



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF THE CAO

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

Author's Name: Kevin Fox	Report Date: May 13, 2024
Author's Phone: 519 736 0012 ext. 2272	Date to Council: May 13, 2024
Author's E-mail: kfox@amherstburg.ca	Resolution #:

To: Mayor and Members of Town Council

Subject: Designate 179 Victoria Street South as a Municipal Capital Facility

1. **RECOMMENDATION:**

It is recommended that:

1. The community centre at 179 Victoria Street South **BE DECLARED** a municipal capital facility for the purposes of the municipality and Council affirms that its facilities are for public use;
2. By-law 2024-035, being a by-law to designate 179 Victoria Street South as a Municipal Capital Facility, be taken as having been read three times and finally passed, and the Mayor and Clerk **BE AUTHORIZED** to sign same;
3. Administration **BE DIRECTED** to negotiate a Municipal Capital Facility Agreement with the lessee of 179 Victoria Street South;
4. The Mayor and CAO **BE AUTHORIZED** to execute a Municipal Capital Facility Agreement with the lessee of 179 Victoria Street South; and,
5. Administration **BE DIRECTED** to pursue changes in the Property Tax Classification of 179 Victoria Street South, as appropriate.

2. **BACKGROUND:**

For the purpose of exempting land from taxation under subsection 110 (6) of the Municipal Act, O. Reg. 603/06 sets out that a municipality may enter into an agreement under subsection 110 (1) of the Act for the provision of the following classes of municipal capital facilities exemptions to section 110(6) of the Act:

1. Facilities used by the council.
2. Facilities used for the general administration of the municipality.
3. Municipal roads, highways and bridges.
4. Municipal local improvements and public utilities.

- 4.1 Municipal facilities for the generation of electricity.
5. Municipal facilities related to the provision of telecommunications, transit and transportation systems.
6. Municipal facilities for water, sewers, sewage, drainage and flood control.
7. Municipal facilities for the collection and management of waste and garbage.
8. Municipal facilities related to policing, fire-fighting and by-law enforcement.
9. Municipal facilities for the protection, regulation and control of animals.
10. Municipal facilities related to the provision of social and health services, including long-term care homes under Part IX of the Fixing Long-Term Care Act, 2021.
11. Municipal facilities for public libraries.
12. Municipal facilities that combine the facilities described in paragraphs 1 to 11.
13. Parking facilities ancillary to facilities described in any of paragraphs 1 to 12.
14. Municipal community centres.
15. Parking facilities ancillary to facilities described in paragraph 14.
16. Municipal facilities used for cultural, recreational or tourist purposes.
17. Municipal general parking facilities and parking facilities ancillary to facilities described in paragraph 16.
18. Municipal housing project facilities.

O. Reg. 603/06 continues:

Restrictions, local community activities

5. For the purposes of sections 2 and 3, a municipality may enter into an agreement respecting municipal capital facilities described in paragraphs 14 and 15 of subsection 2 (1) only if,
 - (a) the municipal capital facilities are primarily used for local community activities; and
 - (b) the council has declared by resolution that the municipal capital facilities are for the purposes of the municipality and are for public use.

3. DISCUSSION:

The facilities at 179 Victoria Street South have undergone renovations in order to open as a municipal capital facility, operating a community centre for the use of the public. In accordance with the Act, the Town has ensured that the facility will be primarily used for local community activities and should Council endorse the recommended Council resolution, the requirements of section 5 (1) (a) and (b) will have been met.

The recommendation also includes the authorization for Administration to negotiate and the CAO and Mayor to execute a Municipal Capital Facility agreement with the lessee, as required by legislation, and to pursue any changes in property tax classification that may be required.

4. RISK ANALYSIS:

By declaring 179 Victoria by way of Council resolution as a municipal capital facility for the use of the public and passing By-law 2024-035, Council avoids the risk that this facility will be classified as a taxable entity and therefore carry with it commensurate additional unplanned expenditures.

5. FINANCIAL MATTERS:

Should the Town not adopt a By-law designating this structure as a municipal capital facility and pass a Council resolution declaring the lands for public use, then the structure is likely to be assessed as commercial and the municipality will bear the costs associated with such a determination. Taking the above actions will avoid those unplanned expenses, once MPAC has approved

6. CONSULTATIONS:

Tracy Prince, Chief Financial Officer / Treasurer / Director of Corporate Services
Valerie Critchley, Chief Administrative Officer

7. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

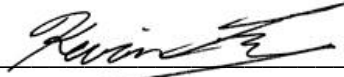
<i>Amherstburg Community Strategic Plan 2022 - 2026</i>	
<p style="text-align: center;">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. ✓ Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. <input type="checkbox"/> Develop our staff team, resources, and workplace culture. ✓ Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. 	<p style="text-align: center;">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. ✓ Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations.
<p style="text-align: center;">PILLAR 2 Invest in Community Amenities and Infrastructure</p> <ul style="list-style-type: none"> ✓ Maintain safe, reliable and accessible municipal infrastructure and facilities. <input type="checkbox"/> Increase access to recreation opportunities for all ages. ✓ Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) <input type="checkbox"/> Create public access to water and waterfront 	<p style="text-align: center;">PILLAR 4 Shape Growth Aligned with Local Identity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Define and communicate a vision for the Town’s future and identity. <input type="checkbox"/> Promote and plan for green and “climate change ready” development. <input type="checkbox"/> Review and implement policies that promote greater access to diverse housing.

Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change.

Protect the Town's historic sites and heritage.
 Preserve the Town's greenspaces, agricultural lands, and natural environment.

8. CONCLUSION:

The inclusion of a designation as a Municipal Capital Facility for public use of the community centre at 179 Victoria Street South will ensure that the appropriate documentation to support the Town's current uses are able to be applied to any tax classification associated with the subject property after MPAC approval.



Kevin Fox

Clerk / Risk Manager

Report Approval Details

Document Title:	Designate 179 Victoria Street South as a Municipal Capital Facility.docx
Attachments:	- 2024-035 - Designate 179 Victoria Street as Municipal Capital Facility.docx
Final Approval Date:	May 1, 2024

This report and all of its attachments were approved and signed as outlined below:



Tracy Prince

**No Signature - Task assigned to Valerie Critchley was completed by assistant
Melissa Osborne**

Valerie Critchley



Kevin Fox