AUDITOR GENERAL

Halifax Regional Municipality

Management of Surplus Buildings and Land

November 2017

November 10, 2017

Office of the Auditor General
Halifax Regional Municipality

The following audit of **Management of Surplus Buildings and Land**, completed under section 50(2) of the Halifax Regional Municipality Charter, is hereby submitted to the Audit and Finance Standing Committee of Regional Council.

Respectfully,

Orignial signed by

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Auditor General
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Table of Contents

Summary 1

Recommendations and Management Responses 2

Audit Results 5

Municipal-owned land and buildings not actively reviewed to identify surplus 5

Improvements needed in information provided to Regional Council on surplus buildings and land 7

Responsibility to manage surplus properties not clearly assigned 10

HRM not always taking appropriate risk reduction measures for surplus properties 11

Information on surplus properties is scattered across business units 12

Background 13

Audit Objectives and Scope 13

Appendix: Audit Sample 15

Contact Information 16

Summary

Conclusion

There are opportunities for Halifax Regional Municipality to improve its processes for surplus buildings and land and achieve better value-for-money. While individual business units do a good job of determining which buildings and land they do not need, HRM does not regularly review all municipal-owned properties to identify surplus properties.

Information provided to Regional Council could be improved by including all key areas, such as environmental risks, and by providing regular updates on ongoing operating costs of surplus buildings and land.

Key Take-aways

- Real Estate is not regularly reviewing all Municipal-owned buildings and land to identify properties HRM may no longer need.
- Regional Council and property review committees need more complete information on potentially-surplus buildings and land.
- Regional Council does not get regular updates on surplus properties, including ongoing costs of holding property.
- Better information on environmental risks is needed in reports to Regional Council.
- There are some positive aspects to the process to identify potentially-surplus buildings and land.
- It is not clear which HRM business unit is responsible for managing surplus buildings and land while waiting for disposal.

What We Audited and Why

The purpose of this audit was to determine whether Halifax Regional Municipality identifies and manages surplus buildings and land to achieve value-for-money.

As priorities change and buildings age, the Municipality may no longer need certain buildings and land. It is important that HRM identifies and disposes of vacant and surplus properties to ensure it is not paying operating costs for properties it no longer needs, or giving up revenues from the sale of such properties. In some instances, buildings or land may be of better use to a community group or for redevelopment.

Recommendations and Management Responses

Recommendation 1:

Finance and Asset Management should evaluate the property inventory review process required under Administrative Order 50 to determine whether an annual review is reasonable. If a longer review timeframe is suggested, management should recommend to Regional Council that Administrative Order 50 be amended accordingly.

Management Response:

Management accepts the recommendation. Management agrees that the requirement to facilitate at least one annual review of real property inventory is time-consuming and does not meet the municipality's needs. AO50 captures reviews and commentary from a range of stakeholders. Business Units provide input based on annual Business Plans. Council provides direction through motions. Known operational changes (facility closures), public input and community advocates all factor into this organic process, which is facilitated by Real Estate.

Management intends to recommend amendments to AO50 reducing the requirement for an annual review of municipal inventory and focus on potential surplus properties identified by stakeholders. A fulsome review of municipal inventory may still take place over a longer period.

Recommendation 2:

Once Administrative Order 50 has been updated, or a decision made to maintain annual reviews, Finance and Asset Management should comply with Administrative Order 50.

Management Response:

Management accepts this recommendation. Management intends to advance amendments to AO50 to facilitate compliance.

Recommendation 3:

Corporate and Customer Services should regularly provide Regional Council with a list of properties declared surplus, associated costs, and current statuses (e.g.: for sale, demolition planned).

Management Response:

Management accepts the recommendation. Staff currently report surplus property status and holding costs annually through the annual business plan and presentation to Council. When a property is brought forward for surplus consideration, AO50 Surplus Property Reports to Council provide operating and holding cost information for each property. Corporate and Customer Services will increase reporting of operating costs and the status of surplus properties through Audit and Finance Committee twice per year.

Recommendation 4:

Finance and Asset Management should include environmental risks in the standard section of reports to property review committees and Regional Council. Environmental risks should be evaluated and the Real Estate division should disclose all such risks it is aware of.

