



**By-Law No. 2019-52**

**Being a by-law to adopt and maintain a policy with respect to the sale and other disposition of land.**

WHEREAS pursuant to Section 270(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, the Corporation of the Township of Dubreuilville is required to adopt and maintain policies governing its sale and other disposition of land;

THEREFORE BE IT RESOLVED THAT the Corporation of the Township of Dubreuilville enacts as follows:

1. That the attached Schedule "A" form part of this by-law and sets out the policy with regards to the sale and other disposition of land.
2. That By-Law 2015-40 be and is hereby repealed.
3. That this By-Law shall come into force and take effect upon its reading and being passed.

READ a first, second and third time and be finally passed this 9<sup>th</sup> day of October, 2019.

  
MAYOR

  
CAO-CLERK

THE CORPORATION OF  
THE TOWNSHIP  
OF DUBREUILVILLE  
P.O. BOX 367  
DUBREUILVILLE, ONTARIO  
POS 1B0

**SCHEDULE "A"**  
**TO BY-LAW 2019-52**

**THE CORPORATION OF THE TOWNSHIP OF DUBREUILVILLE**  
**POLICY FOR THE SALE OR OTHER DISPOSITION OF LAND**

**1. AUTHORITY**

Section 270(1) of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, requires all municipalities to adopt and maintain policies governing the sale of surplus land.

**2. POLICY STATEMENT**

The Corporation of the Township of Dubreuilville and its management recognize the following principles for the sale or other disposition of land.

**3. DEFINITIONS**

**Act** shall mean the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended.

**Appraisal** shall mean a written opinion of fair market value.

**Certificate** shall mean the Clerk's Certificate verifying that, to the best of his/her knowledge, the requirements of the *Municipal Act, 2001* and a policy which applies to the sale of surplus land have been complied with.

**Clerk** shall mean the Clerk of the Corporation of the Township of Dubreuilville.

**Council** shall mean the Council of the Corporation of the Township of Dubreuilville.

**Land** shall mean the lands owned by the Corporation of the Township of Dubreuilville, and includes building and fixtures, whether vacant or not, or any other proprietary interest in lands owned by the Township.

**Sale** shall mean the sale, transfer or conveyance of land by the town.

**Surplus land** shall mean any lands declared surplus by the Council of the Corporation of the Township of Dubreuilville.

**Township** shall mean the Corporation of the Township of Dubreuilville.

**4. PROCEDURES FOR THE SALE OF SURPLUS LANDS**

Prior to selling any land, Council may, by resolution, declare the land to be surplus to the needs of the Township.

**5. CONSIDERATIONS PRIOR TO THE SALE OF SURPLUS LAND**

5.1 Prior to selling any surplus land, the Township may consider whether in the circumstances it is appropriate to obtain, and may obtain, an Appraisal of the land from:

- i. An independent qualified appraiser who is a member in good standing of a recognized governing body of appraisers in Canada; or
- ii. A real estate brokerage, or real estate agent having knowledge and skill in land transactions in the Township; or
- iii. Any other person deemed by the Township on the basis of knowledge and skill to be qualified for this purpose, including a qualified land assessor in the Province of Ontario.

The Township shall make a reasonable efforts to sell the Land for fair market value, however, the Township reserves the right to sell the Land for below fair market value if it is determined that there is a public benefit to the Township to sell the Land for below fair market value.

- 5.2 Prior to selling any surplus land, the Township shall consider whether notice of the proposed Sale should be published in advance of any proposed Sale. Should the Township determine that notice shall be give, it shall publish a notice in at least one (1) newspaper and the Township website. Any additional notice shall be at the discretion of the Clerk. The Clerk may publish in a newspaper that, in the opinion of the Clerk, has such circulation within the Township as to provide reasonable notice of the sale or, if there is no such newspaper, post a notice in the municipal office and one other prominent place in the municipality.
- 5.3 Any notice required shall be no later than ten (10) days prior to the commencement of the sale process of land and may include the following:
- i. A brief description of the reason for the sale of land.
  - ii. Proposed date of closing;
  - iii. Legal description, municipal address and/or map of the lands to be sold, which in the opinion of the Clerk is sufficient to identify the lands to be sold.
  - iv. Time and location of Council meeting to consider the sale.
  - v. Name and contact information of individual at the Township handling the sale.

## **6. METHOD OF SALE**

- 6.1 The Township may utilize any of the following methods of sale:
- i. Sale by tender
  - ii. Sale by auction
  - iii. Listing and Sale by way of a Real Estate Agent
  - iv. Sale by an alternate method
- 6.2 The Council of the Township shall by by-law determine the method to be used for the Sale or other disposition of any land and the Clerk of the Township shall carry out the Sale or other disposition in accordance with the method authorized.

## **7. CLOSING/SALE OF A LAND/STREET OR PUBLIC THOROUGHFARE**

- 7.1 The Township shall estimate the costs incurred or required to close and/or sell the highway including public notice, survey, legal fees, realty fees, encumbrances, improvements or such costs associated with the Sale of the Land.
- 7.2 The Township shall determine a sale price based on the value of the Land.
- 7.3 Council may reserve the right to adjust the sale price where, in the opinion of Council, it is in the best interests of the Township.

## **8. CLOSED SESSION**

All tenders, quotations or offers may be presented to Council in closed session for deliberation, in accordance with section 239 of the *Municipal Act, 2001*, unless Council direction has been given to the Township to negotiate the sale within certain terms or an alternate method of Sale is approved by Council.

## **9. CLASSES OF PROPERTY EXEMPT FROM PROCEDURES**

The below classes of property are exempt from procedures as outlined in this By-Law:

- i. The Sale of Lands for Tax Arrears;
- ii. The Sale of Lands under the *Expropriation Act*.

## **10. AUTHORIZING BY-LAW**

Any Sale of Land by the Township shall be ratified by by-law authorizing the sale.

## **11. CERTIFICATE OF COMPLIANCE**

The Clerk may issue a Certificate with respect to a sale of land by the Township verifying that, to the best of his or her knowledge, the requirements of the *Municipal Act, 2001*, and this policy, have been complied with.

## **12. GENERAL**

- 12.1 This Policy shall be administered by the Clerk's office.
- 12.2 This Policy shall be referred to as the "Policy for Sale or other Disposition of Land."
- 12.3 Upon approval of this Policy, By-Law 2015-140, or any other by-law in existence relating to the Sale of Land in the Township are hereby repealed;
- 12.4 In the event that the provisions of this Policy are inconsistent with the provisions of the *Municipal Act*, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.



**COUNCIL RESOLUTION**

Moved By:           *Hélène*          

DATE:           October 9, 2019          

Seconded By:           *Hermyle*          

Resolution No.           19-221          

Whereas that By-Law No. 2019-52, being a By-law to adopt and maintain a policy with respect to the sale and other disposition of land, be adopted.

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Carried	Defeated	Deferred
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RECORDED VOTE:	YES	NO
Councillor Chantal Croft	—	—
Councillor Hermyle Langlois	—	—
Councillor Léandre Moore	—	—
Councillor Hélène Perth	—	—
Mayor Beverly Nantel	—	—

Declaration of Pecuniary Interest and General Nature Thereof: