



Municipality of Port Hope

Staff Report

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Report Title: Lease Agreements with ACO for the Chapel and Cottage within Union Cemetery

Report to: Corporate Services Committee

Date of meeting: September 6, 2022

Report Author:

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Department responsible:

Corporate Services

Report Number: CS-14-22

Recommendation:

That a by-law be presented to Council to authorize 20 year lease agreements with the Architectural Conservancy Ontario Inc. Port Hope Branch for the caretaker's cottage and chapel located at 110 and 114 Toronto Road respectively.

Highlights:

- Existing leases with Architectural Conservancy Ontario Inc. Port Hope Branch (ACO) come to term in 2023 and 2026 and would be revised to be co-terminus for another period of 20 years ending in 2042
- All improvements identified in the previous lease as the responsibility of the ACO have been completed to the satisfaction of the Municipality of Port Hope
- All upkeep and utilities costs would continue to be the responsibility of the ACO

Background:

Within the Union Cemetery grounds, the Municipality owns the small chapel originally built circa 1891 located officially at 114 Toronto Road and the previous caretaker's cottage built circa 1870 just south of the chapel officially located at 110 Toronto Road. The chapel was designated as a heritage property in 1986.

After being approached by the Architectural Conservancy of Ontario Inc. Port Hope Branch (ACO) regarding the deteriorating condition of the cottage and following discussions with staff, Council authorized a 20-year lease agreement for the cottage in 2003 through the adoption of By-law 23/2003. The agreement was for a nominal amount and identified that the ACO would be responsible, at no expense to Municipality, for the complete restoration of chapel and outlined a considerable amount of work to be completed.

Since the execution of the lease agreement the ACO has completed all identified work to the satisfaction of the Municipality including but not limited to the following:

- Re-roofing the entire structure
- Completely restoring the original clapboard
- Repainting the interior and exterior of the building
- Repairing the original gingerbread trim on the exterior fascia

In 2006, the ACO made a presentation to Council with respect to leasing the chapel in a similar arrangement and Council passed By-law 52/2006 which was also for a period of 20 years and again identified work to be completed, at no cost to the Municipality. The ACO had previously financed the restoration of the chapel property. Additional work identified for the chapel property, that has also been completed to the satisfaction of the Municipality, included but was not limited to the following:

- Repairing and reinforcing the floor of the chapel
- Repairing the exterior woodwork
- Repainting the chapel to match the previously repainted cottage property

Discussion:

The ACO has approached the Municipality about renewing the lease of both properties for a period of 20 years. It has been suggested that making the lease agreements co-terminus to end at the same time would be beneficial and remove the future need to provide a similar report and execute an additional by-law for the chapel property lease that does not come to term until 2026. It is important to note that the current and proposed lease agreements are specific to “meeting and storage requirements for municipal heritage and/or historical organizations at cost”. There is no ongoing, continuous occupation of the chapel or cottage by the ACO. The buildings are only used sparingly.

Staff have reviewed the provisions of the current lease and are providing for amendments that identify the ongoing expectation of the proper maintenance and upkeep of the properties. Minor amendments to include the current practice of allowing municipal staff access to the properties for the purpose of site review and emergency access are also being included. Further, reference to the former Cemetery Board is being amended and replaced with reference to the Municipality.

Staff completed a review of the restoration work previously identified as the responsibility of the ACO. As noted, all identified work has been completed to the satisfaction of the Municipality. Staff do not believe there is currently any significant work or restoration required of the properties. The use of the facilities for municipal purposes has been considered previously but at this point in time the capital investments required to bring the buildings up to a standard for a municipal facility outweigh any benefit to the Municipality utilizing the spaces on a regular basis.

The Municipality currently has no long-term capital investment interest in the facilities with respect to a different potential use, and the interest and commitment through the lease with ACO is a benefit to the Municipality. The Municipality’s partnership with the ACO

has been strong and their use of the property has no negative impacts on municipal operations.

Staff are supportive of executing new lease agreements with the ACO for a period of 20 years under the similar terms and conditions as identified in the current lease agreements. Council could consider a shorter period of time, if necessary, but at this point in time there is no future impact anticipated that necessitates that recommendation. As detailed above, the Municipality benefits from the excellent restoration of the properties completed by the ACO and the ongoing partnership in maintaining these important properties.

The new lease agreements are currently being further review by legal counsel in order to guarantee the municipalities interests are protected and also that the agreements are modernized in language and structure. Upon approval by Committee, final versions of leases will be presented in the form of a new by-law.

Financial Considerations:

The existing and proposed lease agreements include a nominal fee (\$1 annually) given the nature of the intended lease and work completed over the previous term. Upkeep and proper maintenance of the properties remain the responsibility of the ACO. The Municipality remains responsible for lawn maintenance and snow removal as is provided for the rest of the cemetery property.

Communication and Public Engagement:

The provision of new lease agreements for the properties in question do not require additional public engagement outside of including the consideration of the item on both the Committee of the Whole and Council meeting agendas. Staff has worked with ACO representatives to renew the agreements with similar terms and conditions. Communication of the new agreements throughout the membership of the ACO remains the responsibility of the ACO.

Conclusion:

The ongoing lease arrangements with the ACO for the use of both the chapel and cottage benefit the Municipality of Port Hope and provide for the previous restoration and ongoing maintenance of historically important properties. Staff recommend the continuation of similar arrangements in the form of new 20-year lease agreements.

Attachments:

None.