



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

Item No. 15.1.1
Halifax Regional Council
December 3, 2024

TO: Mayor Fillmore and Members of Halifax Regional Council

SUBMITTED BY: Cathie O'Toole, Chief Administrative Officer

DATE: November 1, 2024

SUBJECT: **Administrative Order 50: PID 40877581 - 4032 Mooseland Road, Mooseland**

SUPPLEMENTARY RECOMMENDATION REPORT

ORIGIN

December 12, 2023 - Regional Council motion [Item 15.1.5]
MOVED by Councillor Hendsbee, seconded by Councillor Lovelace
THAT Halifax Regional Council:

1. Declare the properties as categorized and listed in Attachment B as amended, D, E, F and of the staff report dated October 30, 2023, surplus to municipal requirements pursuant to Administrative Order Number 50 Respecting the Disposal of Real Property;

...

MOTION AS MENDED PUT AND PASSED UNANIMOUSLY

July 9, 2024 – Regional Council motion [Item 5. Consent Agenda]
MOVED by Councillor Lovelace, seconded by Councillor Mason
THAT Halifax Regional Council approve recommendation in the following agenda items:

...

15.1.7 Administrative Order 50 – Disposal of Surplus Real property PID 40877581 – 4032 Mooseland Road, Mooseland: Mooseland & Area Community Association Request for Extension to Proposal Submission Deadline.

MOTION PUT AND PASSED UNANIMOUSLY

EXECUTIVE SUMMARY

On July 9, 2024, Regional Council approved a 90-day extension to October 2, 2024, for the Mooseland and Area Community Association of the submission deadline for a less than market value sale of 4032 Mooseland Road, Mooseland. The subject property is surplus to HRM's operational requirements. The Mooseland and Area Community Association has requested a further 90-day extension to the submission deadline. Given the Association's long-standing volunteer stewardship of the subject property the request for an extension is considered reasonable.

RECOMMENDATION

It is recommended that Regional Council approve an additional 90-day extension to the submission deadline to December 31, 2024, for the Mooseland and Area Community Association's proposal in support of their request for a less than market value sale of PID 40877581 civic address 4032 Mooseland Road, Mooseland.

BACKGROUND

The subject property is a 2.6-acre parcel of land which contained a small public school which was converted to a fire hall. The Mooseland Volunteer Fire Department incorporated as a nonprofit society in 1984 and leased the property from the Municipality of Halifax County. As an active fire station, the property was exempt from property tax under the Nova Scotia Assessment Act. In 1996, Halifax Regional Fire and Emergency assumed responsibility for the provision of fire services.

In 1998 the Mooseland and Area Community Association ("the Association") incorporated as a nonprofit society and organized fundraising in support of the fire service and hosted small events in the facility. In 2001 the Mooseland Volunteer Fire Department assigned their lease to the Association and when the fire station was formally de-commissioned in 2013, and the Association operated the facility for their own use. The property is assessed Commercial Exempt.

In 2015, Regional Council directed staff to explore options for the continued use of the property and ultimately decided not to surplus the property and instead consider a lease agreement. A lease would provide the Association with an interest in the land and would trigger an assessment as Commercial taxable. However, a subsequent title search has determined that HRM does not have clear title to that portion of the property used for the former school property, and a lease was not finalized. Although HRM obtained Quit Claim deeds from abutting landowners, this did not necessarily mean they conveyed marketable title for the former school portion, simply that they had no objection to the dimensions of this area as shown on a plan of survey commissioned by the former Municipality of Halifax County in 1983. The parts of the PID other than the former school property have clear title. Staff continue to investigate title for the school property, with a view to establishing HRM's clear title. HRM could convey its title in property to the Association for no consideration which would avoid the need to migrate title to the property. This would not guarantee the Association had marketable title to the Property.

In 2022, the Association expressed interest in acquiring ownership of the property. In response to this request 4032 Mooseland Road, Mooseland was listed in a Declaration of Surplus Property Report (Package 09.23 December 12, 2023). Council approved the staff recommendation to declare the property surplus to municipal operational requirements and disposal through the Community Interest category which restricts consideration to eligible registered nonprofit and charitable organizations. Further, Council approved a sole-source Direct Sale consideration to the Association based on their long-standing occupancy of the premises. The Association was notified of Council's decision by registered mail. The notification package included a copy of the policy and submission form. The deadline for the submission of a proposal from the Association was May 29, 2024. On May 24, 2024, HRM received correspondence from the Association requesting a 90-day extension. Because there is no provision to amend application deadline in policy a supplementary report was submitted to Regional Council with a recommendation to extend the submission deadline to October 2, 2024, was approved by Regional Council on July 9, 2024

In a letter dated October 31, 2024, and included as Attachment 1 of this report the Association has requested a 90-day extension which if approved would set a new submission deadline of December 31, 2024.

DISCUSSION

In the absence of a submission from the Association, Council could direct another method of disposal by reclassifying the property in accordance with Administrative Order 50 or rescind the motion to surplus the property. See: Alternatives section of this report. Or Council could approve the Association's request for an extension to the submission deadline. Given the Association's extensive tenure at this location and limited public amenities in this rural and sparsely populated community, it is recommended that an extension be granted.

If Council grants the deadline extension the Association's proposal will be evaluated by a staff review team and a recommendation report will be prepared for Regional Council's consideration. Because the property is valued at over \$10,000 a public hearing will be required if conveyance is proposed.

