

**Region of Waterloo**  
**Planning, Development, and Legislative Services**  
**Legal Services**

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**To:** Regional Council  
**Meeting Date:** March 22, 2023  
**Report Title:** Surplus Declaration of 22 Mockingbird Drive, Township of Woolwich (Elmira) and Transfer to The Corporation of the Township of Woolwich

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**1. Recommendation**

That the Regional Municipality of Waterloo take the following action with respect to the property known as 22 Mockingbird Drive, Township of Woolwich (Elmira), owned by the Region, as set out in Report PDL-LEG-23-015:

- a) Declare lands described as Part of Block A, Plan 1338, Woolwich Township, more particularly described as Part 1, 58R-1216, in the Township of Woolwich, Regional Municipality of Waterloo, being all of PIN 22228-0071(LT), municipally known as 22 Mockingbird Drive, Elmira, as surplus to the needs of the Region, as detailed in Report No. PDL-LEG-23-015 dated March 22, 2023; and,
- b) That the Regional Solicitor be authorized to execute an Agreement of Purchase and Sale with The Corporation of the Township of Woolwich to convey the property known municipally as 22 Mockingbird Drive, Township of Woolwich (Elmira), to the Township, for nominal consideration (\$2.00), with all terms and conditions subject to the satisfaction of the Commissioner, Corporate Services and the Regional Solicitor, in accordance with the Region's Disposal of Land By-Law (No. 20-042);

**2. Purpose / Issue:**

The subject property, known municipally as 22 Mockingbird Drive, Elmira, as further detailed in Appendix "A" to this Report, is no longer required for the Region's municipal purposes. Region staff recommend proceeding with the surplus declaration and approval of the transfer of the Subject Property to the Township.

**3. Strategic Plan:**

The divestment of this property supports Strategic Focus Area 5 (Responsive and

Engaging Public Service) and specifically, Strategic Objective 5.4 Ensure the Region provides value for money and long term financial sustainability.

#### **4. Report Highlights:**

Region staff completed the required circulation of Region departments under the Disposal of Land By-law and confirmed that there is no identified Region municipal purpose for the subject property.

Region staff have negotiated the terms of an agreement of purchase and sale with Township of Woolwich staff. Township Council has approved the agreement.

The agreement provides for the transfer of the subject property to the Township for nominal consideration (\$2.00), subject to the following terms:

- Subject property is transferred in as-is, where-is condition with no warranty regarding future uses;
- The subject property is to be used only for the Township's municipal purposes with 'municipal purposes' defined to include utilization of the lands or any buildings thereon for not-for-profit community groups or any other public interest uses that do not involve for-profit enterprises;
- The Township (other than for municipal purposes) will not offer to sell, sell, offer to lease or lease, offer to license or license all or any part of the subject property;
- The Township will not (other than for municipal purposes) mortgage or otherwise encumber title to all or any part of the subject property to a third party;
- The Township is permitted to demolish the existing building and may construct new buildings or structures with the prior consent of the Region; and
- The Region has the option to re-purchase the subject property, for nominal consideration, in the event of non-compliance with the foregoing terms restricting the use and/or disposition of the subject property.

#### **5. Background:**

The subject property was used as a Regional daycare facility until 2016 when it was vacated and it has remained unused and vacant to date. The subject property is 'land-locked' and the applicable zoning regulations would prohibit any commercial or residential development as it is located entirely within a Township of Woolwich park. Township of Woolwich staff has expressed a strong interest in obtaining ownership of the property to incorporate into the existing park area to sustain and support the community's recreational needs.

**6. Area Municipality Communication and Public/Stakeholder Engagement:**

In accordance with the Region's Disposition of Land By-law, applicable internal departments were circulated on the intent to dispose of the property with no interest of concern expressed by those departments. Further, the school boards and staff at the Townships were approached to ascertain if their institutions had any interest in acquiring the property. The Township of Woolwich expressed interest in this site.

In accordance with the Region's Notice Policy a newspaper ad was published in The Woolwich Observer and posted on the Region's website, advising of Council's intent to discuss this matter at Council on March 22, 2023. Please see Appendix B for a copy of the notice.

**7. Financial Implications:**

Current operating costs are \$30,000 per year. If the Region retained ownership of the property there would be significant costs to upgrade fire/life safety systems and HVAC plus capital renewal items such as roofing.

The Township will be responsible to pay registration costs, any applicable land transfer tax and to reimburse the Region's reasonable expenses in respect of the sale of the subject property.

**8. Conclusion / Next Steps:**

If approved, Regional staff will execute the agreement of purchase and sale and proceed to complete the transfer with the Township in accordance with the agreement.

**9. Attachments:**

Appendix A: Map & Details of the Subject Property

Appendix B: Copy of Public Notice

**Prepared By: Charlotte Hudson**, Senior Real Estate Consultant

**Approved By: Fiona McCrea**, Acting Regional Solicitor and Director of Legal Services