Management Response:

Management accepts the recommendation. Real Estate currently discloses known risks. In most instances in collaboration with Legal Services property disposals are sold "as is-where is" with the risk transfer to the purchaser. Risk and Environmental sections were adopted in 2015 as standard mandatory components of reports to Regional Council. Notwithstanding the property review packages, the technical review committee is part of the property review and within that process risks become more readily identified. When information is available and identified, Management intends to strengthen the Risk and Environmental sections in the surplus property packages provided to working committees and Council.

Recommendation 5:

Finance and Asset Management should request a legal review for properties recommended for community use before asking Regional Council to approve them as surplus. The results should be included in the report to Regional Council.

Management Response:

Management accepts the recommendation. This informally occurs between Legal Services and Real Estate for all categories of properties. Real Estate will engage Legal and Risk Management Services and request a title report as part of the review for Community Interest properties.

Recommendation 6:

As part of the requirements of Administrative Order 50 for disposal of surplus properties, Finance and Asset Management should assign responsibility for managing surplus properties.

Management Response:

Management accepts the recommendation. Relevant Senior Managers are represented on the AO50 Steering Committee and are accountable for input and decision approvals respecting interim management of surplus properties. Real Estate staff also meet quarterly to provide updates on surplus property status. Management intends to improve clarity around assigning responsibility for managing surplus properties through the established Technical and Steering Committees and in its recommendation reports to Regional Council.

Recommendation 7:

HRM should establish lease or facility agreements with outside groups occupying all municipal-owned properties.

Management Response:

Management accepts the recommendation. Amendments to AO50 under the Community Category are pending and may include criteria to dispose of leased properties to current tenants. Community group leases and facility agreements are often legacy matters, some dating back to pre-amalgamation, and prove to be challenging situations requiring the balancing of interests. Real Estate will continue to support Parks and Recreation, who are generally responsible for such assets.

Recommendation 8:

Finance and Asset Management should track detailed information on surplus or vacant property in a central file, including: status, comments, building condition, and environmental assessments.

Management Response:

Management accepts the recommendation. Real Estate has developed a comprehensive listing of AO50 approved properties including status and comments. HRM's Enterprise Asset Management Program initiative will further enhance the tracking and sharing of such information corporately.

Audit Results

Municipal-owned land and buildings not actively reviewed to identify surplus

The Municipality's Real Estate division is not complying with HRM policy (Administrative Order 50) which requires an annual review of all municipal-owned buildings and land to identify properties which HRM may no longer need. Currently, Real Estate staff only considers properties by request from business units, councillors, or citizens. This means some buildings and land may not get reviewed over several years.

Reviewing all municipal buildings and land each year would be time consuming. HRM may wish to amend its policy to provide for a regular review over a longer timeframe. For example, it could review all properties every three years. Whether the policy is amended or stays as is, Real Estate management will need to comply with the Administrative Order.

Admin Order 50

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Administrative Order 50, Respecting the Disposal of Surplus Real Property outlines the process to declare and dispose of surplus buildings and land. This policy directs Real Estate and Land Management staff to *"facilitate at least one annual review of the Municipality's real property inventory in order to identify potentially surplus properties."*

Individual business units track the buildings and land they are responsible for. We found business units have good processes to regularly review and identify those properties which they no longer need. Once a unit does not need a building or land, staff remove it from their inventory and refer the property to Administrative Order 50 for review.

HRM has a list of all Municipal-owned buildings and land for financial statement purposes. However, we expected the Real Estate division to have a complete list of buildings and land that includes information such as whether the property is currently being used by the Municipality, or is occupied, leased, vacant, or awaiting sale or disposal. This type of information could be used as a management tool to help Real Estate ensure it reviews properties in compliance with municipal policy.

Recommendation 1

Finance and Asset Management should evaluate the property inventory review process required under Administrative Order 50 to determine whether an annual review is reasonable. If a longer review timeframe is suggested, management should recommend to Regional Council that Administrative Order 50 be amended accordingly.

Management Response

Management accepts the recommendation. Management agrees that the requirement to facilitate at least one annual review of real property inventory is time-consuming and does not meet the municipality's needs. AO50 captures reviews and commentary from a range of stakeholders. Business Units provide input based on annual Business Plans. Council provides direction through motions. Known operational changes (facility closures), public input and community advocates all factor into this organic process, which is facilitated by Real Estate.

