experience by them, I consider it appropriate to award each of them an amount of \$1,000. I leave it up to the Complainants to decide how they wish to use the money.

197. For the reasons given above, I order the following remedies:

1. An order that the Respondent interpret, administer and enforce the words “washroom facilities for the public available in a convenient location” in s.20(1) of the *Food Safety Regulations* as requiring those washroom facilities to be accessible to members of the public who use wheelchairs;
2. An order that the Respondent pay to each Complainant an amount of \$1,000 in damages.

Dated at Halifax, Nova Scotia, this 6th day of September, 2018.

Gail L. Gatchalian, Q.C.
Board of Inquiry Chair

Document No: 7
Meeting: Feb. 11, 2020 Council
Circulate: Council, JL, IT, SE, LD
File: Budget 2019/20

MEMORANDUM

TO: TOWN COUNCIL

FROM: IAN TILLARD, TOWN ENGINEER CONSULTANT

DATE: FEBRUARY 5, 2020

RE: H2S GAS DETECTION SAFETY EQUIPMENT ADDITIONAL CAPITAL PURCHASE REQUEST

1. FACTS

Hydrogen Sulphide (H₂S) is a poisonous, corrosive and explosive gas which is produced by bacteria breaking down organic matter in wastewater in the absence of oxygen. It is colourless, but has an odour of rotten eggs at low concentrations. It has a toxicity level similar to carbon monoxide. It also causes health problems from low-level chronic exposure.

H₂S gas has periodically been detected at hazardous levels in several areas of the Wastewater Treatment Plant (WWTP), including the Headworks, Bioreactor Building, Process Room and Bin Room. Most of the areas where H₂S gas has been detected are connected to the Biofilter and the odour is treated before the air reaches the public, except for the Process Room. The primary health and safety hazard resulting from the intermittent presence of H₂S at the WWTP is to the plant operators, so they need to be aware when it is present.

There are fixed gas detectors in the Headworks and the Bin Room to alert the operators before entering the room. The gas detector in the Bin Room is connected to the WWTP SCADA system which logs the data and displays it remotely. This provides advance and remote warning to the operators not to enter this space at times when the gas levels are hazardous. It also allowed plant staff to detect and resolve elevated H₂S levels in the bin room resulting from possible Dorian damage. The operators carry portable gas detectors, but these do not alarm until the operators are actually exposed to the gas.

2. ISSUES AND OPTIONS ANALYSIS

- a. The existing "Headworks" fixed gas detector will provide better protection to the operators if it is connected to the WWTP SCADA system that stores plant

data and displays it remotely. The feasibility of connecting this was assessed by KRC Controls and it was found to be straightforward.

- b. Fixed gas detectors in the areas where there are currently none (“Bioreactor Building” and “Process Room”) will provide ongoing monitoring of the hazard level. The new gas monitors should match the existing gas monitors for greatest site compatibility. The feasibility of installing two more fixed gas detectors was assessed by KRC Controls. The “Process Room” and “Bioreactor Building” SCADA-connected fixed gas monitors are feasible.
- c. New fixed gas monitors will require inspection and routine maintenance by Senstech, the supplier, which does the same for the existing fixed gas monitors.

If the addition to the 2019/20 Town Capital budget is approved by Council at this meeting the equipment can be purchased within on to two weeks and installed shortly thereafter.

3. FINANCIAL IMPACT

- a. “Headworks” fixed gas monitor:
 - i. Connect existing “Headworks” fixed gas monitor to SCADA.
- b. “Process Room” and “Bioreactor Building” fixed gas monitors:
 - i. Purchase, install and SCADA-connect new “Process Room” and new “Bioreactor Building” fixed gas monitors.

Total estimated cost of above is \$8,500 including the net HST. Proposed to be funded from the Town’s General Equipment Reserves. The current balance of this reserve fund is \$250,000.

- c. Annual inspection and routine maintenance of additional fixed monitors: Estimated cost of \$300 – annually, additional to current \$820 expenses for this purpose, to be included in the 2020/21 operating budget and onward from there in future budgets.

