

**9. SURPLUS DECLARATION AND SALE – 1357 KITCHENER AVENUE**

**DÉCLARATION D'EXCÉDENT ET VENTE – 1357, L'AVENUE KITCHENER**

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council declare as surplus to the City's needs two (2) residential building lots located at 1357 Kitchener Avenue shown as Parcels 'A' and 'B' on Document 1, and authorize staff to proceed with the sale of the lots in accordance with the City's Disposal of Real Property Policy and subject to the following:

1. That the provisions regarding the sale of these parcels include the following in the agreement of purchase and sale:
  - a. That development on each parcel be limited to a detached dwelling;  
and
  - b. That no more than one dwelling be permitted on each parcel; and
2. That the above provisions be set forth in a restrictive covenant to be registered against the title to this property on closing.

**RECOMMANDATIONS MODIFIÉES DU COMITÉ**

Que le Conseil déclare excédentaires, par rapport aux besoins de la Ville, deux (2) terrains résidentiels situés au 1357, avenue Kitchener, et illustrés par les parties A et B sur le document 1, et qu'il autorise le personnel à entreprendre la vente de ces terrains, en conformité avec la politique de la Ville sur l'aliénation de biens immobiliers et soumis aux conditions suivantes:

1. Que la convention d'achat-vente des deux parcelles devra comporter les dispositions suivantes :
  - a. Seule une habitation isolée pourra être aménagée sur chacune des deux parcelles;
  - b. Pas plus d'une habitation sera permise sur chacune des deux parcelles.
2. Que les dispositions ci-dessus devront être énoncées dans une clause restrictive enregistrée sur le titre de la propriété à la conclusion de l'entente.

DOCUMENTATION

1. Deputy City Manager, Planning and Infrastructure report dated 12 September 2012 (ACS2012-PAI-REP-0026).
2. [Extract of draft Finance and Economic Development Committee minutes dated 2 October 2012](#)

Report to/Rapport au :

Finance and Economic Development Committee  
Comité des finances et du développement économique

September 12, 2012  
12 septembre 2012

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RIVER /RIVIÈRE (16)

Ref N°: ACS2012-PAI-REP-0026

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**SUBJECT: SURPLUS DECLARATION AND SALE – 1357 KITCHENER  
AVENUE**

**OBJET : DÉCLARATION D'EXCÉDENT ET VENTE – 1357, L'AVENUE  
KITCHENER**

### **REPORT RECOMMENDATIONS**

That the Finance and Economic Development Committee declare as surplus to the City's needs two (2) residential building lots located at 1357 Kitchener Avenue shown as Parcels 'A' and 'B' on Document 1, and authorize staff to proceed with the sale of the lots in accordance with the City's Disposal of Real Property Policy.

### **RECOMMANDATIONS DU RAPPORT**

Que le Comité des finances et du développement économique déclare excédentaires, par rapport aux besoins de la Ville, deux (2) terrains résidentiels situés au 1357, avenue Kitchener, et illustrés par les parties A et B sur le document 1, et qu'il autorise le personnel à entreprendre la vente de ces terrains, en conformité avec la politique de la Ville sur l'aliénation de biens immobiliers.

### BACKGROUND

The subject property is a 1,532 square metre parcel of vacant land situated at the northwest corner of the intersection of Kitchener Avenue and Jasper Avenue in the Ellwood community.

A portion of the property consists of land acquired by the former Township of Gloucester as a result of non-payment of taxes. The remainder consists of closed portions of Goderich Street and Jasper Avenue.

In 2007, a circulation was sent to all City Departments and external agencies to determine if there was any requirement for the property. No City Department or external agency expressed any interest in this property. However, the City's Housing Branch requested the property be placed "On Hold" pending a review of needs. In May 2011, Housing Branch released the property and given the passage of time another circulation was completed. Once again, no City Department expressed interest in the property.

### DISCUSSION

Given there has been no demonstrated need to retain the subject site, Realty Services is proposing to have the property declared surplus and offer it For Sale to the public, which is in keeping with its mandate to dispose of properties no longer required by the municipality.

The subject property is located in a neighbourhood predominantly developed with single family detached dwellings, which for the most part are situated on original lots that were created with 22 metre frontages. To ensure that future development of the subject property is in keeping with the nature of the majority of properties in the neighbourhood, Realty Services is proposing to sever 1357 Kitchener Avenue into two (2) smaller lots, each having approximately 18m of frontage. The proposed lots are shown as Parcels 'A' and 'B' on Document 1. These lots would then be offered For Sale to the public on an individual basis. To further ensure the nature of development is consistent with the neighbourhood, conditions would be included in the Agreements of Purchase and Sale precluding the purchaser making application to amend the zoning and requiring development of the lots to be in accordance with the property's current R1S-Residential First Density Zone, which restricts the building form to detached dwellings. To further ensure these conditions would be applicable not only to the parties purchasing from the City, but also to subsequent purchasers, Legal Services would register the vendor condition as a Restrictive Covenant on the title of each of the lots.

