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The Regional Municipality of Durham Report

To: Works Committee
From: Commissioner of Works
Report: #2024-W-17
Date: June 5, 2024

Subject:

Approval of Unbudgeted Funding for the Repurchase of a prior Regional Owned Property located at 135 Albert Street, Sunderland in the Township of Brock

Recommendations:

That the Works Committee recommends to Regional Council:

- A) That the Regional Municipality of Durham repurchase the property at 135 Albert Street, Sunderland, in the Township of Brock, legally described as Part Lot 12, Concession 5, Brock, Being Part 1 on 40R-2596, Except Parts 1-9 on 40R-5123 in the Township of Brock;
- B) That the lands described above in Recommendation A be purchased by the Region for Three Hundred Seventy-Five Thousand Dollars (\$375,000.00) net of any costs incurred by the Region to facilitate the initial transfer up to a maximum of five (5%) percent of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00);
- C) That financing for the property acquisition be provided from any source(s) at the discretion of the Commissioner of Finance; and
- D) That authority be granted to the Regional Clerk and Regional Chair to execute any notices, forms, or other documents as may be associated with this property acquisition.

Report:**1. Purpose**

The purpose of this report is to obtain Regional Municipality of Durham (Region) Council approval for unbudgeted funding to purchase the property located at 135 Albert Street, Sunderland legally described as Part Lot 12, Concession 5, Brock, Being Part 1 on 40R-2596, Except Parts 1-9 on 40R-5123, in the Township of Brock.

2. Background

- 2.1 The subject property at 135 Albert Street, Sunderland, consisting of 4.01 acres, is a two level, 5,832 square foot commercial/employment building originally constructed in 1978. The property operated as a police station until 2010.
- 2.2 In 2019 The Nourish and Develop Foundation approached the Region regarding the potential acquisition of the property for use as a Violence Against Women Emergency Shelter to be called Cedar Haven Women's Centre. The centre was intended to serve Brock, Scugog and Uxbridge Townships.
- 2.3 In 2020 Regional Council approved the disposition of the property as per confidential Report #2020-W-39. The lands were declared as surplus to the Region requirements and sold to The Nourish and Develop Foundation on October 30, 2020, for \$375,000.
- 2.4 The Offer to Sell Agreement, Clause 2.03 stipulates that should The Nourish and Develop Foundation (the Purchaser) be unable to obtain the necessary planning approvals to advance the proposed development, a violence against women emergency shelter or any other charitable purpose, the Purchaser must transfer the property to the Region in exchange for the full purchase price agreed to net of any costs incurred by the Region to facilitate the initial transfer up to a maximum of five (5%) percent of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00).
- 2.5 The Purchaser is also responsible for all costs related to any subsequent transfer to the Region and any costs required to restore the facility and site to its condition at the time of sale.
- 2.6 The Nourish and Develop Foundation advised the Region in a letter dated May 9, 2024 (Attachment #1), that they were unable to obtain the necessary planning approvals for the full suite of uses being proposed and have requested the Region repurchase the

property as per the contractual obligations pursuant to Clause 2.03 of the executed Offer to Sell agreement.

3. Financial Implications

- 3.1 Section 14.2 of the Region's Budget Management Policy states that the approval of the Treasurer, CAO, applicable Standing Committee and Regional Council is required for capital expenditures in excess of \$50,000 prior to the purchase.
- 3.2 Financing for the acquisition of the property located at 135 Albert Street, Sunderland, in the Township of Brock for \$375,000 shall be provided from any source(s) at the discretion of the Commissioner of Finance.

4. Conclusion

- 4.1 It is recommended that the Region repurchase the property at 135 Albert Street, Sunderland, in the Township of Brock, in accordance with Clause 2.03 of the Offer to Sell Agreement for \$375,000 financed from any source(s) at the discretion of the Commissioner of Finance.
- 4.2 This report has been reviewed by the Finance Department and Legal Services – Office of the Chief Administrative Office, and the Commissioner of Finance concurs with the financial recommendation.
- 4.3 For additional information, contact: Christine Dunkley, Director, Corporate Infrastructure and Strategic Business Services, at 905-668-4113 extension 3475.

