




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 1886 Governor's Road, Ancaster (PED21069) (Ward 12)
WARD(S) AFFECTED:	Ward 12
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 1886 Governor's Road, Ancaster, as shown on Appendix "A" attached to Report PED21069;
- (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 PED21069.

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 1886 Governor's Road, Ancaster, as shown and legally described in Appendix "A" attached to this Report (the "Subject Property"). The Subject Property is an approximately 7.39-acre parcel of land and is improved with a school building having a gross floor area of approximately 19,558 ft². The Subject Property was previously known as "Queen's Rangers Elementary School".

Real Estate staff circulated internal stakeholders, including the local Ward Councillor to determine if there was any departmental/program interest in the acquisition of the

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Subject Property. No internal departmental interest was expressed; however, the Ward Councillor expressed local community interest in its acquisition, which would be via a potential partnership/funding opportunity with a local community organization.

Pursuant to the City Council adopted principles (Portfolio Management Strategy, 2004), for property acquisition, property shall only be acquired to support an approved program. There is no approved program or budget to support the acquisition and operation of the Subject Property. Staff recommend that the City of Hamilton not pursue acquisition of the Subject Property.

Alternatives for Consideration – See Page 4

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 the Subject Property, in accordance with O.Reg 444/98. The City and other preferred agencies have 90 days to respond to the HWDSB if they have an interest in potentially 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 O.Reg 444/98. Under this protocol, the HWDSB circulates notice of the proposed property sale to preferred agencies, including the City.

At the current stage, the HWDSB has circulated a Proposal to Sell to the preferred agencies, which includes the City. Pursuant to O.Reg 444/98, the City must respond to

the HWDSB proposal within 90 days, expressing its potential interest in acquiring the Subject Property. Submission within the prescribed timeline maintains the City's eligibility to submit an offer to purchase, pursuant to the process outlined in O.Reg 444/98.

Subsequent to a submission of the City's expression of interest in acquiring the Subject Property, pursuant to O.Reg 444/98 an offer to purchase at fair market value, must be submitted to the HWDSB within 180 days of the initial Proposal to Sell sent by the HWDSB on February 2, 2021. The City is not obligated to submit an offer to purchase and it may retract its interest in the Subject Property.

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 City Departments and relevant stakeholders to elicit their comments and/or interests in acquiring the Subject Property. There was no departmental interest expressed in the acquisition of the Subject Property. The Ward Councillor indicated community interest in the Subject Property, via a potential partnership/funding opportunity with a local community organization.

On March 18, 2021, the Portfolio Management Committee (PMC) considered the outcomes 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 of the Subject Property.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Subject Property being offered for sale is an approximately 7.39-acre parcel of land, improved with a school building having a gross floor area of approximately 19,558 ft², being previously known as "Queen's Rangers Elementary School". The Subject Property is located at 1886 Governor's Road, Ancaster, as shown and legally described in Appendix "A" attached to this Report.

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.

ALTERNATIVES FOR CONSIDERATION

Given that the local Ward Councillor expressed an interest in the Subject Property for a community use, via a potential partnership opportunity with a local community organization; and that staff haven't had an opportunity to discuss viability/merits of the proposed framework, the School Board Sub-Committee could instead recommend that:

- (a) Staff be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has an interest in the potential acquisition of the property located at 1886 Governor's Road, Ancaster, as shown and legally described on Appendix "A" attached to Report PED21069; and,
- (b) That staff be authorized and directed, in conjunction with the local Councillor, to determine the feasibility of a partnership in the potential acquisition of the Subject Property, and report back to the Affordable Housing Site Selection Subcommittee on a recommended strategy for acquisition of HWDSB lands located at 1886 Governor's Road, Ancaster, as shown and legally described on Appendix "A" attached to Report PED21069, should a viable proposition exist with no costs to be incurred by the City.

If the City does not submit an expression of interest by the May 2, 2021 deadline, it will forfeit its ability to participate further in the O.Reg 444/98 disposal process. This alternative consideration would allow staff the opportunity to discuss viability/merits of the local community organizations proposed framework, undertake further due diligence of the Subject Property, and to report back to the School Board Sub-Committee if there is a viable acquisition/operational strategy deemed to be in the best interest of the City.

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 PED21069

Appendix "B" – Site Development Requirements to Report PED21069

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