4. STRATEGIC PLAN RELEVANCE

This report services to accomplish the following Strategic Plan Directions:

- 5) Operate the Town efficiently and effectively by:
 - A. Making best use of Town-owned buildings and land.
 - B. Continually and strategically maintaining and upgrading community infrastructure
 - E. Maintain a positive work environment for Council and staff

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

To add to the 2019/20 Capital Budget a H₂S Gas Detection Safety Equipment Project in the amount \$8,500 including the net HST, to be funded from Town's General Equipment Reserves. Project work to include: a. "Headworks" fixed gas monitor: i. Connect existing "Headworks" fixed gas monitor to SCADA. b. "Process Room" and "Bioreactor Building" fixed gas monitors: i. Purchase, install and SCADA-connect new "Process Room" and new "Bioreactor Building" fixed gas monitors.

Acknowledged only by:

Bea Renton
Town Manager/Clerk

Circulated: _____

Document No: #7
 Meeting: Council Feb 11/20
 Circulate To: Council, BR, JL, JM, PB
 File: Water/Wastewater - General

MEMORANDUM

TO: TOWN COUNCIL

FROM: PETER BAKER, PUBLIC WORKS SUPERINTENDENT, JOHN LOHNES, TAYLOR ROMBAUT AND JOHN MADER, WATER RESOURCE OPERATORS

DATE: JANUARY 31, 2020

RE: DECEMBER 2019 WATER AND WASTEWATER QUALITY TEST RESULTS

1. FACTS

The Nova Scotia Environment "Approval" documents to operate both for the Water Treatment Plant (Class II water treatment facility) and the Wastewater Treatment Plant (Class II wastewater treatment facility) require that certain tests be carried out to verify the quality of treated water and wastewater at the respective plants. There are also Federal testing standards. Routine testing is conducted both in Town labs at each plant and independently certified labs to determine compliance levels with both the Provincial and Federal standards. If any test result exceeds the standards then explanations are provided. This report provides a monthly summary of these results.

At the end of each year an annual report is also prepared for both treatment plants and filed with the Provincial and Federal governments.

2. ISSUES AND OPTIONS

Wastewater Treatment Plant

The Provincial Approval to operate requires that treated wastewater be tested a minimum of five times per month (once per week) for:

- biochemical oxygen demand (BOD maximum 20 mg/L);
- suspended solids (SS maximum 20 mg/L); and
- fecal coliform (maximum 1000 counts/100 mls).

pH (maximum 6.5 – 9) is tested daily (five times per week).
 Disinfection is required to be continuous with the use of UV lights.

The Approval document further states that the facility is considered to be “in compliance with effluent limitations if 80% of the sample test results, at the frequency and number specified...meet the specified limit(s)...No single test result can be greater than two times the limits”.

The Town is also required to comply with the Federal Environment Canada Wastewater Systems Effluent Regulations. We test treated water from the Wastewater Treatment Plant for Carbonaceous Biochemical Oxygen Demand (CBOD maximum 25 mg/L), Total Suspended Solids (TSS maximum 25 mg/L), un-ionized ammonia (maximum 1.25 mg/L) and pH (maximum 5.9-9.5) every two weeks. Acute lethality tests are conducted quarterly and in this test rainbow trout are used to determine if they can survive in wastewater effluent over a 96 hour period.

Results

The following table indicates any December test results which exceeded the Provincial Standards.

Parameter Tested (# of test)	Maximum Limit	Exceeded Maximum Limit
BOD (5)	20 mg/L	None
SS (5)	20 mg/L	None
Fecal Coliform (5)	1,000 counts/100 mls	None
pH (22)	6.5 – 9.0	None
Comment: All test results met the Provincial Standards		

All December test results met Federal standards. No rainbow trout died in the acute lethality test performed on December 3, 2019. Acute lethality tests are performed quarterly and this is the most recent test result.

We have attached a table which provides a summary of the average monthly daily flow (US gallons per day) of wastewater which has been treated from 2009 to date.

