

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

**SUBMITTED BY:** Original Signed  
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Cathie O'Toole, Chief Administrative Officer

**DATE:** March 10, 2023

**SUBJECT:** **31 Lister Drive, Bedford - Declaration of Surplus Real Property -  
Administrative Order 50**

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## SUPPLEMENTARY REPORT

### ORIGIN

- August 8, 2022, staff report regarding August 23, 2022, Regional Council Item 15.1.8 (Administrative Order 50 – Declaration of Surplus Real Property – Package 08.21); and
- August 23, 2022, Regional Council motion (Item No. 15.1.8):

MOVED by Councillor Outhit, seconded by Councillor Russell

THAT 31 Lister Drive, Bedford be removed from Attachment D of the staff report dated August 8, 2022, and referred to Administration for a supplementary report within the next three months.

MOTION TO AMEND PUT AND PASSED UNANIMOUSLY.

### LEGISLATIVE AUTHORITY

The Halifax Regional Municipality Charter, S.N.S. 2008, c.39, subsections 61(3), 61(5)(b), 63(1) through 63(5), and subsection 283(14) provide:

Powers of Municipality regarding property

61 (3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.

(5) The Municipality may:

(b) sell property at market value when the property is no longer required for the purposes of the Municipality;

**RECOMMENDATIONS ON PAGE 3**

Sale or lease of municipal property

- 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.
- (2) A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by a two-thirds majority of the Council present and voting.
- (3) Where the Council proposes to sell property referred to in subsection (1) valued at more than ten thousand dollars at less than market value, the Council shall first hold a public hearing respecting the sale.
- (4) The Council shall advertise the public hearing at least twice, in a newspaper circulating in the Municipality, the first notice to appear at least fourteen days before the hearing.
- (5) Notice of the public hearing shall include the date, time, and place of the hearing, the location of the real property or description of the tangible personal property, the estimated value of the property and the purpose of the sale.

#### Land or cash-in-lieu

- 283 (14) Where the Council determines that any land transferred pursuant to this Section may no longer be needed for parks, playgrounds or similar public purposes, the Council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the Municipality, by notice published in a newspaper circulating in the municipality at least fourteen days prior to the Council meeting at which a decision to sell will be made, and the proceeds must be used for parks, playgrounds and similar public purposes.

#### Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

#### In particular:

- 2 (2) The Municipality will dispose of real property Council determines is no longer required for the purposes of the Municipality. Staff will identify surplus properties by the following categories:
- (g) **Affordable Housing** Properties known to have potential for residential development respecting types of dwelling units and types of residential uses, were, in the opinion of Council:
- (i) community need, supportive infrastructure, and conditions for affordable housing are demonstrable, or
- (ii) there exists A. a higher market value cost for housing in certain areas, neighbourhoods or districts of the Municipality as compared to the rest of the Municipality, or B. a scarcity of housing types or residential uses, that limits property ownership or tenancy in the area where the property is located, or,
- (iii) the: A. future growth in any given area is anticipated to create demands for housing, and B. housing options through proposed development appear to be limited in variety and financial accessibility, and C. consideration for affordable housing would reasonably arise.

#### DISPOSAL METHODS

4. (1) Following Council approvals under Part 2, staff shall proceed to dispose of the properties as determined by category.

#### **Affordable Housing**

(5) This category of properties shall be disposed of through direct sale, or a call for submissions, open to eligible not-for-profit organizations meeting the submission requirements and program criteria established from time-to-time by the Director, or their designate, of the department of the Municipality that is responsible for planning and development

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Declare 31 Lister Drive, Bedford, as identified in Attachment A of this report, as surplus to municipal requirements; and
2. Categorize 31 Lister Drive, Bedford, as Affordable Housing, as identified in Attachment A of this report, pursuant to Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

## **BACKGROUND**

This Supplementary Report relates to Administrative Order 50, Declaration of Surplus Property – Package 08.21. The August 8, 2022, staff report,<sup>1</sup> previously considered by Regional Council, provides background and discussion on this item. On August 23, 2022, Regional Council considered declaring the subject property, 31 Lister Drive, Bedford, as surplus to municipal requirements and categorizing it as Affordable Housing, pursuant to Administrative Order Number 50.

During debate, Regional Council requested a supplementary report to respond to concerns related to the subject property and to allow additional time for investigation and consultation with the public (see Origin Section of this report for Regional Council motion). Through discussions with staff, the area Councillor (Councillor Outhit, District 16) raised questions regarding the adjacent Nova Scotia Power transmission lines and the safety of future residents living in proximity, should the subject property be developed. The Councillor also requested additional time to conduct consultation with residents in the area.

