



**MUNICIPALITY OF THE DISTRICT OF WEST HANTS  
RECOMMENDATION REPORT**

**To:** Members of West Hants Planning Advisory Committee

**Submitted by:** Saira Shah

**Date:** September 21<sup>st</sup>, 2017

**Subject:** Recommendation to PAC – Discharge of Development Agreement at 584 Town Road, Falmouth, West Hants (PID 45294634)

**File #:** **GC1DA 10-01**

---

**1.0 BACKGROUND**

An application has been received from Pamela Archibald to discharge a Development Agreement to permit a day care centre at 584 Town Road (PID 45294634) Falmouth, West Hants which is no longer in operation. The property is owned by Pamela Archibald and Shirley Mercer.

**2.0 LEGISLATIVE AUTHORITY**

Section 229 of the Municipal Government Act.

**3.0 RECOMMENDATION**

Staff recommends:

**That Council discharge the Development Agreement entered into on March 21, 2011 between the Municipality of the District of West Hants and Pamela Archibald and Shirley Mercer which applies to the property at 584 Town Road, (PID 45294634).**

**4.0 DISCUSSION**

The property is in the Falmouth Growth Centre and is designated Residential on the Generalized Future Land Use Map of the Municipal Planning Strategy (MPS) and zoned Single Unit Residential (R-1) on the Zoning Map of the Land Use By-law (LUB).

#### 4.1 Development Agreement

Section 13 (c) of the Development Agreement states that: *"The Agreement may be discharged by the Municipality by resolution of Council: ...*

(c) *at any time upon the written request of the Owners, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into".*

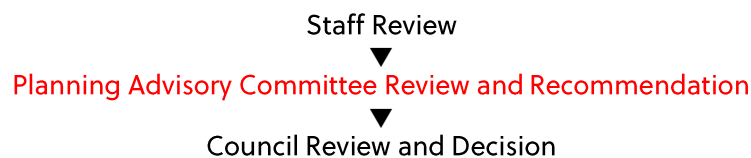
#### 4.2 Land Use By Law

Staff have visited the property and determined that the present and intended residential use of the property is in accordance with the LUB.

#### 5.0 CONCLUSION

As noted above, the proposed discharge has been considered within the context of both the Development Agreement and the Land Use By-Law. As a result, it is reasonable to consider approving the discharge of the Development Agreement at 584 Town Road (PID 45294634) Falmouth, West Hants.

#### 6.0 PROCESS



#### 7.0 OPTIONS

In response to the application, PAC may recommend that Council:

- follow the process to discharge the Development Agreement as drafted in the discharge or as specifically revised by direction of PAC;
- refuse to discharge the Development Agreement requested, providing a specific reason for refusal; or
- provide alternative direction, such as requesting further information on a specific topic.

**8.0 APPENDICES**

Appendix A Draft Discharge

---

Report Approved by: Madelyn LeMay, Director of Planning and Development

**Appendix "A"**  
**Draft Discharge**

This DISCHARGE OF DEVELOPMENT AGREEMENT made this DAY, MONTH, YEAR

**BETWEEN:**

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS** a body corporate,  
hereinafter called the "Municipality" of the one part

-and-

**PAMELA ARCHIBALD AND SHIRLEY MERCER**, Owners of 584 Town Road,  
Falmouth (PID 45294634), hereinafter called the "Owner" of the other part

**WHEREAS** the parties hereto entered into a development agreement dated March 21<sup>st</sup> 2011 and recorded at the Registry of Deeds, Nova Scotia on March 25<sup>th</sup>, 2011 as document 98009120;

**AND WHEREAS** the Owner has requested that the Municipality discharge the Development Agreement;

**AND WHEREAS** pursuant to Section 229 of the *Municipal Government Act*, on DATE, Council of the Municipality approved this request;

**NOW THIS Discharge** witnesseth that in consideration of the foregoing recitals and pursuant to the development agreement hereinbefore referred to, that the Municipality of the District of West Hants hereby terminates and discharges the said development agreement and hereby gives notice that the terms of the Land Use By-law of the Municipality of the District of West Hants shall apply with respect to the lands referred to in the development agreement.

**IN WITNESSETH WHEREOF** the Municipality has caused this discharge to be executed by its proper officers and has caused its seal to be affixed hereto.

**SIGNED, SEALED AND DELIVERED**

In the presence of:

**MUNICIPALITY OF THE DISTRICT OF**

**WEST HANTS**

)

)

)

\_\_\_\_\_) Per: \_\_\_\_\_  
Witness ) Warden

)  
\_\_\_\_\_) Per: \_\_\_\_\_  
Witness ) Municipal Clerk  
)

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**I CERTIFY THAT ON THIS**                      day of                      , A.D. 2017, **THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS**, executed the foregoing instrument and affixed its corporate seal thereto in my presence by its duly authorized Officers and that I signed such instrument as witness to such execution.

---

A Commissioner of the Supreme Court of Nova Scotia

**PROVINCE OF NOVA SCOTIA  
COUNTY OF HANTS**

**I CERTIFY THAT ON THIS**                      day of                      , A.D. 2017, **THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS**, executed the foregoing instrument and affixed its corporate seal thereto in my presence by its duly authorized Officers and that I signed such instrument as witness to such execution.

---

A Commissioner of the Supreme Court of Nova Scotia