



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	October 16, 2017
SUBJECT/REPORT NO:	Aviary, 85 Oak Knoll Drive, Churchill Park (PW17080) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Le' Ann Seely, OALA Manager, Forestry and Horticulture (905) 546-2424 Extension 3919
SUBMITTED BY:	Craig Murdoch, B. Sc. Director, Environmental Services Division Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the birds living at the Aviary, located at 85 Oak Knoll Drive, Churchill Park, be re-homed by the Animal Control Section, Building & Licensing Division, Planning and Development Department commencing January 15, 2018 in accordance with the Re-Homing Plan attached as Appendix A attached to Report PW17080;
- (b) That the Director of the Environmental Services Division be authorized to take all steps necessary, including terminating the 1992 agreement with the Friends of the Aviary, with respect to closing the Aviary when the birds are re-homed.

EXECUTIVE SUMMARY

The Aviary is located in a converted house at 85 Oak Knoll Drive, in Churchill Park, which is owned by the Royal Botanical Gardens (RBG) and leased to the City. The converted house was intended to be a temporary home when the birds were moved there in 1996, after the Fire Hall they were temporarily housed in was sold. As a potential permanent home, a new Aviary building was considered as part of the Gage Park Master Plan; however, funding such a building was not supported by Council when the plan was presented in 2010.

The converted house has received basic maintenance over the years, however has reached a point where such repairs are frequent, costly, and insufficient to address the overall decline of the structure. This has been highlighted by an Ontario Society for the

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Prevention of Cruelty to Animals(OSPCA) order dated August 22, 2017, which requires work to address a notable mice infestation, as well as the installation of full spectrum lighting.

As a result of this, and that the Aviary being a “closed” one, which is intended to function only for the duration of the lives of the existing birds, staff is recommending the birds be re-homed, using the expertise of Animal Control Services. New homes will be with rescue organizations or individuals that have the required knowledge and facilities to care for the birds properly. Animal Control Services has the experience and ability to successfully find new and more appropriate homes for the birds. Once the birds are re-homed, the Aviary will be closed at an operating budget savings of \$22,000 annually.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Closing the Aviary will result in an annual operating budget savings of \$22,000. This has been used to date to provide food and veterinary care for the birds, as well as to undertake minor building repairs. This budget has also recently been used to cover staff time that has been required to provide basic care for the birds. The budget was not intended for this, as the original agreement with volunteers was that 100% of time required to care for birds was to be provided by volunteers, which has proved insufficient to meet necessities of life for the birds. From August 21 to October 9 staff costs from the Horticulture Section are \$6,495. Additional costs to cover the Aviary until the week of January 29, 2018 are projected to be \$21,200.

The City lease of RBG land at Churchill Park is not applicable to the financial implication of this report.

Staffing: One existing staff person from Animal Control Services, as well as one from the Horticulture Section have been required to attend the Aviary building seven days per week, as a temporary measure, in order to provide the birds with the necessities of life. This staff coverage is a pressure within each unit, as neither group’s workforce is intended for regular attendance at the Aviary. Regardless, they have been assigned to the Aviary until its closure to ensure the birds are cared for properly until they can be re-homed, with the understanding that this will be expedited as per the recommendations of Report PW17080.

Legal: Legal implications are addressed in Report LS17033.

HISTORICAL BACKGROUND

The City of Hamilton oversees the operation of an Aviary located in a converted house within Churchill Park at 85 Oak Knoll Drive. The Aviary was moved to the converted house as a temporary location, when its first temporary location, an unused Fire Hall, was sold in 1996. Prior to being located in the Fire Hall, the Aviary had operated out of Dundurn Castle. During that time an agreement was entered into (in 1992) whereby bird care would be the responsibility of the volunteer group called The Friends of the Aviary, and the City would provide funding for food. In 1995, when Dundurn Castle was being extensively renovated, the Aviary was moved out to the temporary Fire Hall location.

In 2010, report PW10033 brought forward the Gage Park Master Plan, recognized that the Aviary had not had a permanent home since 1995 and that the converted house was outdated, requiring extensive repairs. At that time, the hard costs associated with those repairs were estimated at \$320,000. When Council considered the Gage Park Master Plan, it decided not to proceed with several proposed elements, including a new permanent Aviary structure. As such, the Aviary has remained in the converted house. A current estimate from the Strategic Planning, Capital and Compliance Section of Energy, Fleet and Facility Management Division (Facilities) staff suggests the work required to rebuild the converted house into a facility that meets the basic requirements of an aviary, would require a capital investment of approximately \$1.5 million plus approximately \$500,000 in design, approvals, and construction administration costs.

