



Special Town Council Meeting

February 4, 2020

Straight after COW Meeting

Council Chambers, Town Hall

359 Main Street

Agenda

1. Approval of Agenda

2. Comments from the Mayor

3. Public Input / Question Period

PLEASE NOTE:

- Public Participation is limited to 30 minutes
- Each Person is limited to 3 minutes and may return to speak once, for 1 minute, if time permits within the total 30-minute period
- Questions or comments are to be directed to the Chair
- Comments and questions that relate to personnel, current or potential litigation issues, or planning issues for which a public hearing has already occurred, but no decision has been made by Council, will not be answered.

4. Motions/Recommendations from Committee of the Whole, February 4, 2020:

- a. RFD 004-2020: Residential Rental Licensing
- b. RFD 005-2020: Annual Appointment of Town Auditor

5. Regular Meeting Adjourned

REQUEST FOR DECISION 004-2020

Title: Residential Rental Licensing

Date: 2020-02-04

Department: Planning & Development



SUMMARY

Residential Rental Licensing

Running parallel to the Town's planning document review (ongoing since 2015), Staff and Council have been advancing ways to both 1) address Landlord issues in certain residential rental situations and 2) improve "community harmony" or "social inclusion" between the different demographics and lifestyles in the Town.

Now that we are nearing completion of our planning document review (see [here](#)) and the 2020-21 Operations Budget/Plan is being formulated, Staff are seeking direction on whether to spend additional time advancing a Rental Licensing program, beyond what is being captured in the updated planning documents and through other efforts (outlined below). This report builds on previous work completed on the topic of a "RRBB" Residential Rental Business By-law outlined in the References and Attachments section of this report.

Staff are recommending that the ongoing efforts to improve both landlord relations and community harmony be further advanced, tested and evaluated before we move into creating another by-law and licensing program. Staff believe a licensing program may be another helpful tool (a piece of the puzzle); however, at this point Staff do not feel this work can be resourced properly and recommend it be earmarked as future work in our annual operations planning.

DRAFT MOTION:

That Council direct Staff to focus on current landlord relations and community harmony efforts and move further action on a rental licensing program to a future year of the Operations Plan.

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1) CAO COMMENTS

The CAO concurs with the recommendation of Staff. Conversation on this topic will continue as we evaluate the effectiveness of ongoing efforts. Acadia is in the process of developing their Code of Conduct, the Municipal Alcohol Policy is still under development, the new MPS has not yet been adopted, the Nuisance Party Bylaw has recently been gazetted and has not been yet utilized as a tool, and Council has earmarked funding in the 2020-21 Operating Budget for the creation of a Community Liaison position. It is recommended that sufficient time be provided to demonstrated the effectiveness of these tools, identify any further gaps, and continue the conversation with Council around the future application of a licensing program or alternative if warranted.

If Council supports the recommendations of staff, we would likely bring this back for discussion as part of the 2022-23 budget for further direction. At this time Council would have the benefit to see how our existing initiatives have worked to address the issues.

2) LEGISLATIVE AUTHORITY

The Nova Scotia *Municipal Government Act* 1998 (MGA), Section 172 provides Council the authority to enact by-laws dealing with a wide variety of matters.

3) STAFF RECOMMENDATION

That Council direct Staff to focus on current landlord relations and social inclusion/community harmony efforts and move further action on a rental licensing program to a future year of the Operations Plan.

4) REFERENCES AND ATTACHMENTS

References

1. RFD 036-2018 RRBB (May 2018, see [here](#))
2. RFD 032-2017 RRBB (June 2017, see [here](#))
3. [White Paper on RRRB's prepared for Symposium](#) – January 2017
4. [Sticky Issues workshop with PAC and Council](#) – December 2015
5. [Fotenn Discussion paper on RRRBs](#) – February 2016
6. [Core Area Consultation](#) – June 2016
7. [Meeting with Landlords](#) – Fall 2016
8. Summary of Housing Symposium notes from Stream 3 – RRBB
9. Workshop on student housing issues– Jan 30, 2015

