




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	School Board Property Sub-Committee
COMMITTEE DATE:	April 12, 2021
SUBJECT/REPORT NO:	Hamilton-Wentworth District School Board Property at 441 Old Brock Road, Flamborough (PED21068) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Craig Hamilton (905) 546-2424 Ext. 4114
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 441 Old Brock Road, Flamborough, as shown on Appendix "A" attached to Report PED21068;
- (b) That staff be directed to advise the HWDSB of the City of Hamilton's site development requirements as identified in Appendix "B" attached to Report PED21068.

EXECUTIVE SUMMARY

On February 2, 2021, pursuant to O.Reg 444/98, the Hamilton-Wentworth District School Board (HWDSB) submitted to the City a proposal to sell its property located at 441 Old Brock Road, Flamborough, as shown and legally described in Appendix "A" (the "Subject Property"). The Subject Property is an approximately 8.34-acre parcel of land and is improved with a school building having a building area of approximately 32,485 ft². The Subject Property was previously known as "Spencer Valley Elementary School".

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Based on circulation of the property to stakeholders, and consideration by Portfolio Management Committee (PMC), the potential acquisition of the subject property is deemed not in the interest of the City.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

At the June 5, 2012, Planning Committee and subsequent City Council meeting of June 13, 2012, a motion was approved to establish a Sub-committee of City Council to review those school board properties being declared surplus for disposition by a school board and report back to the General Issues Committee (GIC) with recommendations, including a financial strategy for potential acquisitions.

On February 2, 2021, HWDSB provided written notice to the City of its Proposal to Sell Real Property located at 441 Old Brock Road, Flamborough, in accordance with Ontario Regulation 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB as to whether they have an interest in acquiring the property.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The HWDSB, like other school boards in the Province, follows a formal established property disposal protocol for surplus Board owned properties that are intended to be sold, as governed by Section 194(3) of the *Ontario Education Act* and Ontario Regulation 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agents including the City (as per Ontario Regulation 444/98).

City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition states “*Property will be acquired in support of an approved program only. A budget item must be approved for the program, including the costs of the real property and operational impact, before action is taken to acquire property.*”

In keeping with general municipal protocol related to potential surplus school sites, the School Board Sub-Committee is to establish and recommend direction with respect to all surplus school sites that may come available.

RELEVANT CONSULTATION

On February 12, 2021, Real Estate staff circulated a memorandum to all City Departments and relevant stakeholders concerning the HWDSB's proposal to sell its property at 441 Old Brock Road, Flamborough, in order to elicit their comments or interest in acquisition of the property. There was no program interest expressed in this property.

On March 18, 2021, the Portfolio Management Committee (PMC) considered the outcome of the internal circulation and does not support the acquisition of the Subject Property, due to there being no departmental interest or any approved program to support the acquisition.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 8.34-acre parcel of land, improved with a school building having a building area of approximately 32,485 ft², being previously known as "Spencer Valley Elementary School". The Subject Property is located on the west side of Old Brock Road, south of Highway No. 5 West.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004) for property acquisition, property shall only be acquired to support an approved program. The approved program must have an approved budget item that includes the costs of the real property and its operational impact. Given the results of the consultation noted in the Relevant Consultation section of this Report, there is no approved program to support the acquisition and operation of the Subject Property and thus no justification to acquire the Subject Property.

City Divisions have provided valuable information respecting guidelines for the future use of the site, the relevant comments are summarized in Appendix "B" and staff will share these comments with the HWDSB.

ALTERNATIVES FOR CONSIDERATION – N/A

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map to Report PED21068

Appendix "B" – Site Development Requirements to Report PED21068

CH:sd