

Date: April 26, 2022	Originator's files: PO.11.BAT
To: Chair and Members of General Committee	
From: Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer	Meeting date: June 1, 2022

Subject

Surplus Land Declaration for the Purpose of Disposal – City-owned lands on the south side of Battleford Road (Ward 9)

Recommendation

1. That the City-owned lands located on the south side of Battleford Road, legally described as part of Block C, Plan M146, designated as Part 2 on Plan 43R-8058 and being all of PIN 13225-0202 (LT), comprising an area of approximately 58.16 square metres (624 square feet) (the "Subject Property"), be declared surplus to the City's requirements for the purpose of sale and transfer to Alectra Utilities Corporation ("Alectra") at nominal value, for the purpose of maintaining switchgear.
2. That the Commissioner of Corporate Services and Chief Financial Officer and the City Clerk, be authorized to execute an Agreement of Purchase and Sale (the "Agreement"), including all ancillary documents and any subsequent amending or extension agreements, between the Corporation of the City of Mississauga (the "City"), as Vendor and Alectra, as Purchaser, for the sale of the lands legally described as part of Block C, Plan M146, designated as Part 2 on Plan 43R-8058 and being all of PIN 13225-0202(LT), comprising an area of approximately 58.16 square metres (624 square feet), on the terms detailed herein and in a form and content satisfactory to Legal Services including conveyance of a temporary access easement over the entirety of the lands described as PIN13255-0206, being a one foot reserve, all at nominal value.
3. That all steps necessary to comply with Section 2(1) of the City Notice by-law 215-08 be taken, including giving notice to the public by posting a notice on the City of Mississauga's website for a two week period, where the expiry of the two week period will be at least one week prior to the execution of an agreement of purchase and sale for the subject lands.
4. That all necessary bylaws be enacted.

Executive Summary

- The City has owned the Subject Property containing an approximate area of 58.16 square metres (624 square feet) since 1976.
- Mississauga Hydro-Electric Commission (now Alectra) has maintained electrical switching gear at this location prior to the year 2000.
- In 2000, pursuant to Section 145 of the *Electricity Act*, City Council enacted City of Mississauga By-law 0001-2000, the purpose of which was to transfer all assets, employees, liabilities, rights and obligations of the former Mississauga Hydro-Electric Commission to the then newly created Hydro Mississauga Corporation.
- The Subject Property is exclusively used and occupied by Alectra for the purposes of the electrical switching gear and for no other purposes.
- Transfer of the Subject Property to Alectra would be consistent with the overall intent of the *Electricity Act*.

Background

In accordance with Section 145 of the *Electricity Act, 1998*, City Council was authorized and mandated to transfer all assets, employees, liabilities, rights and obligations of the former Mississauga Hydro-Electric Commission to Hydro Mississauga Corporation through the enactment of By-Law 0001-2000. The transfer of the Subject Property was not identified in the by-law, and therefore was not passed on as an asset as per the By-Law.

The name of Hydro Mississauga Corporation changed as a result of Articles of Amendment filed December 31, 2000 wherein Hydro Mississauga Corporation changed its corporate name and continued to carry on business under the name of Enersource Hydro Mississauga Inc. Articles of Amalgamation were filed January 31, 2017 whereby Enersource Hydro Mississauga Inc., amalgamated with Powerstream Inc. and Horizon Utilities Corporation to form Alectra, and as such Alectra is the successor corporation of the former Mississauga Hydro-Electric Commission.

In order for real property assets to have transferred to the electricity provider, electrical infrastructure had to be in place prior to the year 2000, and the lands be in the exclusive use of the Hydro Corporation. Aerial imagery shows the electrical switching gear has been in place since 1992 and, as operation and control of the equipment has been the exclusive use of Alectra (as the successor corporation), staff believe that the land and infrastructure housing the electrical switching gear should have been identified and severed from City owned property, and thereafter transferred to the Mississauga Hydro-Electric Commission (now Alectra) as set out in the *Electricity Act* and in accordance with transfer By-law 001-2000.

Comments

As the land and electrical switching gear are fully contained within PIN 13225-0202 comprising of a total of approximately 58 square metres (624 square feet), and, as the lands are not contiguous to any other City owned real property and, as there is no remaining utility to the City, staff recommend that the lands be transferred to Alectra.

The adjoining lands at 2840 Battleford Rd are owned by the Region of Peel and the site is being used as a Booster Pumping Station. Staff circulated to the Region to see if the Region had an interest in acquiring the Subject Lands. The Region of Peel has confirmed no interest in purchasing the Subject Lands.

Under the City's Acquisition and Disposition Policy, prior to any sale, the City must declare the land surplus to its requirements. Realty Services has completed its circulation and confirmed that there are no concerns with the lands being declared surplus to the City's requirements and sold. The lands shall be sold as is.

Staff are recommending the sale of the Subject Property to Alectra at nominal value in consideration that the property should have been transferred at the time By-Law 0001-2000 was enacted in accordance with the *Electricity Act, 1998*. In addition, there is no remaining utility in the property to the City as encumbered with the electrical switching gear.

In order to provide Alectra with access to the Subject Property from Battleford Road, staff is further recommending that temporary access easement be granted to Alectra over the City's one foot reserve to ensure the Subject Property once transferred to Alectra is not landlocked.

The lands have been circulated to external utility companies. Prior to transfer, any identified easement protections, will be accommodated as required.

Prior to the sale of the Subject Property, public notice will have been given by the posting of a notice of proposed sale on the City of Mississauga's website for a two week period, where the expiry of the two week period will be at least one week before the execution of the agreement for the sale of the said lands. This notice will satisfy the requirements of the City Notice By-law 0215-2008, as amended by by-law 0376-2008.

Financial Impact

Staff are recommending the sale of the Subject Property to Alectra at nominal value in consideration that the property should have been transferred at the time By-Law 0001-2000 was enacted in accordance with the *Electricity Act, 1998*. In addition, there is no remaining utility in the property to the City as encumbered with the electrical switching gear. Further, the transfer of the lands contemplated in this report is to be to a utility corporation providing services to the general public and is recommended at nominal value.

Conclusion

It is reasonable and recommended to declare the Subject Property surplus to the City's requirements for the purposes of transfer to Alectra and to authorize execution of an Agreement to transfer the Subject Property to Alectra at nominal value.

Attachments

Appendix 1: Sketch showing the parcel of land to be declared surplus and sold

Appendix 2: Reference Plan 43R-8058



Shari Lichterman, CPA, CMA, Commissioner of Corporate Services and Chief Financial Officer

Prepared by: Varghese George, Project Leader, Realty Services, Corporate Business Services