Attachments

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1. Wolfville Alcohol Policy Framework

5) DISCUSSION

Background

A unique residential rental market exists in Wolfville. We are a University Town and popular tourist destination but also a place where quality of life is valued for families, retirees and other residents. During the public consultation for the ongoing Municipal Planning Strategy (MPS) review there has been a great deal of discussion and concern raised around rental housing, in particular single unit dwellings with large numbers of bedrooms (“single room occupancies”/lodging house/boarding house). This type of housing was also a large part of discussions at the Housing Symposium held in 2016 (see attached/referenced) and has continued up until the present day. The issue of short-term rentals, with the rise of AirBnB, has also been discussed in the Province generally and through our plan review process. Single Room Occupancies and Short-term Rentals are addressed in our [proposed Land Use By-law](#).

In 2017 a draft Rental Licensing By-law was advanced to Council but with Staff changes and the ongoing review of our planning documents, Staff advised Council (2018) of issues with the implementation of the proposed by-law and looked to integrate the intent directly into our planning documents. In 2019 staff advised Council that further work on our fire inspection program was needed before a licensing program could be developed. It should be noted that we have not yet brought our fire inspection program to the point where staff can properly resource a licensing program. While there may still be gaps, time is needed to further advance, test and evaluate existing efforts before moving any further with a rental licensing program.

Existing, Ongoing Efforts

1. [Proposed Land Use By-law](#)

A substantial focus of our [plan review](#) has been on housing choice. Council is committed to providing suitable housing options while also working toward better social inclusion and harmony among differing lifestyles. Incentivizing smaller units and better regulating single room occupancies and short-term rentals has been a key part of this.

The proposed [Land Use By-law](#) defines boarding and lodging houses (large single family homes where multiple rooms are rented) as “Single Room Occupancies.” New provisions have been added to better regulate this land use. Section 4.31 of the proposed Land Use By-law outlines the following:

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4.31 SINGLE ROOM OCCUPANCY

- (1) Single Room Occupancies are a housing type where one or two people are housed in single rooms (four or more), where tenants share bathrooms and a kitchen in a dwelling unit.
- (2) Single Room Occupancies do not include Short Term Rentals or single unit dwellings with up to 3 rental rooms.
- (3) Dwellings with four or more rooms used for single room occupancies are permitted in the R-2, R-3, R-4, I-2 and C-2 zones, subject to the following:
 - (a) A Fire and Life Safety Inspection shall be conducted on the premises before any Development Permit is issued;
 - (b) The maximum number of single room occupancies shall correspond to the underlying zone:
 - i) R-2 - max 4 bedrooms
 - ii) R-3 - max 6 bedrooms
 - iii) R-4 - max 8 bedrooms
 - iv) C-2 - max 6 bedrooms
 - (c) fee shall be provided as per the Town's **Fees Policy**;
 - (d) In addition to the normal parking requirements for the dwelling, one parking space shall be provided for each bedroom, in excess of three, being used for rental purposes.
 - (e) Existing single room occupancies may be subject to some or all of the requirements of this section, subject to context and the development history of the property.

The definitions section of the proposed Land Use By-law states:

Single Room Occupancy means a housing type wherein one or two people are housed in single rooms, wherein tenants typically share bathrooms and a kitchen in a single unit dwelling.

Short term rentals (e.g. AirBnB) are also to be regulated through the proposed Land Use By-law. Section 4.29 of the proposed Land Use By-law outlines the approach:

4.29 SHORT TERM RENTALS

The following special provisions shall apply to Short Term Rentals:

- (1) Short-term rentals shall only be permitted where proof of primary residence is provided to the Development Officer;
- (2) No more than three rental rooms are permitted;
- (3) Notwithstanding 4.29(2), a whole house may be rented not more than 150 days per year,
- (4) In the case of a rental situation, written confirmation from the Landlord shall be provided;
- (5) A Fire and Life Safety Inspection shall be conducted on the premises before any Development Permit is issued;
- (6) Proof of any required licensing from the Province, or other regulatory bodies shall be provided to the Development Officer;
- (7) Proof of insurance shall be provided to the Development Officer;
- (8) A fee shall be provided as per the Fees Policy;

The definitions section of the proposed Land Use By-law states:

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Short Term Rental means the rental of a dwelling unit or part thereof for overnight stay to the travelling public for a period of 30 days or less and includes a bed and breakfast or similar use.

