Council Direction:

At the Public Works, Infrastructure and Environment Committee meeting of May 15, 2006, staff were directed to meet with Mr. Dan Pope of Dansway International Transport Limited, and explain to him the reasons why the building located at 241 Stuart Street needs to be vacated and to work out a suitable time frame for his company to relocate. Staff were further directed to report back on the issue including whether the property is contaminated.

Information:

Pursuant to Council's direction, staff met with Mr. Pope at 241 Stuart Street to discuss the number of health and safety concerns and non-compliance issues, which may expose the City directly to liabilities arising from its role as a landlord. Legal Services and Risk Management have been made aware of the circumstances at 241 Stuart Street and are in full support of staff's position to vacate the building and lands in order to mitigate the liability and exposure to the City.

The Building Department (Zoning and Property Standards) and Fire Prevention were engaged to perform a cursory inspection of the site; Fire Prevention in particular, outlined deficiencies that required immediate attention if the building is to continue to be occupied.

In addition to Facilities preliminary condition assessment, there have been several environmental investigations done on the site. A study completed by Dillon Consulting on behalf of the City in the late '90s confirmed that the land at 241 Stuart Street is contaminated. The building contains asbestos on the steel structure and on mechanical equipment. There are suspect areas of mould and fungus infection, probably due to a high moisture penetration, which could be the result of a variety of sources. As there may be potential health risk(s) that these environmental conditions may have on the tenants or people visiting the facility, there is a duty to ensure that the site is safe as possible and that no one is put at undue risk of injury or illness. As a result, staff has
directed that the site be vacated within a reasonable timeframe (typically 60 days of notice) as per the lease agreements.

The City leases the above-stated property to 4 tenants, United Way, Theatre Aquarius, Hamilton Police Services and Dansway International Trucking Ltd. All four tenants have had a month-to-month leasing arrangement since the inception of each of their agreements. The United Way has already found an alternate location for their operation and are scheduled to move out by late July. Theatre Aquarius and Hamilton Police Services are both in search for new warehouse space and it is anticipated that both parties will be vacating the site by late summer. Staff continues to negotiate with Mr. Pope to determine a reasonable time to relocate their operation to another site.

Once the building is vacated, it is our intention to secure the building and site until a final decision is made with the future of the property.

If you have any questions in this regards, please contact Rom D'Angelo at extension 7006.

Scott Stewart, C.E.T.
General Manager
Public Works Department