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**Item No. 9.1.4**  
**Grants Committee**  
**November 4, 2019**

**TO:** Chair and Members of Grants Committee

**SUBMITTED BY:** Original Signed  
Denise Schofield, Director, Parks and Recreation

Original Signed  
Jacques Dubé, Chief Administrative Officer

**DATE:** October 23, 2019

**SUBJECT:** Less than Market Value Lease; Abenaki Aquatic Club, 22A Swanton Drive, Dartmouth

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**ORIGIN**

This report originates from staff and the requirement of the Halifax Regional Municipality to have a current lease agreement with any group or organization occupying or operating any portion of HRM Real Property.

**LEGISLATIVE AUTHORITY**

*HRM Charter Section*

63 (1) The Municipality may sell or lease property at a price less than market value to a non-profit organization that the Council considers to be carrying on an activity that is beneficial to the Municipality, and

(2) a resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the Council present and voting.

**RECOMMENDATION:**

It is recommended that the Grants Committee recommend that Halifax Regional Council authorize the Mayor and Municipal Clerk to execute a less than market value lease agreement with Abenaki Aquatic Club for the premises at 22A Swanton Drive, Dartmouth, a portion of PID #00219154, as per the key terms and conditions set out in Table 1 in the discussion section of this report.

**BACKGROUND**

Abenaki Aquatic Club is a registered non-profit organization that was founded in 1970 as the Bel Ayr Boat Club. It is located on a 1.8 acre parcel of HRM parkland on the shores of Bell Lake. It is operated by a Board of Directors. The site is used exclusively by its members for competitive and recreational padding, swimming and general recreational purposes. The Abenaki Aquatic Club and the former City of Dartmouth entered into a lease agreement in 1988 to permit the club's recreational activities on HRM owned parkland. Landscaping and maintenance of the buildings on the site and adequate insurance are the responsibility of the club.

The Abenaki Aquatic Club act as the main organizers and supporters of the Bell Lake facility clubhouse, beach area and water course. The club is responsible for all aspects of the facility. They support their membership through provision of kayaks, lifeguarded swimming, and all aspects of programming.

**DISCUSSION**

The current lease between HRM and Abenaki Aquatic Club that allows the facility to operate on HRM owned property has expired and is in a hold-over period.

Abenaki Aquatic Club have signed an Offer to Lease, subject to Municipal approvals. The lease area (Attachment 1) includes the footprint of the existing clubhouse building, boat sheds, sports court, beach area and a fenced grass field for land-based activities. The rent for the term of this agreement is a nominal amount of \$1.00 per annum which is less than market value. The potential Market Value Rent for the land represents an opportunity cost to the Municipality of \$34,000 per annum.

A less than market value lease is recommended as the club's programs and services align with HRM's council priority areas of fostering the growth of healthy and vibrant communities and specifically Healthy Livable Communities Council focus area. Without volunteers and clubs of this nature throughout the HRM providing this alternative service delivery, these types of offerings may not otherwise be provided. Therefore, a less than market value lease may be considered as it supports the provision of a service which offers benefit to the community.

The proposed Lease terms and conditions recommended by staff are outlined in Table 1.

**Table 1**

<b>Recommended Key Lease Terms &amp; Conditions</b>	
<b><i>Property Address</i></b>	22A Swanton Drive (a portion of PID 00219154)
<b><i>Landlord</i></b>	Halifax Regional Municipality
<b><i>Tenant</i></b>	Abenaki Aquatic Club
<b><i>Premises Area</i></b>	Approximately 60,000 square feet, actual area may be verified by survey
<b><i>Base Rent</i></b>	\$1.00 per annum plus additional charges as applicable
<b><i>Term</i></b>	Twenty (20) years (March 1, 2020 to the last day of February, 2040)
<b><i>Commencement Date</i></b>	March 1, 2020
<b><i>Permitted Use</i></b>	Abenaki Aquatic Club activities, facility rentals, community events and other related activities
<b><i>Property Tax</i></b>	The Tenant shall be responsible for any applicable property taxes based on assessed value resulting from their lease, plus applicable HST. HRM shall issue an invoice to the Club.
<b><i>Specific Conditions</i></b>	The tenant shall be responsible for: <ul style="list-style-type: none"><li>• all utilities including heat and power</li></ul>

	<ul style="list-style-type: none"> <li>• all maintenance and repairs to the building and docks, and all associated operating costs</li> <li>• alarm system related costs including monitoring and all false alarm charges</li> <li>• all landscaping maintenance including but not limited to mowing, trimming, raking, and litter removal for the leased area</li> <li>• regular garbage, recycling, compost, etc. removal from the site</li> <li>• maintain registered non-profit status with the Nova Scotia Registry of Joint Stocks</li> <li>• obtain HRM's consent for any proposed change of use</li> <li>• maintain Commercial General Liability insurance in the amount no less than \$5,000,000. If alcohol is served, stored or consumed on site then liquor liability must be included in the insurance which coverage must be satisfactory to HRM. HRM is to be named on the policies as additional insured</li> </ul> <p>The Landlord shall:</p> <ul style="list-style-type: none"> <li>• provide Abenaki Aquatic Club with access across HRM-owned lands</li> <li>• provide repairs to the driveway and parking lots</li> <li>• Maintenance/repairs of the pathway located outside the fenced area</li> <li>• Repairs/maintenance of the lighting standards located along the pathway</li> </ul>
<b>Condition</b>	The Tenant accepts the Premises on as "as is" basis
<b>Access</b>	HRM grants permission for the Tenant and their invitees to have access to the HRM owned lands PID #00219154 and access to the non-exclusive driveway and parking lot
<b>Notice</b>	Either party shall have the option to terminate this agreement upon providing 120 days written notice to the other party at any time and for any reason

**FINANCIAL IMPLICATIONS**

The rent for the term of this agreement is a nominal amount of \$1.00 per annum which is less than market value. The potential market value rent for the land represents an opportunity cost to the Municipality in the amount of \$34,000 per annum.

The tenant shall be responsible to pay property taxes as they fall due and are invoiced by HRM. Should Regional Council approve the inclusion of Abenaki Aquatic Club to Administrative Order 2014-001-ADM Tax Relief to Non-Profit Organizations, the amount offset will represent additional 'operating grant' from HRM.

**RISK CONSIDERATION**

The risks to HRM are considered low. By reducing the area of the lease to the area in immediate control of Abenaki Aquatic Club, it provides clear lines of responsibility. The risk associated with the building and activities carried on inside will be the responsibility of Abenaki Aquatic Club and they will be required to mitigate any risks to public use. There is a high probability that the opportunity cost to the municipality

identified in the financial implications of the report will increase by leasing the property for a less than market value rent over the 20-year term of the lease.

### **COMMUNITY ENGAGEMENT**

The Board of Directors for Abenaki Aquatic Club is made up of members of the community.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **ALTERNATIVES**

The Grants Committee could recommend that Halifax Regional Council change the amount of the lease or not authorize a less than market value lease for the premises. This would require additional negotiation with the group and may impact the future operation of the group.

### **ATTACHMENTS**

Attachment 1: Site Map & Lease Area

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

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# HALIFAX

## ATTACHMENT '1' SITE MAP & LEASE AREA Abenaki Aquatic Club