From Staff's perspective, the outcomes that were envisioned with the development of a Rental Business By-law "RRBB" (2016-17 and updated 2018 – see References and Attachments) have been accomplished:

- Clearly define the Single Room Occupancies as having 4 or more rental rooms (Lodging/Boarding Houses)
- Introduce a framework for short-term rentals (AirBnB)
- Require a permit or license for these uses
- Ensure the building is safe for the use (Fire and Life Safety Inspection) and ensure other matters are documented and provided for (parking, proof of residence, etc)
- Some type of fee be charged (forthcoming with Fees Policy in March)
- Provide an ability to enforce non-compliance

Gaps will be identified as we start to administer the new documents and a licensing program may prove to be another useful tool. Given the volume of material in the planning documents, Staff will be bringing an assessment of the new documents to the future Council after they have been tested for a year (or so).

Further, Staff do not feel we are currently resourced to properly administer an effective rental licensing program. There have been some recent organizational changes that have impacted the Department and existing Staff will be evaluating what, if any, capacity issues we have with the introduction of our new planning documents, day-to-day operations and other projects.

2. System of Municipal Fire Inspections Update

The Municipal System of Fire Inspections has been recently updated to include Single Room Occupancies (see [here](#) for Staff Report on this update). This change was anticipating the outlined changes to the Land Use By-law.

3. Minimum Property Standards By-law

Recent proposed updates to the by-law include a provision to issue a ticket for parking violations (e.g. on front lawns). See [here](#) for Staff Report on this update (2nd Reading January 21, 2020)

4. Nuisance Party By-law

Council recently adopted a [Nuisance Party By-law](#) (July 2019). The intent is to better deal with large disruptive parties in the Town. Before the introduction of this new by-law, a Party Registration

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System was also piloted and will continue to be evaluated through the leadership of the ASU (this will not be a Town-led initiative).

5. Acadia University Partnership Agreement

A “Partnership Agreement” was signed between the Town of Wolfville, Acadia University and Acadia Students’ Union in October of 2018 (see [here](#) to view the Agreement and priorities that were established for 2019-2020).

The agreement covers various issues but most relevant here are actioning 1) a “Student Code of Conduct” that would include the regulation of off-campus behavior (work-in-progress), 2) the potential of a Community Liaison position (work-in-progress), and 3) a Nuisance Party By-law (completed). The Town and Gown Committee is meant to steer the implementation of the Partnership Agreement.

6. Comprehensive Alcohol Strategy

The purpose of the Comprehensive Alcohol Strategy is to bring together key stakeholders from Wolfville to develop and implement an action plan aimed at reducing the harms of alcohol to individuals, to others and to the community. This work is ongoing.

An Alcohol Policy Framework (recommendations and initiatives) has been developed, and includes 5 Strategic Areas with roles defined for Wolfville (the Town), Acadia, and our Town and Gown Committee (see Attachment 1 for the framework in-full). The 5 Strategic Areas in the Framework are:

1. Health Promotion, Prevention and Education
2. Campus Services
3. Availability and Marketing
4. Pricing of Alcohol
5. Community Action

7. RCMP Advisory Board

The relationship with the RCMP and level of service provided has been, and continues to be, a topic of discussion in the Town. It is anticipated this will continue indefinitely as the Town grows and changes over time. The RCMP Advisory Board provides advice to Town Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in Wolfville as per S 68(1) of The Police Act. See [here](#) for more information on the RCMP Advisory Board.

