

THE CORPORATION OF THE TOWNSHIP OF TUDOR AND CASHEL
BY-LAW NO: 2014 – 15
Being a by-law to establish a procedure governing the sale of real property

WHEREAS Section 270 (1) 1. of the *Municipal Act, 2001* as amended, provides that a municipality shall adopt and maintain policies with respect to its sale and other disposition of land.

AND WHEREAS the Council of The Corporation of the Township of Tudor and Cashel deems it necessary and advisable to revise its procedures for the sale of real property.

NOW THEREFORE, the Council of the Corporation of Tudor and Cashel enacts as follows:

1. In this By-law:

Appraisal – shall mean a written opinion as to the amount that the real property might be expected to realize if sold in the open market by a willing seller to a willing buyer.

Clerk – shall mean the Clerk of the The Corporation of the Township of Tudor and Cashel.

Council – shall mean the Council for The Corporation of the Township of Tudor and Cashel

Disposal – shall mean the sale of real property. A by-law shall be passed to dispose of real property by the municipal council. All notice provisions shall apply.

Municipality – shall mean The Corporation of the Township of Tudor and Cashel.

2. Council may at any time declare any of its real property to be surplus to the needs of the Municipality and shall make such declaration by resolution and/or by-law and authorize the disposal of the property according to the procedures described in Schedule “A” attached hereto.

3. The Clerk of the municipality may issue a certificate with respect to a sale of land by the municipality verifying that to the best of his/her knowledge the requirements of this section and of a by-law under this section which apply to the sale of land have been complied with. A sample of the Certificate is attached hereto as Schedule B.

4. This By-law will come into force and take effect on the day of passing.

5. All former By-laws governing such matters are hereby repealed.

PASSED this 06th day of May, 2014.

SEAL

REEVE: WANDA DONALDSON

CLERK: BERNICE CROCKER

PROPERTIES EXEMPT FROM APPRAISAL:

A municipality or local board may sell the following classes of real property without obtaining an appraisal:

- a) Land 0.3 meters or less in width acquired in connection with an approval or decision under the *Planning Act*
- b) Closed highways if sold to an owner of land abutting the closed highways.
- c) Land formerly used for railway branch lines if sold to an owner of land abutting the former railway land.
- d) Land that does not have direct access to a highway if sold to the owner of land abutting that land.
- e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*.
- f) Land sold under sections 107, 108 of the *Municipal Act*.
- g) Easements granted to public utilities or to the telephone companies.

PUBLIC BODIES EXEMPT FROM APPRAISAL

A municipality or local board may sell real property to the following classes of public bodies without obtaining an appraisal.

- a) A local board or municipality
- b) An authority under the *Conservation Authorities Act*.
- c) The Crown in right of Ontario or Canada and their agencies.

EXEMPTIONS:

This by-law does not apply to the sale of land under Part XI, *Municipal Act, 2001 – Tax Arrears*.

EXEMPTION FROM REGISTRY:

A municipality or local board is not required to list the following classes of real property in the public register.

- a) Land 0.3 meters or less in width acquired in connection with an approval or decision under the *Planning Act*.
- b) Highways
- c) Land formerly used for railway lines

SCHEDULE "A"

PROCEDURE FOR SALE OF REAL PROPERTY

- A) A request shall be presented to Council with a description, the physical location, a GIS map outlining the real property, and the reason for declaration of "surplus" status.
- B) An appraisal of the real property is required from a real estate agent, or fair market value should be provided. The use of MPAC assessed value may also be used as the last resort.
- C) Council, in its sole and absolute discretion, may sell land for less than the fair market value of the land as established by one or more appraisals where Council, in its sole and absolute discretion, determines such sale to be in the best interests of the municipality or otherwise fair and reasonable.
- D) Where the land to be disposed of is an unopened or closed highway, the land shall be sold in accordance with the following:
 - i. Council shall, by resolution, set the sale price of the land to be sold and shall offer it to the owner of the land abutting the land to be sold;
 - ii. Where there are parcels of land abutting on opposite sides of the land to be sold, the owner of each parcel has the right of first refusal to purchase the land to its middle line;
 - iii. Where the land to be sold is abutted on one side by a highway that has not been closed or by a stream, river, or other body of water over which the public has rights of navigation or of floating timber, the owner whose land abuts the land to be sold on the other side has the right of first refusal to purchase all of the land to be sold;
 - iv. Where the land to be sold does not include the whole width of the former highway, the owner whose land abuts the land to be sold has the right of first refusal to purchase all of the land to be sold;
 - v. If any person entitled to purchase the land to be sold does not exercise the right to purchase within such period as is fixed by Council, the municipality may sell the land that the person had the right to purchase to any other person at the price previously established by council or at a greater price;
 - vi. Where the municipality is unable to sell the land to be sold at or above the sale price set pursuant to Paragraph D) i. of this by-law, the council may set a lower price and the provisions of this Paragraph D shall be re-applied;
 - vii. Where land is sold to an abutting owner pursuant to this Paragraph D, the sidelines of the parcels abutting the land to be sold shall be

extended to include the land to be sold in such manner as the council considers fair and reasonable.

- E) Notice to the public may be given by advertisement in the local newspapers, by listing with a real estate broker, by posting a “for sale” sign on the property and/or by posting on the municipal website.
- F) Notice will be provided to the adjacent land owner/s and other persons, corporations, local boards or governing bodies deemed necessary by Council or the Clerk-Treasurer.
- G) All tenders for the sale of real properties will include the costs incurred to search title, solicitor’s fees, and the estimate or appraised value.
- H) All tender advertisements must state “the highest or any offer may not necessarily be accepted”.
- I) All sales of real property must be approved by By-law. This by-law must outline the Notice to be given to the public as noted above and the other procedures to be followed with respect to the disposal of real property was in force in the municipality when the resolution declaring the property surplus was passed.

SCHEDULE "B"

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY THAT:

1. The municipality passed By-law # _____ dated _____.

It is a procedural by-law for the purposes of the sale or other disposition of real property and was in force on the date of the sale or disposition of the property described above.

2. The property was declared surplus under Resolution # _____ passed on _____.

3. An appraisal of the fair market value of the property was obtained on _____.

4. The property sale or disposition is exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

5. Public notice of intent to sell or dispose of the property was given by the following method(s):

on the following date(s): _____.

THIS WILL CERTIFY THAT THE ABOVE TRANSACTION HAS BEEN COMPLETED IN COMPLIANCE WITH THE CONDITIONS.

DATED AT THE TOWNSHIP OF TUDOR AND CASHEL THIS _____ DAY OF _____

20__.

Signature of Clerk-Treasurer