West Hants
something inspiring awaits

WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☐	Councillor Activity ☐

To: Mayor Zebian and Members of Council

Submitted by: Deanna Snair, Municipal Clerk

Date: December 9, 2025

Subject: Donation PID 45285103 Old Walton Rd, Upper Burlington

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LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act – *Sale or lease of municipal property* - Section 51
(1) A municipality may sell or lease property at a price less than market value to a nonprofit organization that the council considers to be carrying on an activity that is beneficial to the municipality.
(2) A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by at least a two thirds majority of the council present and voting.
(3) Where the council proposes to sell property referred to in subsection (1) valued at more than
ten thousand dollars at less than market value, the council shall first hold a public hearing respecting the sale.
(4) The council shall advertise the public hearing at least twice, in a newspaper circulating in the municipality, the first notice to appear at least fourteen days before the hearing.
(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale. 1998, c. 18, s. 51.

RECOMMENDATION or DECISION REQUEST

COUNCIL APPROVES THE CONDITIONAL DONATION OF A PORTION OF PID 45285103 OLD WALTON RD, UPPER BURLINGTON PROPERTY TO THE UPPER BURLINGTON HALL AND THE REMAINING PORTION OF PID 45285103 OLD WALTON RD, UPPER BURLINGTON PROPERTY INCLUSIVELY TO THE HANTS SHORE CHILDCARE ASSOCIATION AND DIRECTS THE CHIEF ADMINISTRATIVE OFFICER TO CARRY OUT THE NECESSARY STEP TO DONATE THE LAND.

BACKGROUND

Property ☐	Public Opinion ☐	Environment ☐	Social ☐	Economic ☐	Councillor Activity ☐

On May 13, 2025, the Hants Shore Childcare Association presented to Council their proposal to develop a fully serviced, registered childcare facility in the Hants Shore area. The proposed centre would provide 60 childcare spaces for children aged 6 months to 11 years.

To facilitate this development, the Association requested:

1. That the Municipality donate a 3-acre parcel of land (PID 45285103) to the Association.
2. That the Municipality assist by guiding the Association through the required rezoning process.

The Association noted that provincial funding eligibility requires that the organization hold legal title to the property, making the land donation a key component of their development plan.

DISCUSSION

In order for consideration to be given to the request, the property identified as PID 45285103 would need to be first deemed surplus and then rezoned from Open Space (OS) to Institutional (I) zone, in addition to amending the text of the West Hants Land Use By-law to add "Day care centres, licensed or non-licensed" as a permitted use in the Institutional (I) zone to permit the establishment of a licensed daycare facility.

To date the following steps have been taken to support the request:

- July 8, 2025 Council discussed the request and made a recommendation in favour of the request.
- July 18, 2025 a completed application for rezoning was received from the Chief Administrative Officer, Mark Phillips.
- July 22, 2025 the property was declared surplus.
- September 3, 2025 a Public Information Meeting was held for the rezoning of the property.
- October 9, 2025 the Planning and Heritage Advisory Committee recommended in favour of the rezoning application application.
- October 28, 2025 Council recommended in favour of moving the application onto Public
- Hearing and Second Reading.
- November 25, 2025 Public Hearing and Second Reading occurred, and Council approved the rezoning application unanimously.

Following the positive endorsement of Council to rezone the parcel of land Open Space (OS) to Institutional (I) zone and amending the text of the West Hants Land Use By-law to add "Day care

centres, licensed or non-licensed" as a permitted use in the Institutional (I) zone to permit the establishment of a licensed daycare facility. The next step in the process is to hold a Public Hearing to facilitate the donation of the land.

The Municipal Government Act (MGA) provides provisions for municipalities to acquire, sell or donate land for municipal purposes. However, where a council proposes to sell property below market value, a public hearing is required.

The approach taken to date was to proceed with separate applications for rezoning and the donation of the parcel of land to lessen confusion.

In past discussions Council has demonstrated strong support for the initiative, recognizing the value of increased childcare capacity for the Hants Shore area. With the rezoning and text amendments approved as of November 25, 2025, the next step is the formal consideration of the land donation. This will require:

- Compliance with MGA requirements regarding disposal of municipal property below market value.
- A public hearing specific to the donation.
- A Council decision to finalize transfer of title to the Hants Shore Childcare Association.