Management intends to recommend amendments to AO50 reducing the requirement for an annual review of municipal inventory and focus on potential surplus properties identified by stakeholders. A fulsome review of municipal inventory may still take place over a longer period

Recommendation 2

Once Administrative Order 50 has been updated, or a decision made to maintain annual reviews, Finance and Asset Management should comply with Administrative Order 50.

Management Response

Management accepts this recommendation. Management intends to advance amendments to AO50 to facilitate compliance.



Improvements needed in information provided to Regional Council on surplus buildings and land

Halifax Regional Council does not receive regular updates on all the Municipality's surplus buildings and land, including ongoing operating costs and updated status (e.g.: for sale, demolition planned). Such information would ensure councillors are aware of ongoing operating costs or delays in disposal.

Ongoing costs can be significant as surplus buildings and land may remain vacant for long periods. Eight of the 20 buildings in our sample stayed in the Municipality's inventory for two years or more. Of these eight, two were sold after three years, one building was demolished after two years, and the remaining five are still in inventory.

While there are positive aspects to the Municipality's process to review surplus buildings and land, information on environmental risks and potential legal issues which could arise on disposal is often missing. We found the information provided to Regional Council when properties are first recommended as surplus has improved in recent years, but there are still gaps in what Regional Council receives.

Recommendation 3

Corporate and Customer Services should regularly provide Regional Council with a list of properties declared surplus, associated costs, and current statuses (e.g.: for sale, demolition planned).

Management Response

Management accepts the recommendation. Staff currently report surplus property status and holding costs annually through the annual business plan and presentation to Council. When a property is brought forward for surplus consideration, AO50 Surplus Property Reports to Council provide operating and holding cost information for each property. Corporate and Customer Services will increase reporting of operating costs and the status of surplus properties through Audit and Finance Committee twice per year.

HRM's review and challenge process to evaluate potentially-surplus buildings and land has a number of good points. Two committees consider properties to assess whether the Municipality needs them or should dispose of them. The composition and work of these committees is described in the table below.

Technical Review Committee	Property Steering Committee
• Members are technical or professional specialists across business units • Review properties to determine if they are of use to their business unit • Asked to provide relevant technical information to Real Estate for consideration	• Members are management-level staff across business units • Meetings held to discuss potentially-surplus properties • Consider commentary from the Technical Review Committee • Provide advice to Real Estate to ensure the Municipality's properties are adequate to support its programs and services • Recommend to Regional Council how property should be disposed of (market value, sold to community group, other)

We found building conditions were properly considered in the review process. Building condition was often mentioned in review committee notes and in reports to Regional Council. Sixteen of 20 buildings in our sample had building condition assessments or

other information on the building's state. The remaining four have been sold, demolished, or are scheduled to be demolished.

Real Estate staff maintains the responses and discussion from both committees. They told us the committees' work helps select which properties to recommend as surplus to Regional Council.

The committees' standard processes could be improved by considering environmental risks or all legal issues which could arise. Discussion of these matters may happen, but it is ad hoc rather than part of the standard process. This is discussed further below.

Environmental risk

The committees and Regional Council are not always getting complete information on environmental risks. This is a standard section in the surplus property reports; however, it was not always detailed for each property. Potential environmental risks could impact decisions on surplus property.

Environmental risks include underground fuel tanks, previous oil spills, and hazardous building materials. They are higher with older buildings, such as those Regional Council is declaring surplus.

Management told us it is standard practice to sell surplus properties on an as-is basis. This includes properties sold to community groups. In these cases, presenting potential environmental risks to Regional Council would provide better information for interested community groups if properties are declared surplus.

Recommendation 4

Finance and Asset Management should include environmental risks in the standard section of reports to property review committees and Regional Council. Environmental risks should be evaluated and the Real Estate division should disclose all such risks it is aware of.

Management Response

Management accepts the recommendation. Real Estate currently discloses known risks. In most instances in collaboration with Legal Services property disposals are sold "as is-where is" with the risk transfer to the purchaser. Risk and Environmental sections were adopted in 2015 as standard mandatory components of reports to Regional Council. Notwithstanding the property review packages, the technical review committee is part of the property review and within that process risks become more readily identified. When information is available and identified, Management intends to strengthen the Risk and Environmental sections in the surplus property packages provided to working committees and Council.

Legal reviews

When properties may be sold, a legal review would provide useful information for Regional Council. It would identify potential issues such as not having clear ownership title, which could impact how quickly a sale can be completed.