The Aviary has been “closed” for several years, meaning no new birds are accepted and no birds are bred there. As such, its function is to care for its current population of 65 birds, with the flock becoming smaller and the Aviary operation winding down as these birds die. This is a responsible option chosen by The Friends of the Aviary so as to not contribute to the problem of long-lived exotic birds becoming homeless.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None

RELEVANT CONSULTATION

The OSPCA was asked to comment on the existing conditions of the Aviary, resulting in a site visit. On August 22, 2017, the OSPCA submitted an order to the City stating that if birds are to remain at the existing location, work must be done to address a notable mice infestation, as well as to install full spectrum lighting.

Animal Control Services has been involved, assisting with the current situation by attending the site to assist with care and transport of birds to and from Veterinarian

appointments. Animal Control Services has also been consulted on the re-homing plan for the birds as per the Responsible Animal Ownership By-law.

Facilities has been consulted on the cost to rebuild the converted home into a facility that meets the basic requirements of an Aviary if the birds were to stay in the current location. Facilities notes that with this building being leased from the RBG who owns the Churchill Park lands, a large capital commitment to extensively renovate would typically not be supported. Capital upgrades are normally the responsibility of the owner. Facilities has also noted that there are currently no suitable City facilities to move the Aviary to.

Legal Services has been involved in interpretation of the 1992 agreement, as well how to wind down the Aviary.

The Ward Councillor has been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Recently, concerns have been raised about the care of the birds at the Aviary. Staff has followed up on these concerns and is ensuring the birds receive proper care. However, in the process of following up, it has become apparent that the condition of the converted house is deteriorating and that it will become increasingly expensive to maintain. In addition, as explained in the 2010 Gage Park Master Plan, the converted house needs not only maintenance, but extensive updating. This has been highlighted by an OSPCA order dated August 22, 2017, requiring that work be done to the building to address the mice infestation, and to install proper lighting. Mice are gaining access through numerous gaps in the exterior and interior walls, due to life cycle deterioration of the structure.

Many of the Aviary's birds will live for several decades, most certainly outliving the converted house unless it is extensively updated. As such, it is recommended that the birds be re-homed according to the Re-Homing Plan in Appendix A attached to Report PW17080 which ensures their continued care throughout their lifetimes. The birds will be placed with rescue organizations and individuals that have the required knowledge and premises to care for them. Animal Control Services has extensive experience in re-homing impounded birds and approves the organizations and individuals as animal foster homes in accordance with the Responsible Animal Ownership By-law.

If possible, the birds will be re-homed with organizations and individuals who agree to return them during a three-year period of time commencing January 15, 2018. This three-year period is intended to give the volunteer community the opportunity to establish a private aviary, with a sustainable business plan, independent of the City of Hamilton, should they wish to do so. It would allow for birds to be moved to such a

private aviary, while ensuring they always have proper care. This arrangement will depend on the willingness of the organizations and individuals, who will be making a financial and emotional investment in the birds, to enter into a temporary arrangement. Where a willing organization or individual cannot be found, the birds will be rehomed on a permanent rather than temporary basis.

ALTERNATIVES FOR CONSIDERATION

Staff could be directed to report back on the capital and operating costs of extensively renovating the existing building, or construction of a new permanent home for the birds. With this option, the existing birds still need to be re-homed until a decision is made, as the existing facility is not suitable. Also, extensive renovations to the existing building, or construction of a new building, are high-cost, long-term solutions to an immediate and temporary issue. This Aviary functions as a “closed” Aviary, which means it serves to function only for the duration of the lives of the existing flock.

Staff could be directed to investigate and report back on whether or not there is another City facility that could serve as an aviary. With this option, the existing birds still need to be re-homed until a decision is made, as the existing facility is not suitable.

Staff do not suggest the above alternatives for consideration as they would delay the permanent re-homing of the birds, which is recognized as not being in the best interest of the birds’ well-being. Recommendations within this report focus on the well-being of the existing flock of birds.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix A – Re-Homing Plan, Aviary, Churchill Park