



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	May 7, 2014
SUBJECT/REPORT NO:	Lease Extension with Community Living Hamilton – 91 Kentley Drive, Hamilton (PED14090) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Darlene Cole (905) 546-2424 Ext. 7910
SUBMITTED BY:	Neil Everson Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Council approve the City of Hamilton entering into a new Lease Agreement with Community Living Hamilton for the property known as 91 Kentley Drive, as shown on Appendix “A” attached to Report PED14090, for a 20 year term at the nominal consideration of \$1 per annum;
- (b) That the Mayor and Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor and subject to all taxes being paid in full unless otherwise directed by the General Manager of Finance and Corporate Services.

EXECUTIVE SUMMARY

Community Living Hamilton (formerly Hamilton Association for Community Living) owns and occupies an 11 unit residential building at 91 Kentley Drive. The underlying real estate (0.46 acres) is owned by the City and is leased to Community Living Hamilton on a long term basis, at nominal consideration. The Lease has expired and Community Living Hamilton is requesting the City to renew the ground lease based on the same terms and conditions as previous renewals, specifically for 20 years at \$1 per annum.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: No financial implications.

Staffing: There are no staffing implications arising out of this recommendation.

Legal: Legal Services will be involved in the development of the Lease Agreement as to form, and will continue its involvement until the lease transaction is completed.

HISTORICAL BACKGROUND

91 Kentley Drive is a special use facility built on City land (0.46 acres) at the corner of Kentley Drive and Nash Road North in the Kentley Neighbourhood. The property is improved with a two-storey brick, 11 unit residential building. The building was developed by “The Hamilton and District Association for the Mentally Retarded” on City land pursuant to Council direction in 1980, by which the residence would be built pursuant to The Homes for Retarded Persons Act, 1980, for the purpose of providing housing for intellectually challenged adults residing in Hamilton. As a partner in this development, the City’s land was offered as a renewable ground lease in support of this facility.

The first 20 year lease term expired on August 1, 1990. As each term expired, the Lease was renewed on the same long term basis, the latest term having expired on July 31, 2010. Now on overhold, Community Living has confirmed it wishes to renew the Lease as there are no plans to close or relocate this residence. All capital repairs are covered by the Ministry of Community and Social Services.

The surrounding neighbourhood is residential in nature, developed primarily with single-family detached dwellings. Immediately opposite 91 Kentley Drive is the Sam Manson Park and to the north one block is the Eastlawn Cemetery.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Recommendation (a) to Report PED14090 is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by Council on November 24, 2004, to lease property for other than market value if such an arrangement is deemed by Council to be in the public interest.

RELEVANT CONSULTATION

- Ward Councillor;
- Portfolio Management Committee; and
- Corporate Services, Financial Planning and Policy Division.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

This building houses developmentally challenged residents of Hamilton, some of whom form part of the working group in the Community Living Hamilton facility at 191 York Boulevard. Staff recommends that the City grant Community Living Hamilton a long term lease extension at nominal consideration.

Accordingly, Council approval is being requested to approve a 20 year lease at \$1 per annum, on the same terms and conditions as in previous renewals of this Lease.

ALTERNATIVES FOR CONSIDERATION

From the outset, the City supported the development of its land for this special use which is still populated today. The land/building are well maintained, the premises are compliant with the Accessibility for Ontarians with Disabilities Act (AODA), and the residents are safely accommodated in an established residential neighbourhood. There are no plans by Community Living to close or relocate this facility. As long as their intent is to remain, it is highly unlikely that anyone could make a strong enough case to warrant a staff recommendation to relocate Community Living from this parcel of land.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

- 3.1 Engage in a range of inter-governmental relations (IGR) work that will advance partnerships and projects that benefit the City of Hamilton.
- 3.2 Build organizational capacity to ensure the City has a skilled workforce that is capable and enabled to deliver its business objectives.
- 3.3 Improve employee engagement.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED14090 - Location Map

DC/sd