5. Attachments

Attachment #1: Letter dated May 9, 2024, from The Nourish and Develop Foundation

Attachment #2: Location Map

Respectfully submitted,

Original signed by:

Ramesh Jagannathan, MBA, M.Eng., P.Eng., PTOE
Commissioner of Works

Recommended for Presentation to Committee

Original signed by Brian Bridgeman,
Commissioner of Planning and Economic
Development for

Elaine C. Baxter-Trahair
Chief Administrative Officer



May 9, 2024

Adnan Naeem B.A. (Hons) L.L.B.
Solicitor – Regional Municipality of Durham
605 Rossland Rd East,
P.O. Box 623, Whitby, Ontario, L1N 6A3

RE: Request to Sell 135 Albert Street, Sunderland Back to the Region

Dear Adnan,

The Nourish and Develop Foundation (TNDF) is a charitable foundation that has been addressing food insecurity and poverty in Brock Township since 2011. In 2020, we purchased 135 Albert Street, Sunderland from Durham Region, aiming to establish a women's shelter. It had been sitting vacant for some time.

Unfortunately, this location was unworkable due to complications with zoning, lack of access to sanitation and the high cost of the required studies, as well as the increased cost of building due to the COVID-19 pandemic. We instead established an emergency transitional housing program in Cannington, providing temporary shelter to women and families in need for up to six months. In 2023, this initiative housed 13 adults and 18 children.

At the time of purchase, the Region added a condition (clause 2.03) into the purchase agreement:

Should the Purchaser be unable to obtain the necessary planning approvals to advance the proposed development, being a violence against women emergency shelter or to use the Property for another charitable purpose, the Purchaser will transfer the property to the Region in exchange for the full purchase price agreed to in Clause 1.01 of this agreement net of any costs incurred by the Region to facilitate the initial transfer up to a maximum of five (5%) percent of Three Hundred Seventy-Five Thousand Dollars (\$375,000.00).





Attachment #1 to Report #2024-W-17

Despite efforts to repurpose the building at 135 Albert Street, we've found no viable use that meets these conditions as well as fitting the zoning requirements. The requirement to sell the property back at the original purchase price further limits our options, making it unwise to invest in a property we must later sell at a loss. As a charity, we must allocate our limited resources to our food bank, community programs, transitional housing, and other initiatives.

