SUBJECT: Declaration of Surplus Property - 6 Tristan Court, Flamborough, Described as Block 9 on Plan 62M-604 in the Former Geographic Township of East Flamborough, now in the City of Hamilton (PED06200) (Ward 15)

RECOMMENDATION:

(a) That the lands identified as being part of Lot 9, Concession 3, in the former Geographic Township of East Flamborough, now in the City of Hamilton, designated as Block 9 on Subdivision Plan 62M-604 and known municipally as 6 Tristan Court (as shown on Appendix ‘A’ to Report PED06200), having an area of approximately 600 square metres, be declared surplus to the requirements of the City.

(b) That the Development and Real Estate Division be directed to seek a minor variance at the Committee of Adjustment to allow relief from the lot area provisions of the Zoning By-law and a reduction in the rear yard requirements to enable construction of a single detached dwelling on the subject lands comparative with the character of the existing homes in the immediate area, and charge any costs to account number 59259-3560150200.

(c) That following final variance approval set out in Recommendation (b) above, the Development Engineering Section of the Development and Real Estate Division be directed to retain a contractor to disconnect and properly abandon both the existing 250mm sanitary sewer stub and the 150mm watermain leading to the subject property at the respective mains, and charge this work to Account number 59259-3560150200.
EXECUTIVE SUMMARY:

The Real Estate Section of the Planning and Economic Development Department is seeking City Council’s approval to declare the subject lands surplus to the City’s requirements. Pursuant to such an approval, the Real Estate Section intends to sell the subject lands for market value on the open real estate market for the development of a single detached dwelling.

BACKGROUND:

The information and recommendation contained in this report primarily affects Ward 15.

The subject property is a parcel of vacant, flat land consisting of approximately 600 square metres (.148 acres) located on a cul-de-sac. Existing homes on this cul-de-sac are estimated to be valued in the $400,000 to $500,000 range. The immediate area is a mixture of newer townhouse development and single detached homes with some older single detached dwellings located to the south, closer to the mountain brow. There are a variety of commercial uses located along Dundas Street East to the north of the subject property. The subject parcel is located in a desirable, upscale, Waterdown neighbourhood.

Through amalgamation, the City of Hamilton became the owner of the subject parcel from the legacy municipality of the Town of Flamborough. In 1988, the Town of Flamborough required the developer of this subdivision, Tandi Construction Ltd., to dedicate the subject land to the Town for a possible future street extension. The subject property was eventually transferred to the Town on April 26, 1989. Through the 1990’s, various development proposals were considered by developers for the neighbourhood. While some of these proposals included the use of the subject land as a public highway, none of these particular proposals survived to fruition. Through this process of Committee, Council and OMB meetings, the residents of Tristan Court voiced their opinion that the subject land should be developed as a single detached dwelling and not used for a street extension.

When it became apparent that the subject land would not be used for a public highway, the developer tried to regain ownership of the subject lands from the municipality. This
process eventually led to a Court Case before the Ontario Superior Court of Justice. The decision rendered on August 16, 2005, denied the plaintiff (Tandi Construction Ltd.) any rights to a reconveyance of the subject lands.

With the resolution of these legalities, Real Estate staff completed a circulation to City Departments. The circulation was completed to ascertain if there was a municipal core use for these lands and to solicit comments with respect to the proposed disposal of the property. The circulation did not identify any municipal use for these lands.

Departmental comments from this circulation noted that should the City declare the subject property surplus, that both the existing 250mm sanitary sewer stub and the 150mm watermain under the subject property should be disconnected and properly abandoned at the respective mains prior to disposal of the property. These comments are addressed in Recommendation (c) of this report.

The subject lands is zoned R1 “Urban Residential (Single Detached) Zone”. Given the area of the subject lot is approximately 607 square metres and the minimum lot area required under the “R1” zoning is 665 square metres, a minor variance is required to permit the construction of a single detached dwelling consistent with the dwellings in the immediate neighbourhood. This requirement is addressed through Recommendation (b) of this report.

**ANALYSIS/RATIONALE:**

Approval of the recommendation by Council will authorize Real Estate staff to proceed with the disposal of the subject lands. Once the lands are sold, the City will no longer be liable for activities on this property or the associated maintenance costs. Once sold, the property will be assessed and taxed at the appropriate tax rate. The improvement of this property to a single detached dwelling consistent with the neighbourhood will satisfy the previous requirements of the immediate neighbours.

**ALTERNATIVES FOR CONSIDERATION:**

Given that there is no municipal core use for this property, the alternative to disposal is to retain the property as vacant land. Retention would result in the City continuing to pay the maintenance costs associated with this property.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:** The subject lands are to be sold at market value. The single detached residence to be developed on the site will be taxed at the appropriate tax rate.

**Staffing:** There are no identified staffing implications arising out of the recommendation.
Legal: Legal Services would be required to work with the Real Estate Section to complete the disposal of this property.

**POLICIES AFFECTING PROPOSAL:**

This recommendation is consistent with the Real Estate Management Portfolio Strategy Plan, as approved by City Council on November 24, 2004, and the “Procedural By-law for the Sale of Land”, By-law #04-299. By-law #04-299 notes that City Council must first declare surplus any lands to be disposed of by the City.

**RELEVANT CONSULTATION:**

Pursuant to the City of Hamilton Real Property Sale Procedural By-law 04-299, the Real Estate Section completed a circulation to the relevant City Departments requesting comments on the subject land. No municipal uses were identified for the subject property.

Comments received regarding the disconnection and abandonment of sewer and water line installations on the site are addressed in Recommendation (c). Comments received regarding the necessity of a minor variance are addressed in Recommendation (b).

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
A City of Growth and Opportunity.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Municipal decision-making, land use and zoning by-law controls are in place to identify and protect significant natural areas.

Economic Well-Being is enhanced. ☑ Yes ☐ No
A City that spends wisely and invests strategically. Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

:SGB
Attach. (1)