



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	April 17, 2019
<b>SUBJECT/REPORT NO:</b>	Navy League Licence Agreement-Barton Community Hub (PED19077) (Ward 2)
<b>WARD(S) AFFECTED:</b>	Ward 2
<b>PREPARED BY:</b>	David McCullagh (905) 546-2424 Ext. 1647
<b>SUBMITTED BY:</b>	Glen Norton Director, Economic Development Planning and Economic Development Department
<b>SIGNATURE:</b>	

Discussion of Confidential Appendix “B” – Business Terms and Conditions to Report PED19077 in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the *Ontario Municipal Act, 2001*:

- A proposed or pending acquisition or disposition of land for City purposes;

**RECOMMENDATION**

- (a) That a Licence Agreement between the City of Hamilton (Licensor) and the Navy League of Canada (Licensee) for the use of a portion of the Barton Community Hub, as shown in Appendix “A” attached to Report PED19077 based substantially on the terms and conditions outlined in Confidential Appendix “B” attached to Report PED19077, and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Licensor, be authorized to provide any consents, approvals and notices related to the subject Licence Agreement herein outlined;
- (c) That the City Solicitor be authorized to revise, amend and waive terms of the License Agreement as she considers appropriate;

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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- (d) That the Real Estate and Legal fees of \$1,500 be funded from Account No. 55778-790016 and credited to Account No. 45408-812036;
- (e) That the Mayor and Clerk be authorized and directed to execute the Licence Agreement and all other necessary associated documents, in a form satisfactory to the City Solicitor;
- (f) That Confidential Appendix “B” – Business Terms and Conditions to this Report PED19077 remain confidential until completion of the real estate transaction.

**EXECUTIVE SUMMARY**

The Navy League of Canada (“Navy League”) has, over the past decades, occupied and run its programs out of a City owned stand-alone building located on Pier 8. Over this same period, the Navy League benefited from an ongoing nominal value occupancy agreement that required the Navy League to cover the costs of utilities and maintenance.

In 2018, as part of its redevelopment of the Hamilton Waterfront, the City required the Navy League to vacate its location on Pier 8 for the demolition of the building.

The City assisted the Navy League in finding a new home within the newly constructed Barton-Tiffany Community Hub as located and depicted in Appendix “A” attached to Report PED19077 thus enabling the Navy League to continue to offer its community-based programming in Hamilton. Subsequently, the Navy League and City Real Estate staff, (in consultation with Facilities staff), has negotiated the terms of a nominal value Licence Agreement substantially on the terms and conditions outlined in Confidential Appendix “B” attached to Report PED19077 for the Navy League’s shared use of the Barton-Tiffany Community Hub. This Report PED19077 seeks approval of this Licence Agreement.

As this Report deals with the proposed disposition of City property by way of a Licence Agreement, it is appropriate that the business terms and conditions of the agreement be discussed in closed session pursuant to section 239(2) of the *Municipal Act*.

***Alternatives for Consideration – See Page 4***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: As outlined in Confidential Appendix “B” attached to Report PED19077. Fees payable outlined in Confidential Appendix “B” attached to Report PED19077 will be received into Account No. 46000-790016;

Real Estate and Legal fees of \$1,500 will be credited to Account No. 45408-812036.

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Staffing: N/A

Legal: Legal Services will be required to assist in the preparation of the necessary documents required to complete this transaction.

## **HISTORICAL BACKGROUND**

The City is undertaking a major redevelopment of its waterfront, and in particular the area known as the West Harbour pursuant to the City's West Harbour (Setting Sail) Secondary Plan dated June 2012. This redevelopment has required the demolition of the building occupied by the Navy League on Pier 8 and thereby the Navy League having to give up and vacate the building.

Council at its meeting of July 14, 2017 in its approval of General Issues Committee Report 17-015, approved the West Harbour Subcommittee Report 17-002 - Funding for the Adaptive Re-Use of a portion of the Barton Street Works Facility for Public Use (Item 9.2). The adaptive re-use of that facility includes provision of space.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

This recommendation is consistent with the City's Real Estate Portfolio Management Strategy Plan as approved by City Council on November 24, 2004 and the Procedural By-law for the Sale of Land, By Law No. 14-204.

The programs offered by the Navy League and its use of space within the Barton-Tiffany Community Hub is consistent with the City's vision for the Barton-Tiffany neighbourhood and uses within the Barton-Tiffany Community Hub.

## **RELEVANT CONSULTATION**

- Planning and Economic Development Department, General Manager's Office, West Harbour Development Office;
- Corporate Services, Finance and Administration and Revenue Generation, Finance and Administration;
- Public Works Department, Energy Fleet and Facilities Management, Facility Planning and Business Support; and,
- Corporate Services, Legal and Risk Management Services, Legal Services.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The Navy League was established in 1895 to promote an interest in Maritime Affairs throughout Canada. The Navy League has over the years developed its current community-based Cadet programming focusing on leadership, citizenship, discipline, and respect.

The Navy League, as a not-for-profit body, is not a military organization, or a program developed to train for naval or any military forces. While operating its programs throughout Canada, benefitting many young Canadians, the Navy League has maintained its program presence in Hamilton for a number of decades in a stand-alone building located on Pier 8.

The City of Hamilton, undertaking a major redevelopment of its waterfront, including the area known as Pier 8, required the Navy League to vacate and return the occupied stand-alone building back to the City of Hamilton for demolition.

Section A.6.3.5.2.6 of the Barton-Tiffany Urban Design Study and approval of Report PED14164 directed staff to pursue “The adaptive re-use of all or a portion of the Barton Street Works building for recreational or other public uses”. Upon completion, the new Barton-Tiffany Community Hub will provide space for the Navy League and allow it to continue offering its community-based programming in the City of Hamilton.

The recommendations in this Report PED19077 are consistent with the City’s vision for the Barton-Tiffany neighbourhood, uses within the Barton-Tiffany Community Hub and supportive of the ongoing work of the not-for-profit Navy League and its continued offering of community-based programs.

## **ALTERNATIVES FOR CONSIDERATION**

Failure to secure a suitable location for the Navy League as contemplated by the subject Licence Agreement, the Navy League will have to source another location in which to operate its community-based programming.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Plan and Key Map  
Confidential Appendix "B" – Business Terms and Conditions

DM/sd