

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10**  
**Halifax Regional Council**  
**July 18, 2017**

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

**SUBMITTED BY:** Amanda Whitewood, Director of Finance and Asset Management/CFO

**DATE:** May 30, 2017

**SUBJECT:** **Property Matter: Conveyance of Surplus Asset: Building Only – 4408 St. Margaret’s Bay Road, Lewis Lake, to the Estabrooks Community Hall**

---

## **INFORMATION REPORT**

### **ORIGIN**

2011 – Council approval to assign HRM's land lease with the Province of Nova Scotia to the Bay Road Community Hall Association.

2013 - An unsolicited request from the Bay Road Community Hall Association for unencumbered ownership of the former fire station building located at 4408 St. Margaret’s Bay Road, Lewis Lake, for the sum of \$1.00.

### **LEGISLATIVE AUTHORITY**

**Halifax Regional Municipality Charter**, S.N.S., 2008, c. 39, s. 11(1) *the powers of the Municipality are exercised by the Council.*

**Administrative Order Number 50 Respecting the Disposal of Surplus Real Property**, Clause 2(2): *The Municipality will dispose of real property Council determines is no longer required for purposes of the Municipality.*

**Conveyancing Act**, R.S., c. 97, s.13, *Except where a contrary intention appears by the conveyance, (d) a conveyance of any property right in land includes the buildings, easements, tenements, hereditaments and appurtenances belonging or in anywise appertaining to the property right.*

### **BACKGROUND**

The former HRM Fire Station #59 located at 4408 St. Margaret’s Bay Road, Lewis Lake, was constructed on 3.53 acres of land leased from the Province of Nova Scotia (Department of Natural Resources). After the station was de-commissioned Council approved an assignment of the Municipality’s land lease interest to the Bay Road Community Hall Association, a non-profit society incorporated on May 4, 2011, for the purpose of securing use of the property as a community hall. The provincial government’s consent to the

assignment of HRM's interest to the Association was conditional upon HRM warranting the removal of the building at the end of Association's use or expiry of the original lease agreement. The land lease expired August 31, 2016. On expiry of the lease, HRM's only options under its terms were to demolish or remove the building. Otherwise HRM did not acquire any ownership interest in the building which is affixed to the land.

In December, 2016, HRM received written notification from the Province of Nova Scotia waiving its requirement that HRM re-locate or demolish the building. The Province is conveying the land to the community association and the building will be included in this transaction pursuant to the Conveyancing Act. See: Attachment 1.

### **DISCUSSION**

It is in the mutual interest of HRM and the Estabrooks Community Hall to clearly confirm ownership of the building. The Association has been notified by HRM and sent a copy of the letter from the Department of Natural Resources.

### **FINANCIAL IMPLICATIONS**

There are no financial implications to HRM as a result of the conveyance.

The 2016 assessed value of the subject property is \$105,700 of which \$98,000 is assigned to the former fire hall building. Conveyance of title to the land by the Province will trigger a re-assessment based on the revised land area and marketability.

### **COMMUNITY ENGAGEMENT**

Not applicable. A less than market value sale is not an option because HRM does not own the land upon which the building is situated and due to size and construction method the building cannot be re-located.

### **ATTACHMENTS**

1. Letter from Nova Scotia Department of Natural Resources to Halifax Regional Municipality dated December 22, 2016.

---

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Peta-Jane Temple, Team Lead Grants & Contributions, Finance & ICT 902.490.5469;  
Chad Renouf, Real Estate Officer, Corporate Real Estate, Operations Support.

---

Attachment 1



Natural Resources  
Land Services Branch  
Acquisitions and Disposals

PO Box 698 Phone: (902) 424-4742  
1766 Hollis Street, 3<sup>rd</sup> Floor Fax: (902) 424-3173  
Halifax, NS B3J 2T9

By Email to [renoufe@halifax.ca](mailto:renoufe@halifax.ca)

December 22, 2016

HRM Real Estate & Land Management  
Attn: Chad Renouf, Real Estate Officer  
P.O. Box 1749  
Dartmouth, NS B3J 3A5

Dear Mr. Renouf:

By Lease No. 4257 dated June 27, 2000, lands at Lewis Lake were leased to Halifax Regional Municipality by Her Majesty the Queen for the purpose of maintaining a fire station and hall. As per Clause 8 of said Lease, there is an obligation for the Lessee (HRM) to "remove all equipment, buildings, structures and personal property immediately upon expiration of this Lease". As the lease is now fully expired and the said lands are in the process of being conveyed by Her Majesty the Queen to Estabrooks Community Hall, this email will serve as confirmation that HRM is hereby relieved of the obligation to remove the buildings and structures from the premises upon completion of this conveyance.

Sincerely,

Original Signed

Cindy Steele  
Manager, Acquisitions and Disposals

c Jody Nelson, Department of Natural Resources