8. Town Compliance/By-law Officer

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Department: Planning & Development



The Town employs a Compliance/By-law Officer and is looking to move toward having another employee in this office, to replace our contract with the Commissionaires. The Compliance Office has been critical in 'moving the needle' on the issues of landlord relations and community harmony, including:

- Continues to educate, build relationships and mutual respect with owners, property managers and renters (ongoing) consistent with our [Compliance Policy](#).
- Tracks all enforcement and compliance issues through an 'enforcement tracker', including large parties.
- Updated the Prevention of Excessive Noise Bylaw with out of court settlement option for offences (an enticement for RCMP to enforce).
- Led the development of a Nuisance Party Bylaw with out of court settlements for offences (an enticement for RCMP to enforce) with a landlord responsibility section.
- Updated Property Minimum Standards Bylaw to improve response of reluctant owners to repair rental units and includes an out of court settlement for smaller issues.
 - Land Use Bylaw parking issues moved to the amended Property Minimum Standards for ease of enforcement of repeat offenders with an out of court settlement option.
 - The investigation of parking issues indirectly allows for a check of over tenancy issues at single room occupancy rental properties.
- New and improved Outdoor Fire Bylaw with authority for the Fire Chief and designates for action on properties negligent on outside fire safety and nuisance including rentals.
- Joint investigations with Valley Waste Resource Management Bylaw Officer related to issues of waste sorting, delivery to the curb, waste storage facilities including capacities and land use storage locations, which falls to the Property Owner, but includes the indirect investigation to possible over tenancy and land use violations.
- Working directly with other Planning & Development Staff on enforcement issues, including Fire Inspections where once carried out, may identify minimum property standards or other compliance issues.

6) FINANCIAL IMPLICATIONS

Financial resources to support a licensing program have not been accounted for in the draft 2020-21 Operating Budget to date.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

See previous RFDs, References and Attachments.

8) ALTERNATIVES

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Council may wish to proceed in an alternative manner. Staff would request time to quantify Staff time / capacity associated with actions that would be carried out through an alternative path.

ATTACHMENT 1 (note this is in draft and has been used to guide pilot projects and priorities related to alcohol use in the Town of Wolfville. A Municipal Alcohol Policy is currently being drafted and is expected to be presented to Council in the spring).

Wolfville

Alcohol Policy Framework



To reduce alcohol's harm to oneself, to others and to the community, recommendations and initiatives need to be implemented across five strategic areas.

Strategic Area 1

Health promotion, prevention and education

Wolfville

- Develop social norms marketing

Town & Gown

- Ensure broad access to information and effective education and awareness programs about alcohol-related issues
- Promote LRDGs
- Implement orientation programs

Acadia

- Develop and ensure ongoing distribution of resources for parents of students
- Require mandatory training on alcohol-related issues for all major student associations and organizations
- Challenge social norms supportive of hazardous and harmful drinking

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Strategic Area 2

Campus Services

Town & Gown

- Establish and maintain a system to monitor drinking behaviours, risk factors and impacts, with regular reporting mechanisms
- Ensure that emergency health services have proper training to respond to alcohol-related emergencies

Acadia

- Conduct regular survey of student's alcohol use, knowledge, attitudes and consequences
- Support initiatives for screening and brief interventions for hazardous and harmful drinking
- Provide expectancy challenge interventions
- Promote protective behavioural strategies interventions
- Provide brief motivational interviewing
- Strengthen emergency health services to enhance on-campus safety and ability to respond to medical emergencies related to alcohol
- Inform students about on-campus safety services

Strategic Area 3

Availability & Marketing

Wolfville

- Offer alcohol-free events and social activities
- Define areas, facilities, events where alcohol may or may not be sold
- Define practices of how alcohol is managed
- Limits hours of operations at events
- Enclose licensed area at events where alcohol is consumed
- Provide clear signage of acceptable forms of age verification, safe transportation options, areas where alcohol is not allowed, who to call to make a complaint
- Use tempered glass or plastic cups
- require event sponsors to provide its own security
- Define amount of security required based on size of event / enclosure
- Ensure that licensed establishments on campus adhere to proper server training and responsible operations
- Ensure liquor establishments, events are a certain distance from Youth facilities

