

To: Economic and Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department

Report Number: ED-22-197

Date of Report: November 23, 2022

Date of Meeting: November 28, 2022

Subject: Declaration of Certain City-owned Land as Surplus on the West
Side of Haig Street, Known Municipally as 0 Haig Street

Ward: Ward 4

File: 12-14-2090

1.0 Purpose

The purpose of this Report is to recommend that the City-owned land located on the west side of Haig Street, directly north of 316 Haig Street and known municipally as “0 Haig Street” (the “Subject Site”) be declared surplus to municipal needs and requirements (see Attachments 1 and 2).

Attachment 1 is a map showing the location of the Subject Site and the existing zoning in the area.

Attachment 2 is an air photo of the Subject Site showing key site features and neighbouring properties.

Attachment 3 is a current photo of the Subject Site.

2.0 Recommendation

That the Economic and Development Services Committee recommend to City Council:

1. That pursuant to Report ED-22-197 dated November 23, 2022, the City-owned land located on the west side of Haig Street and known municipally as 0 Haig Street be declared surplus to municipal requirements and that the requirement to declare a City-owned property first as potentially surplus in accordance with By-law 97-2000, be waived given the localized nature of the matter.
2. That pursuant to Report ED-22-197 dated November 23, 2022, all notice requirements in accordance with By-law 97-2000 (e.g. newspaper ads) be waived given the localized

nature of Council's decision to declare the subject City-owned land located on the west side of Haig Street and known municipally as 0 Haig Street as surplus.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Community and Operations Services
- Commissioner, Corporate and Finance Services
- City Solicitor

5.0 Analysis

5.1 Background

Community and Operations Services staff have noted that they experience challenges maintaining the sidewalk along Haig Street, specifically in the area of the Subject Site, due to a leaning fence which has now been partially removed. After further inspection, staff noted that features associated with various properties surrounding the Subject Site are encroaching onto the City-owned land, and the leaning fence was not installed by the City. The encroaching features include wooden fencing, a large green house/shed, propane tanks, electrical services, and various gardens.

After discussions with City staff, two property owners encroaching onto the Subject Site have expressed an interest in either purchasing a portion of the Subject Site or entering into an agreement with the City to be able to continue to use the Subject Site (e.g. through a lease or encroachment agreement).

As of August 15, 2022, one of the property owners encroaching onto the City-owned land has removed their encroaching feature (a fence) and is no longer encroaching onto the City-owned land. This property owner has indicated that they have no interest in purchasing the City-owned land at this time.

5.2 Subject Site Details

The City owns the Subject Site, located on the west side of Haig Street, directly north of 316 Haig Street, and known municipally as "0 Haig Street."

The following are key details about the Subject Site:

- **Area:** Approximately 198.5 square metres (2131.3 sq. ft.)
- **Frontage:** Approximately 24.8 metres (81.4 ft.) along Haig Street
- **Official Plan Designation:** Residential

- **Zoning:** R1-E (Residential)
- **Use:** Vacant land containing encroachments from neighbouring properties
- **Adjacent Uses:**
 - North:** Open Space, Michael Starr Trail
 - South:** Single detached dwellings fronting Haig Street
 - East:** Michael Starr Trail
 - West:** Single detached dwellings fronting French Street
- **Other:** A road widening along Haig Street may be needed in the future if Haig Street is reconstructed. This will be addressed in a future disposal strategy report if the recommendation in this Report is adopted by Council.

5.3 Declaring City Land Potentially Surplus and Surplus

5.3.1 General Procedures

Before the City can dispose of any land, Council must declare the land surplus to municipal requirements.

The City's Real Estate Disposition By-law (By-law 97-2000) and best practices set out the following process for declaring any City holdings surplus to municipal requirements.