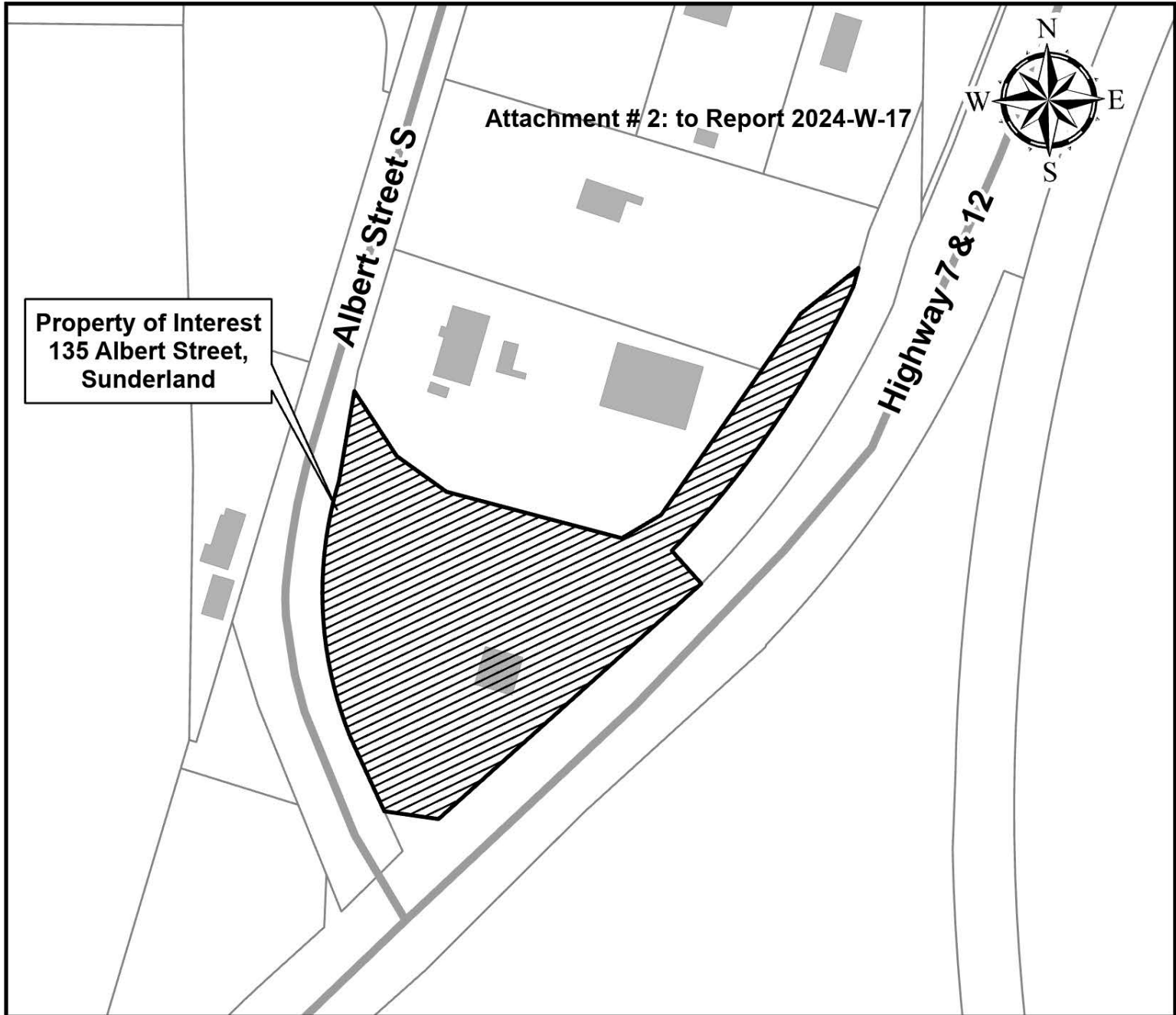
According to our purchase agreement, we're seeking to sell the property back to the Region. We request the Region to honor the buy-back agreement or allow TNDF to sell the property freely. We look forward to your guidance on the next steps.

Sincerely,

Jennifer Hayter
Board Chair & Treasurer
The Nourish and Develop Foundation

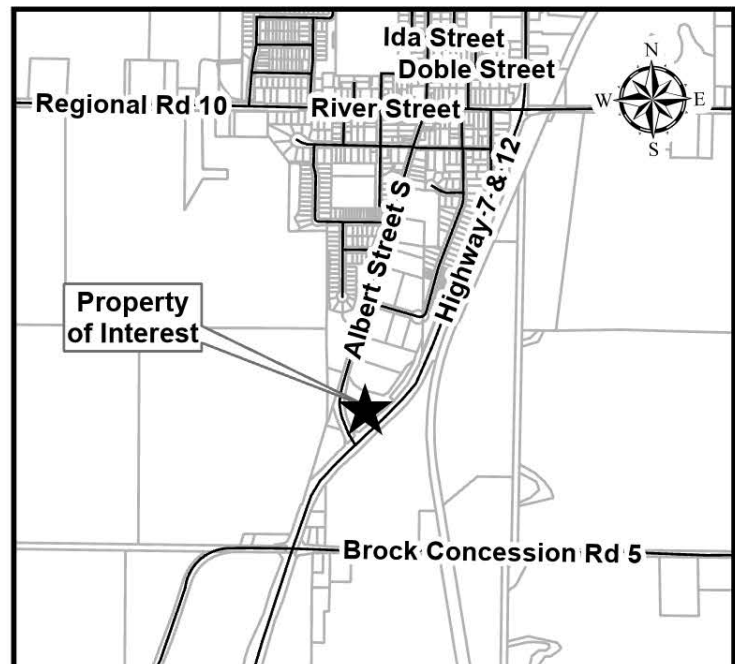
c: J. Henry, Regional Chair
W. Schummer, Mayor – Brock Township
M. Jubb, Regional Councillor – Brock Township





Attachment # 2: Location Map Property of Interest 135 Albert Street, Sunderland Township of Brock

- Ownership Parcels
- Ownership Pin # 720040173
- Building Footprints



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