Water Treatment Plant

The Provincial Approval document requires weekly total coliform and E. coli bacteria tests for water entering the distribution system and various water distribution system sample points. In addition, aluminum is tested monthly. Quarterly we test for: parameters for corrosion control; lead; trihalomethanes; bromodichloromethane; and haloacetic acids. Annually, we test raw water and treated water for compliance with the Federal Guidelines for Monitoring Public Drinking Water Supplies and a fuller assessment every five years. The Province can also request viruses, Giardia and Cryptosporidium testing at any time.

Results

All December and quarterly test results were in compliance with the Provincial Approval requirements.

Additional information is attached with the line loss since January 2014 up to date and the location and cause of water leaks within the distribution system since January 2015 up to date. The water line loss was higher than normal during the July to September period for which an explanation was provided in the October report.

3. FINANCIAL IMPACT

Funds are included in the Water Treatment Plant and Wastewater Treatment Plant operating budgets to pay for these water quality tests.

4. STRATEGIC PLAN RELEVANCE

Strategic Planning Goal #3. A. (a.) of the Town's Strategic Plan is to "Champion opportunities for our community's health and well-being by ... Protecting our natural environment ... Continue to provide solid waste management, sewage treatment and high quality water to all of our residents".

5. RECOMMENDATION

This report is provided for Town Council's information.

Acknowledged only by:

Bea Renton, CAO

Encls. 3

Waste Water Treatment Plant

<u>Average Monthly Daily Flows (USGPD)</u>	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009
January	767,857	840,324	990,669	798,500	821,333	1,228,376	797,289	963,316	906,324	636,808	681,049
February	592,263	978,915	822,827	902,320	632,291	1,171,563	804,590	969,710	974,459	693,503	689,140
March	726,059	915,953	916,966	1,083,288	949,220	965,278	1,043,356	965,597	998,449	802,902	914,341
April	1,107,593	1,113,196	736,749	933,020	1,602,759	965,278	764,799	632,395	985,934	569,976	1,070,959
May	974,489	792,349	855,584	728,810	485,225	573,635	887,125	654,174	1,157,628	477,666	702,156
June	914,011	678,713	884,103	626,112	991,863	639,974	989,508	656,993	840,575	559,765	678,842
July	601,530	643,826	580,779	615,238	628,417	526,474	834,703	605,139	629,526	686,258	547,631
August	577,504	504,183	617,797	508,015	627,702	509,224	601,246	559,871	834,769	582,341	577,263
September	273,878	520,990	601,488	524,950	462,222	550,710	662,096	996,792	588,082	571,014	502,385
October	649,833	884,682	491,703	773,368	728,372	851,612	716,092	714,657	1,188,019	578,492	944,224
November	942,787	1,067,517	554,340	735,231	625,240	1,053,808	889,923	774,717	1,028,785	948,721	636,926
December	906,862	770,823	939,003	930,390	831,210	1,207,248	1,128,674	1,117,587	1,050,063	1,109,152	1,006,181
Average Daily Volume/Year USG	752,889	745,054	749,334	763,270	782,155	853,598	843,283	800,912	931,884	684,717	745,925
Days per year	365	365	365	366	365	365	365	366	365	365	365
Total Yearly Volume USG	274,804,455	271,944,679	273,506,897	279,356,880	285,486,407	311,563,392	307,798,420	293,133,914	340,137,812	249,921,529	272,262,573
Year to Year Increase (Decrease) USG	2,859,776	-1,562,218	-5,849,983	-6,129,528	-26,076,984	3,764,972	14,664,506	-47,003,898	90,216,284	-22,341,045	

