



POLICY

TITLE: Sale of Land Policy
NUMBER: ADM-002
CATEGORY: Administration
DATE: May 31, 2018
REFERENCES: The Municipal Act, sec. 270 (1)
By-Law 2018-56

1.0 Purpose:

Section 270 (1) of the Municipal Act, requires that every council with authority to sell or otherwise dispose of real property shall by policy establish procedures governing the sale of real property;

2.0 Definitions:

"Council" shall mean the Council of the Corporation of the Municipality of Centre Hastings.

"Surplus Property" shall mean any real property of the Municipality of Centre Hastings declared surplus under this policy.

"Municipality" shall mean The Corporation of the Municipality of Centre Hastings.

3.0 Declaration of Surplus Land

Prior to the sale of any property owned by the Municipality, Council shall by resolution passed at a meeting open to the public, declare the property to be surplus to the needs of the Municipality and indicate the intent to sell.

4.0 Notice

Council shall, in the resolution indicating the intent to sell, direct that notice be given to the public in accordance with this policy in one or more of the following methods:

- Listing of the real property on the Council Agenda and/or the Municipal website as property which is intended for sale.
- Posting a sign on the property indicating the Municipalities intent to sell.
- Any other means of communication acting reasonably and in good faith that is deemed to be appropriate in the circumstances, in order to give notice to the public.

5.0 Procedure

- The Municipality shall obtain an appraisal of the fair market value from an independent qualified appraiser who shall be a registered member in good standing of the Appraisal Institute of Canada, or a real estate broker age firm or an independent real estate agent, or any other person deemed by the Municipality to be qualified for this purpose. The Municipality shall not be required to obtain an appraisal for any class of land or sale of land to any public body exempt from appraisal under Ontario Regulation 815/94.
- Obtain a survey of the surplus property from an independent surveyor in accordance with the laws of the Province of Ontario. Council may, by resolution, waive the requirement for a survey, if deemed appropriate.
- Obtain approval from any other agencies, as required by law.

6.0 Methods of Sale

Council shall determine the appropriate method of sale and based on such method the following procedures shall be followed:

6.1 Tender or Request for Quotation

- Costs incurred or required to dispose of the surplus property including legal fees, survey, appraisal, encumbrances, advertising, improvements, etc. shall be established.
- An estimated bid amount shall be established which shall be based on the appraised value and shall be increased to include the amounts of the costs referred to in section 5.0 above.
- All invitations to tender or quotation shall be reviewed by the Clerk before dispatch or advertisement
- All invitations to tender or quotation shall include the statement that "the highest or any offer may not necessarily be accepted."

6.2 Real Estate Firm or Broker

- Council shall determine by negotiation the real estate commission payable by the Municipality.
- All Offers to Purchase shall be submitted to the Clerk.

6.3 Alternate Method

Should an alternative method be determined by Council:

- Offers to Purchase/sale or agreements shall be submitted to the Clerk.
- All tenders quotations or offers shall be opened at a public meeting of Council.
- Council may retain legal or other counsel to assist in the review of the tenders, quotations or offers and to provide advice as required.

7.0 Exempt Classes of Land

- The provisions of Section 3 of this policy shall apply to all classes of land owned by the Municipality save and except:
- The sale of highways, roads and road allowances that shall be subject to the procedures set out in the Municipal Act;
- The sale of lands under the Municipal Tax Sales Act that shall be subject to the procedures set out in the Municipal Tax Sales Act;
- The sale of lands expropriated by the Municipality that shall be subject to the procedures set out in the Expropriations Act.

8.0 Authorizing By-Law

Any sale under the provisions of this policy shall be ratified by a by-law authorizing the sale.

9.0 Other Acts, Regulations or By-Laws

- That in the event that the provisions of this policy are inconsistent with the provisions of any other Act or Regulations made thereunder, the provisions of the Act or Regulation shall prevail.
- That in the event that the provisions of this policy are inconsistent with the provisions of any other policy or by-law, the provisions of this policy shall prevail.

10.0 Enactment

This policy shall come into force and take effect immediately upon passage hereof.