

**1. KILMORIE HOUSE – 21 WITHROW – SPECIAL LEVIES**

**MAISON KILMORIE – 21, AVENUE WITHROW – PRÉLÈVEMENTS  
SPÉCIAUX**

**COMMITTEE RECOMMENDATIONS, AS AMENDED**

**That Council approve**

1. **that the Clerk’s Office undertake a special area levy vote in coordination with the community and as described in report ACS2020-ICS-LEG-0003; and**
2. **that the cost to undertake the levy vote be assessed to the constituency services budget of the College Ward Councillor’s Office.**

**RECOMMANDATIONS DU COMITÉ, TELLES QUE MODIFIÉES**

**Que le Conseil approuve ce qui suit :**

1. **de demander au Bureau du greffier municipal d’organiser, en collaboration avec les résidents, un vote sur le prélèvement spécial, comme le décrit le rapport ACS2020-ICS-LEG-0003;**
2. **que les coûts découlant du vote soient imputés au budget alloué aux services de la circonscription du bureau du conseiller du quartier Collège.**

**DOCUMENTATION/DOCUMENTATION**

1. City Solicitor’s report, dated 24 January 2020 (ACS2020-ICS-LEG-0003).

Rapport de l’Avocat général, daté le 24 janvier 2020 (ACS2020-ICS-LEG-0003).

2. Extract of draft Minutes, Finance and Economic Development Committee, 4 February 2020

Extrait de l’ébauche du procès-verbal, Comité des finances et du développement économique, le 4 février 2020

**Report to  
Rapport au:**

**Finance and Economic Development Committee  
Comité des finances et du développement économique  
4 February 2020 / 4 février 2020**

**Submitted on January 24, 2020  
Soumis le 24 janvier 2020**

**Submitted by  
Soumis par:**

**David White, City Solicitor / Avocat general  
Innovative Client Services Department / Services novateurs pour la clientèle**

**Contact Person**

**Personne ressource:**

**Tim Marc, Senior Legal Counsel / Conseiller juridique principal  
*Ext. 21444 / timothy.marc@ottawa.ca***

**Ward: COLLEGE (8) / COLLÈGE (8)**

**File Number: ACS2020-ICS-LEG-0003**

**SUBJECT: Kilmore House – 21 Withrow – Special Levies**

**OBJET: Maison Kilmore – 21, avenue Withrow – prélèvements spéciaux**

#### **REPORT RECOMMENDATION**

**That the Finance and Economic Development Committee receive this report for information.**

#### **RECOMMANDATION DU RAPPORT**

**Que le Comité des finances et du développement économique prenne connaissance du présent rapport.**

## **BACKGROUND**

21 Withrow Avenue is located in the City View neighbourhood, which is south of Baseline Road and west of Merivale Road. The site is shown on Document 1 to this report. The property has frontage at the terminus of Rita Avenue as well as Withrow Avenue and St. Helen's Place. The large and irregularly shaped parcel is approximately 0.8 hectares (2 acres) in area. The site is surrounded on all sides by a residential neighbourhood consisting of detached homes.

The existing detached dwelling on the subject property dates back to the 1840s and is known as Kilmorie House. The City designated the structure under Part IV of the Ontario Heritage Act in 2016. The site is prominently vegetated with larger and smaller trees, particularly around the periphery of the subject site.

An application for a zoning amendment and for draft plan of subdivision approval was made on November 3, 2017. Subsequently, applications were made to the Committee of Adjustment on December 8, 2017 to sever four lots from the parent parcel, together with associated minor variances. These applications were refused by the Committee of Adjustment. The applicant appealed and on May 14, 2019, the Local Planning Appeal Tribunal granted the consents and minor variances. The actual creation of the four lots occurred on December 11, 2019.

Pursuant to delegated authority, Planning Committee granted draft plan approval to a ten lot subdivision for the balance of the parcel on November 14, 2019 and a zoning by-law was enacted by Council on November 27, 2019.