* Due to power outages these volumes may not be completely accurate

Town of Lunenburg Water Use

2014				
	Pumped	Sold *	Unaccounted Water Use/Loss	Percent
January to March	41,343,988	33,477,361	7,866,627	19.03%
April to June	41,683,941	34,045,724	7,638,217	18.32%
July to September	46,966,995	35,008,429	11,958,566	25.46%
October to December	38,523,608	33,039,285	5,484,323	14.24%
2015				
January to March	38,685,055	31,474,195	7,210,860	18.64%
April to June	41,053,551	33,846,179	7,207,372	17.56%
July to September	44,926,119	33,983,269	10,942,850	24.36%
October to December	38,532,914	35,139,044	3,393,871	8.81%
2016				
January to March	39,065,596	32,368,168	6,697,428	17.14%
April to June	38,905,020	34,990,883	3,914,137	10.06%
July to September	50,366,140	39,678,233	10,687,907	21.22%
October to December	40,464,380	37,443,578	3,020,802	7.47%
2017				
January to March	37,574,680	33,531,323	4,043,357	10.76%
April to June	39,237,440	36,096,612	3,140,828	8.00%
July to September	48,072,704	42,657,360	5,415,344	11.26%
October to December	40,528,840	35,983,255	4,545,585	11.22%
2018				
January to March	38,260,460	33,880,209	4,380,251	11.45%
April to June	39,117,100	33,951,871	5,165,229	13.20%
July to September	45,083,423	38,246,005	6,837,418	15.17%
October to December	37,931,817	33,208,199	4,723,618	12.45%
2019				
January to March	38,188,700	32,842,069	5,346,631	14.00%
April to June	41,667,340	34,992,919	6,674,421	16.02%

July to September	55,870,980	38,731,499	17,139,481	30.68%
October to December	41,662,060	37,768,735	3,893,325	9.35%

*Based on an average of 150/gallons/day residential use. This typically increases during warm month periods.

Water Leaks in Distribution System

2015				
<u>Month</u>	<u>Date</u>	<u>Street</u>	<u>Address or Block</u>	<u>Problem or Cause</u>
January	12	Victoria Road	Civic 80	3/4" water service with pin holes
January	22	Kempt Street	Between Townsend and Cumberland	6" valve bonnet broke
January	26	Lincoln Street	Civic 187	3/4" water service brass connection
January	26	Falkland Street	Civic 71	6" valve bonnet broke
February	11	Blockhouse Hill Road	Between Civic 11 and Civic 24	6" watermain cracked
February	18	High Street	Civic 24 (Hospital)	6" sprinkler service leaking
February	20	McDonald Street	Between Brook and Green	4" watermain cracked
April	15	Victoria Road	Civic 167	8" watermain long split
May	1	Lorne Street	Civic 20	3/4" water service swedge curb stop
June	8	Pelham Street	Civic 178	3/4" water service brass connection
November	24	McDonald Street	Between Brook and Green	4" watermain cracked
December	3	Kaulback Street	Between Kissing Bridge Road and Kinley Drive	8" watermain cracked
2016				
<u>Month</u>	<u>Date</u>	<u>Street</u>	<u>Address or Block</u>	<u>Problem or Cause</u>
January	19	Falkland Street	Civic 71	6" sprinkler service cracked
February	18	Archibald Street	Intersection of Green Street	8" X 6" reducer loose fitting
February	25	Centennial	Intersection of Victoria Road	8" X 8" loose fitting (elbow)
March	11	Kaulback Street	Between Kissing Bridge Road and Kinley Drive	8" watermain cracked
March	29	McDonald Street	Between Brook and Green	4" watermain cracked
April	15	Falkland Street	Civic 32	3/4" water service brass connection
July	6	Mason's Beach Road	Between Civic 101 and 142	2" leak watermain
July	25	Bayview Drive	Behind 311 Pelham Street	1 1/2" leak water service
October	21	Dufferin Street	157 Dufferin Street	3/4 " leak water service
October	31	Pelham Street	106 Pelham Street	3/4 " leak water service
December	1	Blue Rocks Road	Civic 359	1" leak water service
2017				
<u>Month</u>	<u>Date</u>	<u>Street</u>	<u>Address or Block</u>	<u>Problem or Cause</u>
February	4	Montague	Civic 208	6" watermain cracked
September	7	MacDonald	Civic 59	3/4" Brass service leaking
September	21	Motague	Civic 257	3/4 Brass service leaking
2018				
<u>Month</u>	<u>Date</u>	<u>Street</u>	<u>Address or Block</u>	<u>Problem or Cause</u>
February	6	Brook	Civic 108	6" watermain cracked
February	15	Green	Civic 23	6" watermain cracked
March	19	Victoria Road	Civic 79	8" watermain cracked
May	15	Bayview Drive	Behind 305 Pelham	2" plastic line fitting
July	2	Victoria Road	Between 80 and 58	1" service holes in pipe
October	4	Dufferin Street	Civic 121	3/4 " leak water service
November	4	Young Street	End of Young Street in Park	12" AC water line coupling failed
2019				
<u>Month</u>	<u>Date</u>	<u>Street</u>	<u>Address or Block</u>	<u>Problem or Cause</u>
May	2	Kempt Street & Lincoln	Civic 24 Kempt Street	6" watermain cracked
June	10	Harbour View Drive	Civic 232	3/4 " leak water service
June	18	Blunose Drive	Civic 179	12" watermain coupling failed
October	2	Blue Rocks Road	Civic 359	3/4" service hole in pipe
October	21	MacDonald Street	Civic 59	4" cast iron watermain cracked
2020				
<u>Month</u>	<u>Date</u>	<u>Street</u>	<u>Address or Block</u>	<u>Problem or Cause</u>