## **DISCUSSION**

The below provides staff responses to questions posed by Regional Council following discussion of 31 Lister Drive, Bedford, and the Surplus Property Report presented to Regional Council on August 23, 2022:

### **Human Exposure to Power Infrastructure**

The following information was identified following consultation with staff from the Environmental Risk and Compliance division. According to information provided by the Government of Canada, power lines and electrical products emit extremely low frequency electrical and magnetic fields (EMF). These fields are invisible waves that travel through space and exert force on charged particles. These fields are strongest at their source. As the distance from the source increases, the level of exposure rapidly decreases. When inside a building, the electrical fields from transformer boxes and high voltage power lines are often weaker than the fields from household electrical appliances.

The Government of Canada states that the potential health effects of extremely low frequency EMF has been studied extensively. While some people are concerned that long term exposure to extremely low frequency EMF may cause cancer, the scientific evidence does not support such claims.<sup>2</sup>

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<sup>1</sup> August 8, 2022, [Staff Report: Administrative Order 50 – Declaration of Surplus Real Property – Package 08.21](#)

<sup>2</sup> Government of Canada. (2022, Nov 1). *Power lines and electrical products: Extremely low frequency electric magnetic fields.* <https://www.canada.ca/en/health-canada/services/health-risks-safety/radiation/everyday-things-emit-radiation/power-lines-electrical-appliances.html>

**Councillor Consultation with Area Residents**

During the time required for the preparation of this supplementary report, the area Councillor was able to conduct specific neighbourhood consultation. The Councillor indicated that residents expressed concern regarding the potential future land use form if the property is approved as surplus. Specifically, that the property might be rezoned from the existing Park (P) zone to a residential zone that is incompatible with the existing low density residential character of the neighbourhood. As staff are recommending the property be considered surplus, under the Affordable Housing category, it is anticipated that it will be subject to a change in zoning/designation to allow for the development of housing. Planning and Development have been made aware of the feedback received from the community. This feedback will be considered when proposing new land use rules for the property. Additionally, any change to the land use rules will be subject to public engagement and approval by Council.

**Conclusion**

Staff have reviewed and provided response to the questions raised by Regional Council. Staff recommend that Council: 1) declare the subject property, listed in Attachment A of this report, as surplus to municipal requirements, and 2) categorize the subject property as Affordable Housing, pursuant to Administrative Order Number 50 Respecting the Disposal of Surplus Real Property.

Upon Regional Council declaring the subject property surplus to the needs of the Municipality and categorizing the said property identified in the report as Affordable Housing, the method to dispose of the said surplus property is as set out in the applicable provisions of Administrative Order 50. Any future contemplated recategorization of the surplus property would require Regional Council approval.

As stated in the August 8, 2022, Council Report, approval of the conveyance of the subject property shall be under delegated authority, pursuant to Administrative Order 2018-004-ADM Respecting Real Property Transactions, or pursuant to subsequent approval of Regional Council, as required.

**FINANCIAL IMPLICATIONS**

The operating costs of the subject property are either reported within the property profile (Attachment A) or are nominal and irregular so as to be deemed immaterial. Surplus properties will be maintained by identified business units or third parties, until properties are disposed.

Upon sale of surplus properties, net proceeds will be directed to the Capital Fund Reserve, Q526, in accordance with the Halifax Regional Municipality Charter Section 120(3)(a).

Where the context permits, Council may sell lands used for parks, playgrounds or similar public purposes, the net proceeds from which must be used for parks, playgrounds, and similar public purposes, pursuant to Halifax Regional Municipality Charter Section 283(14), and such proceeds will be deposited into the Parkland Development Reserve Q611.

Transfer of ownership will also impact property tax revenues in future fiscal years.

**RISK CONSIDERATION**

No significant risks were identified. Prospective purchasers are urged to conduct their own due diligence.

**COMMUNITY ENGAGEMENT**

Regional Council's August 23, 2022, agenda included Item 15.1.8: Administrative Order 50 Declaration of Surplus Real Property – Package 08.21, in which this property was included.

During the Administrative Order 50 process, Councillors are provided with a document package that includes the subject property, to provide feedback, discussion, and an opportunity to consult with the public, at their discretion.

No additional consultation was required beyond what is identified in the discussion section of this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications identified.

### **ALTERNATIVES**

1. Council may elect to not declare 31 Lister Drive, Bedford, surplus to municipal requirements.
2. Council may recommend changes to the categorization of 31 Lister Drive, Bedford.

