

**Declaration as Surplus
13 Superior Avenue
(Ward 2 - Lakeshore Queensway)**

(City Council on December 14, 15 and 16, 1999, adopted this Clause, without amendment.)

The Administration Committee recommends the adoption of the following report (November 2, 1999) from the Acting Commissioner of Corporate Services:

Purpose:

To secure authority to declare the property surplus to municipal requirements and offer it for sale.

Financial Implications:

Revenue will be generated from the eventual sale of the property.

Recommendations:

It is recommended that:

- (1) the property known municipally as 13 Superior Avenue, be declared surplus to the City's requirements and offered for sale on the open market, subject to the existing lease, and all steps necessary to comply with By-law 551-1998 be taken; and
- (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

Background:

The subject property has been leased continuously to Mr. Fred Bahr carrying on business as West End Heating (a division of Rhineland Heating Ltd.) since August 1, 1985. The original lease gave him a first right of refusal should the City offer the property for sale.

At its meeting held on June 27, 1994, Etobicoke City Council declared the property surplus to its needs and authorized the sale of the property to the sitting tenant carrying on business as West End Heating (a division of Rineland). Due to difficulties in arranging financing the sale was not completed.

Subsequently, at its meeting held on June 9, 1997, Etobicoke Council authorized the lease to be renewed for a further 5 years until July 31, 2002, without provision for a first right of refusal or option to purchase.

Comments:

At the time the lease renewal was approved by then Etobicoke Council in June of 1997 (Clause 161-A-97 adopted on June 9, 1997), the approval included a motion by the then Councillor for the ward “that the city’s desire to retain this property for future municipal purposes be noted” even though no City departments were interested in retaining the property. No rationale whatsoever was provided for this expressed desire to retain the property.

A recent disposal circulation to the new City of Toronto’s Agencies, Boards, Commissions and Departments was undertaken to ascertain whether or not there is any municipal interest in retaining 13 Superior Avenue. The disposal circulation has been completed and no municipal interest was expressed in the property and accordingly this report recommends declaring it surplus to municipal requirements. It is noted this report to declare 13 Superior Avenue is required as the Etobicoke Council action in June 1997 effectively rescinded the prior action of Etobicoke Council to declare the property surplus. The Property Management Committee has reviewed this matter and concurs with the recommendations of this report.

Details of the lands to be declared surplus are as follows:

Subject Property: Older 2 Storey, 1874 sq. ft. commercial building (former fire hall).

Location: 13 Superior Avenue.

Approximate Dimensions: 40’ x 90’

Approximate Lot Area: 0.0826 acre.

Zoning: Commercial Mimico.

In order to proceed with the disposal of the 13 Superior Avenue, the City must comply with the procedures governing disposal of property. Section 193(4) of the Municipal Act requires that, before the selling of any property, Council must declare the property to be surplus by by-law or resolution passed at a meeting open to the public, give notice to the public of the proposed sale and obtain at least one appraisal of the market value of the property, unless exempted by regulations passed under the legislation.

Conclusion:

As no municipal interest has been expressed in retaining 13 Superior Avenue, City Council should declare this property surplus to the City’s requirements and offer it for sale on the open market, subject to the existing lease, in accordance with established City procedures.

Contact Name:

Francois (Frank) G. Bedard, Manager, Policy and Projects
Telephone: (416) 392-1256; Fax No.: (416) 392-1880

(A copy of the map attached to the foregoing report was forwarded to all Members of Council

with the November 30, 1999, agenda of the Administration Committee and a copy thereof is also on file in the office of the City Clerk.)