Document No:
Meeting: Feb.11, 2020 Council
Circulate: Council, IT, LD, JL
File: Budget 2019/20

MEMORANDUM

TO: TOWN COUNCIL

**FROM: IAN TILLARD, ENGINEERING CONSULTANT
AND LISA DAGLEY, CPA, CGA, FINANCE DIRECTOR**

DATE: FEBRUARY 6, 2020

RE: PROPOSED FLOOD STUDY

1. FACTS

The Wastewater Treatment Plant (WWTP) was significantly damaged by flooding during Hurricane Dorian. In order to know how to protect the WWTP in future, a flood study is required prior to undertaking the preliminary design work for whatever design option is chosen for the upgrade to the WWTP. The flood study will identify the flood protection measures that will be incorporated into the design. This may include active control measure such as sandbagging or temporary flood barriers combined with pumping, and passive control measure such as permanent berms and locating buildings and equipment above peak flood levels.

The results of the flood study are required as input to the design process, but at an early stage of the process, so there can be a little overlap in the two activities.

2. ISSUES AND OPTIONS ANALYSIS

The need for the study is an obvious outcome from the Town's experience with the flooding during hurricane Dorian. The Town's engineering consultants for the WWTP have stated that the flood study output is a required input to the predesign stage of the upgrades to the WWTP.

Option A is to do a "localized" static flood study pertinent strictly to the area around the WWTP location. It would include modeling the coastline along the back harbour and result in predictions for flood levels. The data from the flood modeling would then be used to do the engineering analysis of flood control measures. The output of this study is usable only for the WWTP redesign and visually would be a 2D flat map of the area showing flood levels at different flood conditions. The engineering output would be specific flood level data for specific locations identified by the engineering requirements for the redesign.

Option B is to create a dynamic flood model for the entire town which could then be used for future work in all areas of the town and could also be enhanced to support public education, emergency measures preparedness etc. The visual impact is also a valuable feature. This would require similar engineering inputs for coastline modeling etc, but once established the model would then be a tool to use forever. The model would be set up to provide specified outputs for use in the engineering design work for the WWTP.

3. FINANCIAL IMPACT

Option A is \$21,000 including net HST.

Option B is \$45,000 including net HST. This is broken down into \$13,500 for engineering and \$31,500 for the 3D model and implementation.

While there may be external funding opportunities for this type of project the application and approval process of same would certainly add to the timeline. We have received PCAP funding for the WWTP pre-design work in September 2019. The PCAP funding project completion deadline is March 31, 2020 and an extension will be sought however it would be unreasonable to ask for an extension if the flood study is not being undertaken because it too is pending another funding application. The Town could use Deed Transfer Tax to fund either of these options noted above. As the funds are currently on hand there would be no impact to the project timeline.

4. STRATEGIC PLAN RELEVANCE

- 5) Operate the Town efficiently and effectively by:
 - B. Continually and strategically maintaining and upgrading community infrastructure

5. RECOMMENDATION AND DRAFT MOTION

It is recommended that Council approve the following draft motion:

Draft Motion:

Moved and seconded that approval be given for staff to immediately (fiscal 2019/20) undertake a Flood Study as noted in Option B in the amount of \$45,000 including net HST and funding for the same will be from Deed Transfer Taxes.

Acknowledged only by:

Bea Renton
Town Manager/Clerk