### **Background – Heritage**

Further to a Council report adopted on May 11, 2016, Kilmorie, a house located at 21 Withrow Avenue, has been designated by the City under the *Ontario Heritage Act*, Part IV. The Statement of Cultural Heritage Value includes the following:

Kilmorie has cultural heritage value for its association with the early settlement of Nepean Township and with Confederation Poet William Wilfred Campbell and for its design value as an example of a 19th century vernacular stone house.

## **DISCUSSION**

The City View Community Association and Kilmorie Heritage Society have been exploring for an extended period of time means by which Kilmorie House could be put to a productive use and the significant greenspace at 21 Withrow Avenue can be preserved. The Community Association has expressed the concern that there is both a lack of community space and greenspace in the area.

The possibility of a community initiative in support of the acquisition of the property has been canvassed. In 2016 the Community Association undertook a survey and collected 400 signatures in support of a \$60 per year area levy to purchase the property.

In considering which area of the City would receive a special benefit from the acquisition of the Kilmorie property, the Community Association has recommended the area bounded by Woodroffe Avenue, Baseline Road, Merivale Road and the Rail Corridor. This area is also shown on Document 1. There are approximately 3,300 separately assessed parcels in this area.

The owner of 21 Withrow stated that if the draft plan of subdivision and zoning by-law were not appealed to the Local Planning Appeal Tribunal, he would wait until April 15, 2020 for a decision as to whether the lands would be acquired by the City on behalf of the community. The appeal period for both applications has expired and no appeals have been filed.

The amount identified by the owner at which he would sell the property is \$3.75 million dollars. As there is no intent to expropriate 21 Withrow, any proposal for a special levy would need to be based upon the price at which the owner has indicated he is willing to sell the property. In addition to this amount, it is prudent to identify a further amount in order to provide for land transfer tax, net HST as well as an amount to provide for the renovation of Kilmorie House itself.

Should Council ultimately approve the acquisition of 21 Withrow, it is anticipated that the purchase would be funded through the issuance of debentures. Thus, the special levy identified below includes the projected interest cost on such debentures.

### **Special Levy - Acquisition**

It is proposed that the \$4.5 million would be recovered from the 3,307 separately assessed parcels in the area set forth in Document 1 over a special levy for a ten year

period commencing in 2021 and concluding in 2030. Such special levy is anticipated to be \$30.48 per \$100,000 of residential assessment or \$122.96 per year for a residential property with an average assessment. In accordance with the requirements of the *Municipal Act* and thus other special levies imposed by the City, the levy would be applicable to both residential and commercial assessment.

### **Operation of Facility**

Should 21 Withrow Avenue be acquired by the City, it is proposed that it be operated as a form of community facility with public access to the surrounding grounds. The details of such operation remain to be determined. The community has expressed some interest at maintaining the landscaping/gardens above normal City standards and such could be discussed should there not be an increased cost.

It is noted that Kilmore House is of course a private residence constructed in the 19<sup>th</sup> century rather than being constructed to the standards for a municipality facility of today. City staff have not been inside the house and a detailed survey of the house has not been conducted. With land transfer tax and net H.S.T. being approximately \$150,000 in total, this would leave \$600,000 available for renovations. (Note: Staff have not had opportunity to enter and inspect the property. \$600,000 is a recommended cash allowance available to assist in bring the structure up to minimum code requirements for public access. Should this value prove to be insufficient or too much, staff will report back and request that the value of the levy be adjusted accordingly).

There is no City budget available for the operational funding of this facility. Thus, in addition to the special levy for capital facility. At this point, staff cannot specify with certainty what the operating costs will be. Based upon the experience of Bell House, an operating cost of up to \$150,000 in current dollars may be appropriate. This would lead to an annual special levy of up to \$7.85 per \$100,000 of residential assessment or \$31.65 for an average household. During the period of the special levy for acquisition this would be in addition to such capital special levy. This operating special levy will continue after the period of the special levy for the acquisition.