- Regulate sponsorship activities that promote alcoholic beverages on campus
- Regulate size, placement, location of alcohol related signage in front of liquor establishments and events
- Regulate direct or indirect marketing of alcohol on campus
- Define appropriate content of advertising / marketing / promotion
- Regulate alcohol promotions in connection with activities targeting students on campus
- Regulate publicity on campus featuring availability of alcohol at events and locations
- Set up effective administrative and deterrence systems for infringements on marketing restrictions
- Decline alcohol industry naming rights for municipal events
- Set up regulatory framework for alcohol marketing

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Strategic Area 4

Pricing of Alcohol

Wolfville

- Regulate price promotions, discount sales and flat rates for unlimited drinking or other types of volume sales
- Regulate "last calls"
- Regulate Hours of operations of liquor establishments and events
- Regulate "happy hours," "ladies nights," etc
- Regulate the number of drinks that can be purchased by patrons at one time
- Regulate the size of drink containers to reflect standard drink sizes
- Implement maximum serving sizes that can be served to patrons in one drink (maximum one standard drink per alcoholic beverage)
- Establish minimum prices for the sale of alcohol beverages
- Provide price incentives for lower-strength and non-alcoholic beverages
- Create price incentives for lower alcohol strength products
- Ensure that non-alcoholic beverages are always available and less expensive than alcoholic beverages

Strategic Area 5

Community Action

Wolfville

- Work with existing licensed vendors in the vicinity of the campus to ensure proper server training and responsible operations
- Submit a request to provincial and federal authorities on issues of taxation that would influence students' purchase and drinking patterns (e.g., increased taxes, tax incentives for production and consumption of low-alcohol beers)
- Mobilize communities to prevent the selling of alcohol to intoxicated students
- Communicate and enforce municipal and provincial drinking laws, including the minimum drinking age and the sale and service of alcohol to intoxicated patrons
- Encourage provision of alternative transportation, including public transport, until after the closing time for drinking places
- Implement a designated driver program
- Implement a bystander intervention program¹⁵. Review an informed landlord bylaw (See Antigonish)
- Review LUB / landlord registration to define number of residents to a dwelling

Town & Gown

- Build capacity at the community level for effective interventions
- Develop a campus and community coalition to address alcohol-related local issues
- Inform students attending or hosting parties off campus about common party violations and liability
- Exercise disciplinary jurisdiction over off-campus disturbances caused by students

REQUEST FOR DECISION 005-2020

Title: Annual Appointment of Auditor

Date: 2020-02-04

Department: Finance



SUMMARY

Annual Appointment of Auditor

Town Council annually appoints a municipal auditor responsible to audit the Town's year end financial statements and report to Council in accordance with the requirements of the Municipal Government Act (MGA). Typically, the Town issues a public Request for Proposals (RFP) every four to five years as part of the selection of auditor. This year's recommendation has been informed by an RFP process and Staff evaluation of proponent submissions.

DRAFT MOTION:

That Council appoint Grant Thornton as the Town's Auditor for the fiscal year ending March 31, 2020, and provided that the performance and fee continue to be satisfactory that they may be appointed for each of the next 3 fiscal years pending an annual review of those fees and performance.

REQUEST FOR DECISION 005-2020

Title: Annual Appointment of Auditor

Date: 2020-02-04

Department: Finance



1) CAO COMMENTS

The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) 42(1).

3) STAFF RECOMMENDATION

That Council approve recommendation to appoint Grant Thornton as the auditor for March 31, 2020 year end.

4) REFERENCES AND ATTACHMENTS

1. Procurement Policy
2. Request for Proposal WOL030-2019 External Audit Services

5) DISCUSSION

As noted in last year's RFD 011-2019, the Town's audit services were due to go to market. As such, an RFP was issued in December, with a closing date of Friday, January 10, 2020. The Town received 5 proposals, with all meeting the requirements of the RFP specifications.