NEXT STEPS

The final step now before Council is to consider the donation of the surplus land to the Hants Shore Childcare Association, enabling the project to proceed to the provincial funding and construction phases.

Process

Notice placed in the local paper – November 21 and 28, 2025

Notice placed on the municipal website and social media pages – November 25, 2025

Public Hearing & Council Decision– December 9, 2025

Once the Public Hearing has concluded for the land donation, The Municipality will have completed all necessary planning and legislative steps required to make the property eligible for development as a licensed childcare facility. The final step would be to direct the Chief Administrative Officer (CAO) to execute the agreement based on the terms discussed with Council.

FINANCIAL IMPLICATIONS

Should Council wish to proceed with the donation of this parcel financial considerations may be relevant**.**
1. Revenue - Sale value of lands / Proceeds of Sale (transferred to capital reserves). Value to be determined by Council which may include a value of $1.00.
2. Revenue - Ongoing applicable property tax revenue associated with the future use of the lands (residential, commercial or resource taxation)
3. Expenditures – rezoning related costs if applicable
4. Expenditures – Legal and property migration (if applicable)

Although the Municipality may consider paying costs associated with a donation of land, there are legal or income tax/capital gains implications, associated with a donation. Additionally, there are costs associated with advertising for Public Information meetings and Public Hearings. Preliminary Cost Estimates: $2,500 to $10,000 (legals fees, surveying, advertising, etc..). This does not include the cost of an appraisal which we anticipate not requiring for this purpose. Surrounding vacant lands and existing appraisals will be used to estimate market value for this process.

ALTERNATIVES

The following alternative dates are proposed for council's consideration:

- Option A: Postpone the Public Hearing to a date agreed upon by Council; however, this is not the recommendation of staff.
- Option B: Continue with the Public Hearing and complete the land transfer as discussed and agreed upon by Council.

ATTACHMENTS

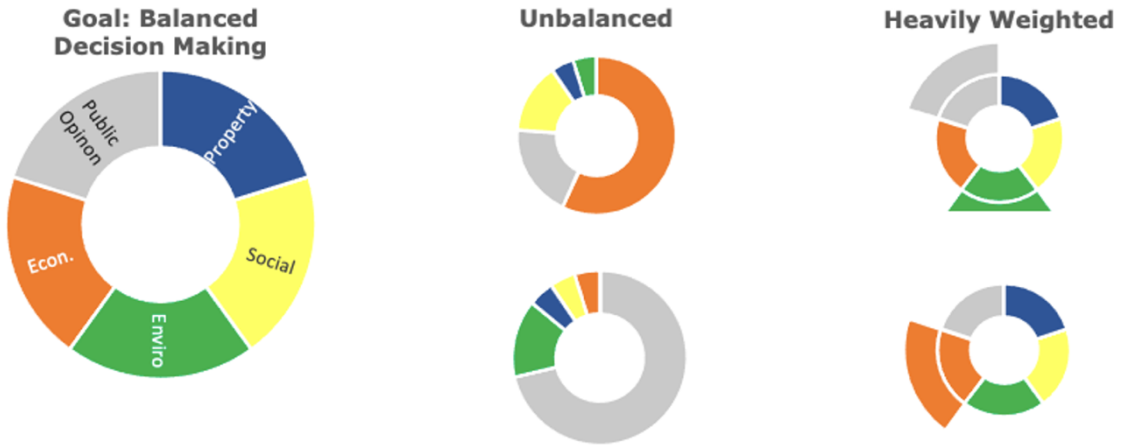
None

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report and recommendation is in keeping with Council's direction.

I support the recommendation.

Council has been provided with a reference taken from the Meeting and Committee Procedural Policy , Appendix C "Decision Making by Council and Committee of the Whole" as a reminder of the principles highlighted for good decision making.



Report Prepared by: _____
Deanna Snair, Municipal Clerk

Report Reviewed by: _____
Deanna Snair, Municipal Clerk

Report Approved by: _____
Mark Phillips, Chief Administrative Officer