### **Additional Sources of Funding**

In the event that other sources of funding/on-going revenue were identified and substantiated, on either a one time or ongoing basis, then the capital or operating

special levy could be reduced. However, at this time, no such sources have been identified.

### **Community Vote**

In order to determine if there is community support for the special levy outlined above, Council policy provides that a vote be conducted. Should a vote on the special levies be recommended by Committee, a public meeting will be held. Should Council at its meeting of February 12, 2020 approve conducting of the vote, affected property owners would have an opportunity to vote for a three-week period, from February 24, 2020 to March 13, 2020. Ballots, a cover letter, and pre-paid return envelope would be mailed to all property owners of all assessed parcels within the areas set forth in Document 1 on February 20 or 21, in time for the opening of the vote on February 24, 2020.

Property owners would have the opportunity to submit the ballot using the pre-paid envelope or by dropping off the ballot at the James Bartleman Centre (City Archives) at 100 Tallwood Drive. All marked ballots would need to be received by the City no later than 4 pm on March 13, 2020.

The results of the vote would be submitted to the Finance and Economic Development Committee meeting of April 7, 2020 and the Council meeting the following day of April 8, 2020.

### **RURAL IMPLICATIONS**

There are no rural implications to this report.

### **CONSULTATION**

As noted above in this report, an informal door to door survey of the community was conducted by the City View Community Association in 2016. The information provided to staff suggests that the survey was seeking support from 50 per cent plus one of the total households for an area levy to purchase 21 Withrow. Approximately 400 households were surveyed before the initiative ceased. In the event that a vote is to be conducted, a public meeting would be held in the community.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

The Ward Councillor's office is aware this report is being brought forward

## **LEGAL IMPLICATIONS**

City Council approved on July 12, 2017 a process for seeking approval of ward or part ward specific special levies. The approved process provides the framework for the consideration of such special levies. However, unlike local improvement levies which must follow the process under the Local Improvement Regulation, a framework approved in a prior term of Council is not binding upon a subsequent Council.

In order to have authority under the Municipal Act to impose a levy for the purchase of the property, it is necessary that either the City owns the property or that an agreement of purchase and sale have been executed for its acquisition. In this report, were a special levy pursued, it is understood that the property would be acquired by the City.

The Council approved policy provides for a ninety day consultation period including at least one open house and one public meeting. As stated in the report with respect to the Stonebridge levy, the issue of consultation prior to any Council authorization for a vote on a special levy to proceed was not addressed in the 2017 report and may be a relevant consideration to abridge the requirements of the 2017 report.

Should a motion be brought forward to proceed with a vote and the vote held in accordance with the process outlined therein, Council is not bound by the outcome of such vote.

## **RISK MANAGEMENT IMPLICATIONS**

As outlined above, the extent of the need, and the resulting costs, to renovate Kilmorie House as a public facility are not known at this time. The future operating costs can also not be estimated with the normal degree of certainty.

## **ASSET MANAGEMENT IMPLICATIONS**

If the property is acquired by the City, then the necessary resources will need to be allocated for the renovation, maintenance, repair and lifecycle costs of Kilmorie House and the associated lands. As outlined in this report, firm estimates are not available at this time.

## **FINANCIAL IMPLICATIONS**

The cost of conducting the vote is estimated to be \$7,000. If a vote is to be conducted, a funding source would need to be identified.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts to this report.

### **ENVIRONMENTAL IMPLICATIONS**

A Phase I Environmental Site Assessment of the property was conducted and concluded a Phase II Environmental Site Assessment was not required.

### **TERM OF COUNCIL PRIORITIES**

This matter is not associated with any Term of Council priorities.

### **SUPPORTING DOCUMENTATION**

Document 1 – Kilmorie Special Levy Area Map (*Held on file with the City Clerk*)

### **DISPOSITION**

This is an information only report.