- Interested parties may approach the City from time to time with a request to purchase City land that has not been declared surplus to municipal requirements or the City may initiate the process itself;
- Requests are typically presented to the Economic and Development Services Committee for direction;
- In most cases, the Economic and Development Services Committee refers the request to staff for a report;
- The Economic and Development Services Department prepares an open session staff report to the Economic and Development Services Committee that includes a recommendation on whether the City lands should be declared potentially surplus;
- If Council determines that the City land might not be required for municipal purposes it deems the City land potentially surplus in open session;
- Staff place an ad in the local newspaper inviting the public to provide comments in response to the declaration of the City land as potentially surplus;
- The Economic and Development Services Department prepares an open session staff report outlining any public comments received in response to the ads and providing a

recommendation on whether the City land should be formally declared surplus to municipal requirements and disposed of; and

- Council makes a decision on whether to declare the City lands surplus and initiate a disposal process.

If, based on site specific circumstances or the localized nature of a matter, Council deems it appropriate to adjust the procedures set out above and included in By-law 97-2000, it may do so by resolution.

Given the localized nature of the matter, it is recommended that both the notice requirements and the requirement to declare a property as potentially surplus in accordance with By-law 97-2000 be waived. The disposal of City land, however, cannot occur unless the land has been formally declared surplus by Council resolution in open session.

5.3.2 Declaring the Subject Site as Surplus to Municipal Requirements

The Subject Site, as identified in Attachments 1 and 2, should be declared surplus to municipal requirements for the following key reasons:

- It is not required for any identified core City purpose;
- Its disposition would reduce risk and future maintenance costs for the City;
- The disposal of the land will generate revenue for the City;
- There is an interest by two abutting property owners in potentially acquiring the Subject Site; and,
- A road widening could be retained by the City in the event it is determined by Engineering Services that a road widening is required for future improvements to Haig Street.

Accordingly, it is recommended that the Subject Site located on the west side of Haig Street, known municipally as “0 Haig Street” and shown on Attachment 1, be declared surplus to municipal requirements.

5.4 Disposal of City Land Deemed Surplus

In the event Council ultimately and formally declares a site surplus, the Economic and Development Services Department would prepare a report for the Economic and Development Services Committee and Council that sets out a recommended disposal strategy for the surplus City lands. This disposal strategy would address such matters as: responsibilities (e.g. staff lead vs. a real estate agent/broker, etc.); the most appropriate method of disposal (e.g. direct sale, tender, requests for proposals, land exchange, etc.); the manner in which the sale price would be determined (e.g. one appraisal, more than one appraisal, letter of opinion, etc.); the best way to avoid or mitigate risk (e.g. the City does environmental studies/geotechnical studies/archaeological studies vs. sells “as is where is”), etc.

Once Council approves a disposal strategy, the Economic and Development Services Department would execute it and report back to the Economic and Development Services Committee and Council as appropriate.

6.0 Financial Implications

There are no financial implications related to the Recommendation of this Report.

7.0 Relationship to the Oshawa Strategic Plan

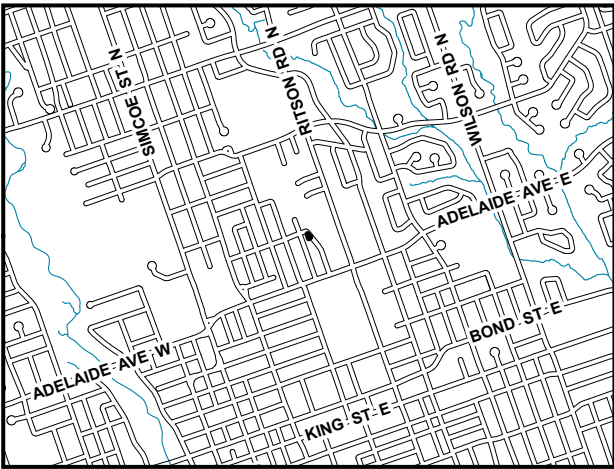
The Recommendation advances the Accountable Leadership and Economic Prosperity and Financial Stewardship goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Economic and Development Services Department