### **ATTACHMENTS**

Attachment A - Affordable Housing Property, 31 Lister Drive, Bedford

### **Reports Available Upon Request**

[Regional Council – Administrative Order 50 – Declaration of Surplus Real Property – Package 08.21 – August 8, 2022](#)

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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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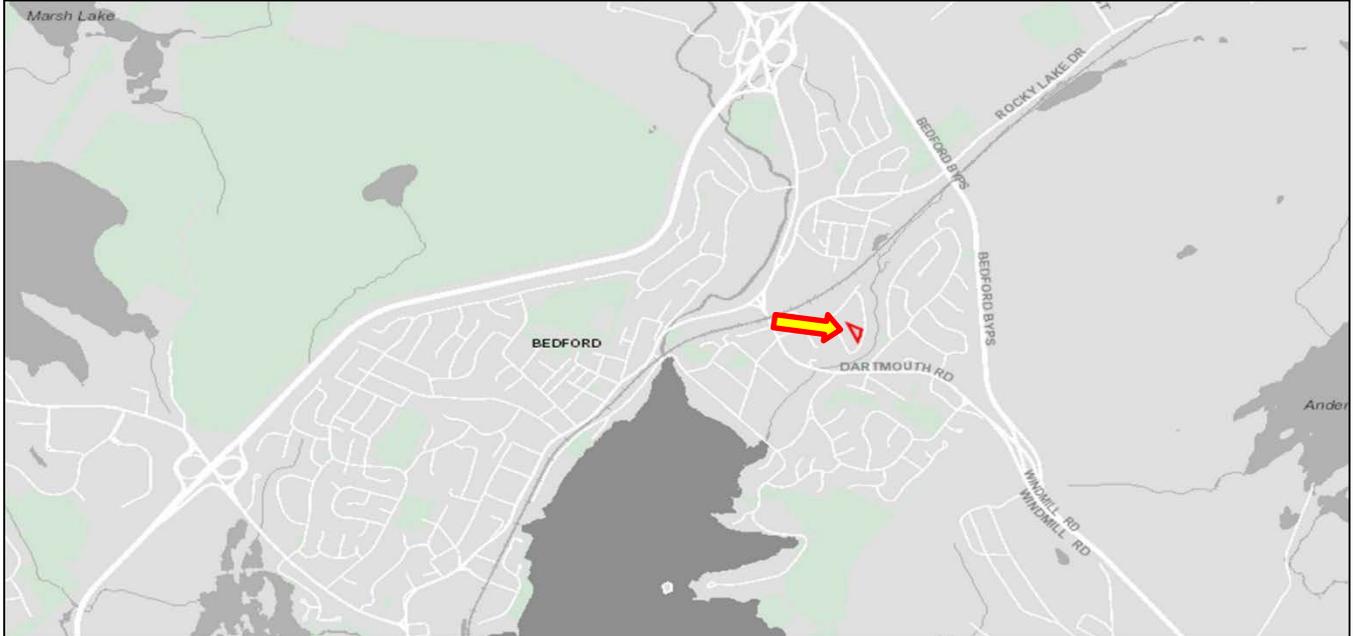
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Attachment A  
Affordable Housing Property, 31 Lister Drive, Bedford

31 Lister Drive, Bedford, PID 40112302



**Attachment A  
Affordable Housing Property, 31 Lister Drive, Bedford**

31 Lister Drive, Bedford, PID 40112302			
<b>Surplus Category</b> <small>(proposed)</small>	Affordable Housing	<b>Councillor / District</b>	Tim Outhit / District 16
<b>Current Asset Use</b>	Open Space	<b>Current Land Area</b> <small>(Parent)</small>	± 27,578 sq.ft.
<b>Building Area</b>	N/A	<b>Land Area for Disposal</b> <small>(proposed)</small>	± 27,578 sq.ft.
<b>Building Condition</b>	N/A		
<b>Interim Management</b>	Parks and Recreation	<b>Operating Costs</b>	None
<b>Land Use Bylaw</b>	Bedford	<b>PVSC Assessment</b>	\$91,500 (2022 Resource Exempt)
<b>Zone</b> <small>(hyperlink)</small>	<a href="#">P</a> (Park) Zone	<b>Deed on File</b>	1978
<b>Environmental Risk</b>	<p>E&amp;E has no environmental reports on this property, surrounding properties or ROW.</p> <p><b>Note:</b> Prospective purchasers are urged to conduct their own due diligence.</p>		
<b>Background</b>	<p>This property (shown outlined in red on the following pages) was deeded to the former County of Halifax by St. Paul's Home for Girls in 1978. The property is zoned "Park Zone" however it is not identified as parkland on HRM GIS.</p> <p>Originally, Corporate Real Estate staff received a request from the abutting owner at 10 Brockwell Street (PID 00436535, shown outlined in blue on the preceding page) to either A) acquire the property in fee simple or B) acquire an easement over the property for the purposes of installing a secondary driveway to facilitate the installation of an in-law suite on their property.</p> <p>Upon Technical Review, the property's history as a social housing use and relatively close proximity to amenities along the Bedford Highway (i.e. transit, grocery stores, public library, etc.) were noted to make it a good candidate for the development of affordable housing. Planning and Development has indicated that a request to change the zoning of the subject parcel to allow for residential development would require an amendment to the Bedford Municipal Planning Strategy.</p>		