The RFP included an outline of the criteria that each proposal would be evaluated on. The evaluation was conducted by the CAO and Director of Finance, with the results of the scoring matrix combined for an overall average score. The scoring matrix included:

Compliance by proponent with RFP requirements	Pass/Fail
Experience, both general & municipal auditing	25%
Pricing/cost	20%
Staffing, continuity & flexibility to change	15%
Ability to meet schedule outlined in RFP	15%
References	10%
Local, defined as office within Kings County	5%
Completeness of submission/project appreciation	<u>10%</u>
TOTAL	<u>100%</u>

The five submissions were the same number as in 2015, but not all the same firms. Seven firms requested the RFD document. One of the two that did not submit was a national/international firm and once was a firm from India which may have simply automatically picked up the RFP call through the provincial public tender portal. Back in 2010 only two firms quoted.

REQUEST FOR DECISION 005-2020

Title: Annual Appointment of Auditor

Date: 2020-02-04

Department: Finance



After scoring was combined from the two evaluators the ranking was (top ranked to lowest):

1. Grant Thornton
2. Price Waterhouse Cooper
3. Bishops
4. MNP and Morse Brewster Lake (tied)

A financial audit is a key element in municipal governments financial reporting and the quality of the service is important. The lowest cost model is not the goal. The evaluation matrix has 80% of the scoring allocated to elements other than price. All auditors have to meet professional standards, but the manner in which the audit is conducted can impact value added aspects of the audit engagement beyond simply the Auditors Report attached to the financial statements.

One of the requested elements of information requested in the RFP was estimated hours of work. This helps to address the quality of potential audit work. There was a wide range of estimated hours, from 144 to 250. The average over the five submissions was 194. Although audit approach can influence hours required to complete an engagement, based on staff's experience in auditing, the submissions indicate potential differences in attention to detail.

In 2015, the highest scoring firm in the evaluation criteria was also the lowest \$\$ submission. This year, the lowest cost submission is not the highest scoring proposal.

Two key factors that Council should be aware of are:

- The RFP specified service to be awarded over a four year period, contingent upon satisfactory performance and fees. This clause has been exercised in the past, and supported the Town's defense in a Small Claims court action undertaken by a former auditor. It is an important part of the wording of the Recommendation noted above. A review of service and fees will be carried out annually before Council appoints the Auditor for the next successive year.
- The four year term is consistent with the approach adopted back in 2015, with the approach prior to that being every three years. Not unlike other professional/financial services the Town utilizes (like legal, insurance, banking and engineering), there may be better ways of doing business. These services are generally not required by provincial and/or Atlantic Trade Agreement legislation to go to tender. There is a case to be made for developing a more long term business relationship with selected service providers to ensure the Town is getting best value, i.e. not necessarily the lowest cost but enhanced service. A future Council may want to consider this before the Town next goes to tender for audit services in four years.

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Title: Annual Appointment of Auditor

Date: 2020-02-04

Department: Finance



Typically tender (RFP's included) results that fall within budget do not have to go to Council for approval. In this case, the audit service submissions are within the 10% variance that the CAO is authorized to sign off on without Council approval (Procurement Policy) . This appointment comes to Council as a requirement under the MGA for a Council to appoint the auditor. That legislated requirement is not based on a dollar threshold, therefore any appointment of auditor must come to Council.

6) FINANCIAL IMPLICATIONS

No additional budget consideration or action is required.

The fee from the firm recommended in this report is within \$1,500 of the total Town/Water budgets. The combined audit budget for 2019/20 is \$24,000.

7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS

None provided. Appointment of an auditor is a legislated requirement and the work of the auditor is a key component in basic financial accountability and transparency to the public.

8) COMMUNICATION REQUIREMENTS

Notify the proponents of the results of the RFP process and appointment of audit based on successful submission.

9) ALTERNATIVES

Not appoint the firm with the highest ranking through the RFP process. Given the proponents submitted their bids at least partially based on the scoring matrix, selection of any other firm would have to be a defensible position.