Legal reviews are generally not done when properties are recommended to Regional Council as surplus. HRM does not have a standard timeframe for legal reviews on buildings or land which may be repurposed, sold, or demolished. Title, or other legal issues, might prevent the municipality from selling certain properties.

Completing legal reviews earlier could help identify potential issues and avoid delays or surprises during disposal. When surplus buildings or land are sold at market value, the interested buyers may have the resources to quickly resolve legal issues during the sale. However, there have been examples of lengthy delays when a community group wanted to buy a surplus building or land parcel and title or other legal issues have arisen.

Recommendation 5

Finance and Asset Management should request a legal review for properties recommended for community use before asking Regional Council to approve them as surplus. The results should be included in the report to Regional Council.

Management Response

Management accepts the recommendation. This informally occurs between Legal Services and Real Estate for all categories of properties. Real Estate will engage Legal and Risk Management Services and request a title report as part of the review for Community Interest properties.

Responsibility to manage surplus properties not clearly assigned

It is not clear which HRM business unit is responsible for managing buildings and land once properties are determined surplus to a business unit, or have been declared surplus by Halifax Regional Council. This makes it difficult to manage surplus buildings and land as it creates confusion about who is responsible for decision making and costs.

Parks and Recreation, and Corporate and Customer Services are often involved in managing surplus properties, such as operating and maintaining buildings or making decisions to demolish them. Management in these business units told us they are concerned with the lack of policy direction on who is responsible to manage surplus properties. They do not feel they have the authority to make decisions on these properties while waiting for disposal.

Recommendation 6

As part of the requirements of Administrative Order 50 for disposal of surplus properties, Finance and Asset Management should assign responsibility for managing surplus properties.

Management Response

Management accepts the recommendation. Relevant Senior Managers are represented on the AO50 Steering Committee and are accountable for input and decision approvals respecting interim management of surplus properties. Real Estate staff also meet quarterly to provide updates on surplus property status. Management intends to improve clarity around assigning responsibility for managing surplus properties through the established Technical and Steering Committees and in its recommendation reports to Regional Council.

HRM not always taking appropriate risk reduction measures for surplus properties

In some instances, community groups may be using buildings which could be declared surplus by HRM. The Municipality does not always have a lease or facility management agreement with these community groups which would clearly establish rights and responsibilities of HRM and the community group. The Municipality could be liable if something happened in these buildings. These factors should be considered when developing plans and timelines for the properties so the Municipality is protected from potential liabilities while the property is under review.

Recommendation 7

HRM should establish lease or facility agreements with outside groups occupying municipal-owned properties.

Management Response

Management accepts the recommendation. Amendments to AO50 under the Community Category are pending and may include criteria to dispose of leased properties to current tenants. Community group leases and facility agreements are often legacy matters, some dating back to pre-amalgamation, and prove to be challenging situations requiring the balancing of interests. Real Estate will continue to support Parks and Recreation, who are generally responsible for such assets.

Information on surplus properties is scattered across business units

There are no central files for surplus property, and information on a property's status is not always tracked or may be recorded incorrectly. The Municipal Facilities Maintenance and Operations division tracks operating costs for surplus and vacant buildings. Information, such as building condition assessments, environmental assessments, and other relevant information is scattered across various business units and divisions.

This means risks could be identified which the division responsible for disposing of the property may not be aware of, or known issues may have been fixed but properties have not been sold because Real Estate does not know the concerns were remedied.

During our testing, we noted the following examples of staff not having the most current information.

- One building was listed as sold when it had been demolished two years earlier and the land is for sale.
- A building was listed as planning for demolition but the building had been demolished two years earlier.

We found there are no documented plans for managing most of the properties in our sample. There was documentation from committee meetings which included updates for some of the buildings we selected but this information is not kept in a central file. Several business units referenced not always knowing what was happening with surplus properties.

Given the length of time buildings can remain vacant or surplus and under review, it is important to have a plan that details how to manage the property that can be accessed by multiple divisions while waiting for decisions to be made or property to be disposed of. This would help ensure the appropriate cost and risk reduction measures can be taken as soon as possible.

Complete and accurate files for surplus properties are important for planning, making decisions, and communication across business units and to Regional Council.

Recommendation 8

Finance and Asset Management should track detailed information on surplus or vacant property in a central file, including: status, comments, building condition, and environmental assessments.