Declaring the subject property surplus at this time will ensure prompt marketing of the two (2) proposed building lots. Once the lots have been advertised For Sale and acceptable offers have been received, reports recommending approval will be submitted to the appropriate delegated authority.

### RURAL IMPLICATIONS

There are no rural implications resulting from the recommendation in this report.

### CONSULTATION

In accordance with policies approved by City Council on 14 November 2001, the availability of the property was circulated to all client City Departments, including the Affordable Housing Division, Infrastructure Services and Community Sustainability and City Operations, to determine if the parcel should be retained for a City mandated program. The Land Use and Natural Systems Unit of the Planning and Infrastructure Portfolio was consulted with respect to the City's natural heritage system and related policies in the Official Plan; their comments are indicated under the Environmental Implications section of this report. Neither the Affordable Housing Division nor any City Department expressed interest in retaining the property.

The utility companies were also circulated. Sale will be subject to easement protection for existing utilities.

The following Advisory Committees have been circulated:

Local Architectural Conservation Advisory Committee (LACAC)  
Ottawa Forests and Greenspace Advisory Committee (OFGAC)  
Environmental Advisory Committee (EAC)  
Parks and Recreation Advisory Committee (PRAC)  
Roads and Cycling Advisory Committee (RCAC)  
Pedestrian and Transit Advisory Committee (PTAC)  
Rural Issues Advisory Committee (RIAC)

No concerns were expressed with respect to the sale of the subject property by any of the Advisory Committees.

The Ward Councillor has been consulted with respect to this report and her comments are indicated under Comments By The Ward Councillor section below.

### HOUSING FIRST POLICY

Section 2.5.2 of the Official Plan directs the City to make land available for affordable housing and give priority for the sale or lease of surplus City-owned property for this purpose.

The Housing First Policy approved by Council on 13 July 2005, establishes priority consideration to the Housing Branch in the identification of potentially surplus City-owned property, to be used in achieving the City's affordable housing program targets. The policy also requires that the Official Plan target of 25% affordable housing, be met on any City owned property sold for residential development. Where residential

properties are disposed of without a condition requiring an affordable housing component, 25% of the proceeds from the sale are to be credited to a housing fund to be used for the development of affordable housing elsewhere in the City.

As the subject property is zoned residential, 25% of the proceeds will be deposited into the Housing Reserve Fund to be used to support the development of future affordable housing projects.

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

The Councillor is aware of this report going forward to Finance and Economic Development Committee.

#### LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendation in this report.

#### RISK MANAGEMENT IMPLICATIONS

There are no risk management implications resulting from the recommendation in this report.

#### FINANCIAL IMPLICATIONS

The proceeds of the future sale will be credited to the Sale of Surplus Land Account.

#### ACCESSIBILITY IMPACTS

There are no accessibility impacts resulting from the recommendations in this report.

#### ENVIRONMENTAL IMPLICATIONS

The Land Use and Natural Systems unit does not object to the proposed sale.

The subject property is located along an existing open space corridor, but is not identified as part of the City's Greenspace Network in the Greenspace Master Plan. Aerial photography and available natural heritage information sources do not suggest that the property contains any significant features of the natural heritage system or that it performs any significant ecological functions. There are no known natural heritage system features within 120 m of the property.

The property will become subject to the Urban Tree Conservation By-law once it leaves the City's ownership. Nationally and provincially endangered butternut trees have been previously identified in this area. Any butternut trees on or adjacent to the property could be subject to protection under the regulations of the provincial *Endangered*

*Species Act, 2007.* The new owners should therefore undertake the necessary steps, in consultation with the Ministry of Natural Resources, to ensure that any butternut on or adjacent to the site are identified and assessed prior to undertaking any activities that might harm or destroy trees.

#### TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

#### TERM OF COUNCIL PRIORITIES

The recommendation of this report supports City Council's Financial Responsibility (FS) strategic priority and its objective FS2 to maintain and enhance the City's financial position.

#### SUPPORTING DOCUMENTATION

Document 1 - Sketch showing the proposed building lots as Parcels 'A' and 'B'.

#### DISPOSITION

Following approval, Realty Services Division and Legal Services Branch will implement measures to complete sales of the two lots, and to register the Restrictive Covenants on each title.