FINANCIAL IMPLICATIONS

There are no immediate financial implications associated with the recommendation to extend the submission deadline for receipt of the Association's proposal in support of the less than market value property sale.

RISK CONSIDERATION

Moderate - Continued occupancy of the premises without a municipal lease or license agreement poses reputational risk and liability to the Municipality.

COMMUNITY ENGAGEMENT

There was no community engagement required for the preparation of this report – the issue is procedural in relation to policy (Administrative Order 50).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

1. Regional Council could reject the request for an extension of the submission deadline and reclassify the subject property PID 40877581 4032 Mooseland Road, Mooseland under a different surplus property category or direct a different method of disposal.
2. Regional Council could rescind the resolution declaring the property surplus in accordance with Section 62 of Administrative Order One.

This option is not recommended. HRM has no operational requirement for the subject property. A less than market value sale would recognize the historical use of the property for public benefit, initially as a public school, then a volunteer fire service, and its' current use as a community hall. Conveyance of title would also recognize residents demonstrated volunteer commitment in maintaining operations at this location.

LEGISLATIVE AUTHORITY

- *Halifax Regional Municipality Charter, 2008, S.N.S c.39*

Section 63 (1) The Municipality may sell or lease property at a price less than market value to a non-profit organization that 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.

- *Administrative Order One, The Procedures of the Council Administrative Order*

Motion of Rescission

62 (1) The purpose of a motion of rescission is to allow the Council to change an action previously taken or ordered.

(2) A motion of rescission cancels or countermands a previous action or order has the effect of striking out an entire main motion, resolution, rule, section, or paragraph that has been adopted at some previous time.

(3) a motion of rescission can only be taken in regard to a matter that has been decided in the affirmative.

(4) If a motion of rescission is defeated, no other motion to rescind shall be made within twelve (12) months, except with the consent of two-thirds (2/3rds) of the Members.

...

- *Administrative Order 50, Respecting the Disposal of Surplus Real Property Administrative Orders*

Section 2(2)(b) Community Interest.

Properties known to have potential for community use, in particular where:

- (i) there has been a prior community or institutional use of the property; or
- (ii) by location or scarcity of available property the consideration would reasonably arise.

Schedule 1 Disposal of Community Interest Properties

Section 11 Direct Sale Request

(1) A non-profit organization may make a request to purchase, by Direct Sale, a community interest property owned by the Municipality.

(2) If a request to purchase a community interest property by Direct Sale is received by the Municipality and the subject property has not been declared surplus and classified as a community interest property, the request must:

(a) be included in the next review provided to Council pursuant to subsection 3(1) of this Administrative Order; or

(b) be forwarded to Council with a report and recommendation respecting the property.

(3) No action may be undertaken by the Municipality in respect of the request to purchase except those actions required to satisfy subsection 2 of this section.

(4) For greater certainty, the property may only be sold by Direct Sale if the property is declared surplus by Council, is categorized as community interest property by Council in accordance with this Administrative Order, and sections 7, 8, 9, 11, 12 13, and 14 are satisfied.

(5) If Council decides to proceed by Direct Sale, such decision must be made at the same meeting where the property is categorized as community interest property.

(6) An applicant will have up to 90 days to submit to the Municipality the information that would otherwise be required under section 8.

Direct Sale – General Procedure

12. A Direct Sale shall be allowed as determined by Regional Council.

Alternative Method of Disposition by Council

19. (1) Upon receiving a recommendation, Council may consider any alternative method of disposing of community interest property if:

(a) there are no applications by eligible non-profit organizations received within the applicable period of time for the disposal method initially selected; or

(c) Council rejects all the complete applications the Municipality received from eligible non-profit organizations.

(2) If subsection 1 applies, notwithstanding Administrative Order One respecting rescission, Council may by majority vote:

(a) direct another method of disposal;

(b) reclassify the property in accordance with this Administrative Order and dispose of the property in accordance with that reclassification; or

(c) subject to subsection 3, take such other action as Council considers appropriate.

(3) A motion to rescind the resolution declaring the property surplus shall be in accordance with Administrative Order One.

ATTACHMENTS

Attachment 1 - Correspondence to HRM from the Mooseland and Area Community Association dated October 31, 2024.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Peta-Jane Temple, Grants & Contributions, Finance & Asset Management; 902.490.5469;
Peter Greechan, Community Developer, Finance & Asset Management

MOOSELAND & AREA COMMUNITY ASSOCIATION

4032 Mooseland Road, Mooseland, Nova Scotia B0J 3H0

Serving the communities of Mooseland, River Lake, Jacket Lake, and Third Lake

October 31, 2024

Attention: Peter Greechan

Finance & Asset Management
Grants & Contributions
Halifax Regional Municipality

Dear Mr. Greechan;

On behalf of the Mooseland & Area Community Association (MACA), we are requesting an additional 90 day extension on preparing a submission to purchase the property at 4032 Mooseland Road from Halifax Regional Municipality.

If you have any questions, please reach out through the emails listed below. Please send correspondence to

[REDACTED] with cc. to [REDACTED], [REDACTED] and [REDACTED].

Thank you.

Jacob Prest
President

[REDACTED]

Barry Prest
Treasurer

[REDACTED]