Management Response

Management accepts the recommendation. Real Estate has developed a comprehensive listing of AO50 approved properties including status and comments. HRM's Enterprise Asset Management Program initiative will further enhance the tracking and sharing of such information corporately.

Background

Over time, Halifax Regional Municipality may no longer need certain properties. *HRM Administrative Order 50, Respecting the Disposal of Surplus Real Property*, was approved by Council in April 2013 after issues were brought forward from the public during the approval to sell a former school, Saint Patrick's-Alexandra School. This Administrative Order outlines the process to declare property surplus with six categories for disposal.

1. Economic Development – strategic properties
2. Community Interest – community use
3. Ordinary Sale – routine
4. Remnant – remaining or subdivided lands
5. Extraordinary – historic or legal distinction
6. Intergovernmental Transfer – requested by another level of government

Under Administrative Order 50, the Real Estate division of Finance and Asset Management is responsible for coordinating reviews of potentially-surplus buildings and land.

Since the Administrative Order came into effect, the Municipality has declared 27 buildings surplus. From April 2013 to March 2017, HRM has spent $2.5 million in operating costs on surplus buildings.

Audit Objectives and Scope

We completed a performance audit of vacant and surplus building and land management activities at HRM business units and entities subject to Administrative Order 50 (excludes Halifax Water).

The purpose of the audit was to determine whether HRM identifies and manages surplus buildings and land to achieve value-for-money.

The objectives of the audit were to determine whether HRM:

- has adequate processes to identify vacant and surplus buildings and land;
- economically manages vacant and surplus buildings and land to ensure value-for-money is achieved, while considering risk; and
- decisions concerning vacant and surplus buildings and land are supported by adequate analysis.

We developed criteria for the audit. These were discussed with, and accepted as appropriate by, senior management at Finance and Asset Management.

We sampled buildings and land from a list of potentially-surplus, surplus, and vacant property for the audit period from April 1, 2013 to June 20, 2017.

Our sample included 30 land parcels (subdivided land, parking lots, parkland, and street closures) and 20 buildings (former schools, fire stations, recreation and community centres, residential homes, an arena, and a library).

Our audit approach included: reviewing applicable legislation, policies, guidelines and processes; examining vacant and surplus property files on a sample basis; and interviews with management.

This audit was conducted in accordance with the Canadian Standard for Assurance Engagements (CSAE) 3001 – Direct Engagements published by Chartered Professional Accountants of Canada.

We apply the Canadian Standard on Quality Control 1, and our staff follow the Chartered Professional Accountants of Nova Scotia Code of Conduct.

Appendix: Audit Sample

Our audit sample included the following buildings and land which were presented to Regional Council with a recommendation they be declared surplus. Not all properties were approved as surplus by Regional Council.

Buildings	Land
Bloomfield Centre	1291 Mineville Road, Mineville
Cherry Brook Community Centre	232 Crichton Avenue, Dartmouth
Fall River Recreation Centre	330 Windmill Road, Dartmouth
Fall River West School	48 Rodney Road, Dartmouth
Fire Station 32 – Mooseland *	Briar Lane, Parcel BL-1, Halifax
Fire Station 57 - St. Margaret's Bay *	Coronet Ave., Halifax
Fire Station 60 / Herring Cove Community Centre	Forbes Street, Halifax
Gerald B. Gray Memorial Arena	Gerard's Island, Spry Bay
Harbourside Elementary School	Kuhn Road, Dartmouth
Khyber Centre for the Arts	Lot G-01 Gorsebrook Ave, Halifax
Prince Arthur Junior High School	Lot P-2 Loriann Drive, Porters Lake
Red Cross Building	Lot RRL-12 Donaldson Ave., Halifax
Residential Dwelling - Joseph Howe Drive	Lyle Street, Dartmouth
St. Patrick's High School / Quinpool Education Centre	North Street, Dartmouth *
St. Patrick's-Alexandra School	Old Yankeetown Road, Hammonds Plains
Halifax Memorial Library	Portion of Blenheim Terrace, Halifax
	Prince Arthur Junior High School (Ball Field)
	Ridgemount Drive, Porters Lake
	St. Margarets Bay Road, Boutliers Point
	West Point Drive, Hammonds Plains

**Not approved as surplus by Regional Council.*

Our audit sample also included four buildings and 10 land parcels which are under review to determine if they are surplus to HRM's needs. Since these are in process, they are not included above.

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