Item: ED-22-197
Attachment 1

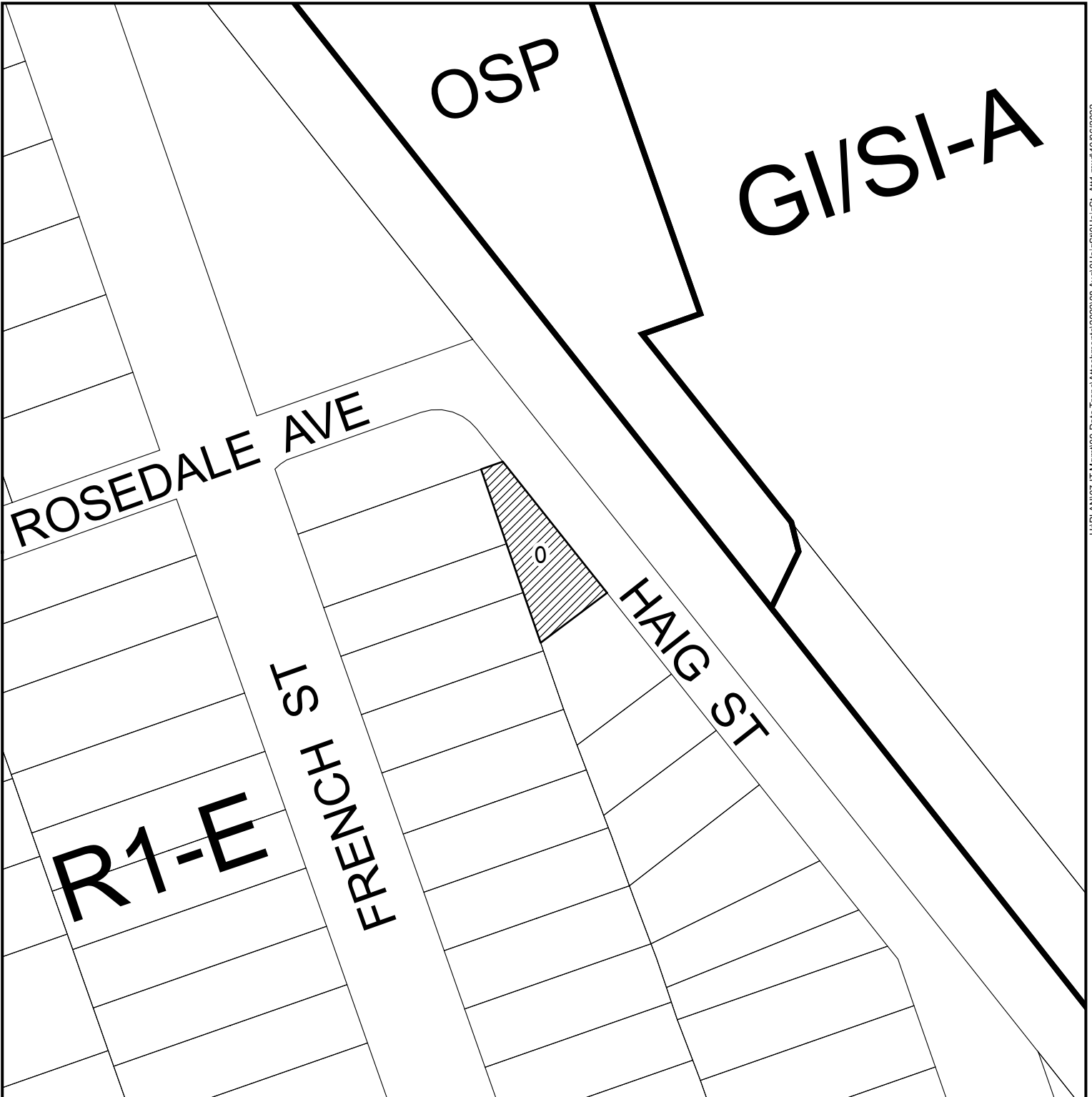
Economic & Development Services

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Subject Site 



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Attachment 2



 Subject Site

City of Oshawa
Economic & Development Services



ROSEDALE AVE

FRENCH ST

HAIG ST

0

Photo of the Subject Site

