

# THE CORPORATION OF TAY VALLEY TOWNSHIP

---

## BY-LAW NO. 2012-036

### SALE AND OTHER DISPOSITION OF LAND POLICY

---

**WHEREAS**, Section 270 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the sale and other disposition of land;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of Tay Valley Township enacts as follows:

#### 1. GENERAL REGULATIONS

1.1 **THAT**, the Sale and Other Disposition of Land Policy, attached hereto as Schedule "A", be adopted.

#### 2. ULTRA VIRES

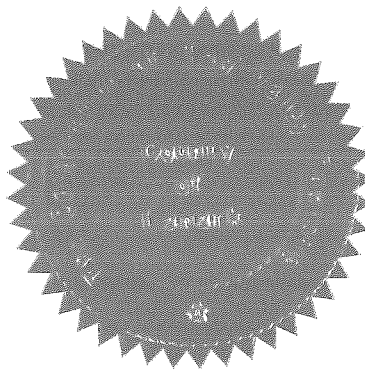
Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

#### 3. EFFECTIVE DATE

ENACTED AND PASSED this 14<sup>th</sup> day of August, 2012.



Keith Kerr, Reeve

  
Amanda Maboo, Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP  
BY-LAW NO. 2012-036

SCHEDULE "A"



SECTION:	NUMBER:
FA	8

---

**SUBJECT: SALE AND OTHER DISPOSITION OF LAND POLICY**

---

**1.0 PURPOSE**

1.1 To establish an accountable and transparent policy for the sale and other disposition of land owned by the Municipality.

**2.0 LEGISLATIVE AUTHORITY**

2.1 Section 270 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality shall adopt and maintain a policy with respect to the sale and other disposition of land.

**3.0 SCOPE**

3.1 This policy applies to property owned by the Corporation of Tay Valley Township, including its local boards as defined in Section 269 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**4.0 DEFINITIONS**

**"Appraisal"** – shall mean a written opinion from a qualified appraiser 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.

**"Chief Administrative Officer"** – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**"Clerk"** – shall mean the Clerk or designate duly appointed by the Municipality as prescribed in Section 228 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**"Disposal"** – shall mean the sale of real property.

**"Council"** – shall mean the Council of the Municipality.

---

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Clerk's Office	August 14 <sup>th</sup> , 2012	N/A	1 of 6

---



# Tay Valley Township

<b>SECTION:</b>	<b>NUMBER:</b>
FA	8

“Municipality” – shall mean the Corporation of Tay Valley Township.

“Sale” – shall include a lease of 21 years or longer.

“Surplus” – shall mean land the municipality intends to sell or otherwise dispose of.

“Treasurer” – shall mean the Treasurer or designate duly appointed by the Municipality as prescribed in Section 286 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

## 5.0 APPROVAL AUTHORITY

5.1 Council shall, by resolution, declare the land surplus and adopt the necessary by-law(s) for the sale and other disposition of land.

5.2 The Reeve and Clerk are authorized to execute the necessary documents to complete the sale and other disposition of land once the by-law(s) is adopted.

## 6.0 GENERAL PROVISIONS

### 6.1 Method of Sale

The method of sale shall be as determined by Council.

### 6.2 Costs

If the sale or other disposition of land is initiated by an individual or agency, all costs shall be born by the applicant and/or those persons to whom the lands are sold.

### 6.3 Conditions Before Sale of Land

The municipality shall:

- a) declare the land surplus by resolution;
- b) obtain at least one appraisal of the fair market value of the land; and
- c) give notice to the public of the proposed sale by an advertisement in accordance with the Public Notice Policy.

---

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Clerk's Office	August 14 <sup>th</sup> , 2012	N/A	2 of 6

---



# Tay Valley Township

<b>SECTION:</b>	<b>NUMBER:</b>
FA	8

## 6.4 No Review

The manner in which the municipality carries out the sale of its land, if consistent with this policy and the applicable sections of the *Municipal Act, 2001*, as amended, is not open to review by any court if the Municipality may lawfully sell the property, the purchaser may lawfully buy it and the Municipality acted in good faith.

## 6.5 Certificate

The Clerk 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 policy and of a by-law passed under this policy are in compliance. A sample of the Certificate is attached as Schedule "A".

## 6.6 Effect

A certificate under subsection 6.5 shall be included with the deed or transfer of land and, unless a person to whom the land is sold has notice to the contrary, shall be deemed to be sufficient proof that this section is in compliance.

## 7.0 EXCLUSIONS

### 7.1 Exclusion - Certain Classes of Land

Clause 6.1 (b) does not apply to the sale of the following classes of land:

- a) land 0.3 metres 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 highway;
- c) land formerly used for railway 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, 109 of the *Municipal Act, 2001*;
- g) easements granted to public utilities or to the telephone companies.

---

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Clerk's Office	August 14 <sup>th</sup> , 2012	N/A	3 of 6

---



<b>SECTION:</b>	<b>NUMBER:</b>
FA	8

## 7.2 Exclusion – Sale to Public Bodies

Clause 6.1 (b) does not apply to the sale of land to the following public bodies:

- a) another municipality;
- b) a Local Board including a school board and a conservation authority;
- c) the Crown in right of Ontario or Canada and/or their agencies.

## 7.3 Exclusion – Other Classes of Land

Subsection 6.1 does not apply to the sale of the following classes of land:

- a) land sold under Section 110 of the *Municipal Act, 2001*, as amended.

## 7.4 Exempt from Policy

This policy does not apply to:

- a) the sale of land under Part XI – Tax Arrears of the *Municipal Act, 2001*, as amended;
- b) requests to stop-up, close and sell unopened road allowances, instead the Road Closing and Sale Policy shall be followed;
- c) the lease of land for less than 21 years, instead the Long Term Lease of Land Policy shall be followed.

## 8.0 REGULATIONS

The Minister of Municipal Affairs may make regulations:

- a) exempting the sale of prescribed classes of land from all or any of the provisions of this by-law.

## 9.0 ACCOUNTABILITY FRAMEWORK

- 9.1 The Chief Administrative Officer, Clerk and Treasurer are responsible for ensuring compliance with this policy.

---

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Clerk's Office	August 14 <sup>th</sup> , 2012	N/A	4 of 6

---



# Tay Valley Township

<b>SECTION:</b>	<b>NUMBER:</b>
FA	8

## 10.0 POLICY REVIEW

10.1 This Policy shall be reviewed at least once per term of Council.

---

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Clerk's Office	August 14 <sup>th</sup> , 2012	N/A	5 of 6

---



<b>SECTION:</b>	<b>NUMBER:</b>
FA	8

**SCHEDULE "A"**

**SALE AND OTHER DISPOSITION OF LAND POLICY  
CERTIFICATE OF COMPLIANCE  
(Section 270 of the *Municipal Act, 2001*, as amended)**

The sale of the real property located at:

---



---

Has been lawfully completed with respect to the following:

- A Policy outlining the Notice to be given to the public 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;
- The Notice provisions required by the above noted Policy have been complied with;
- The required appraisal was obtained.

THIS WILL CERTIFY THAT THE ABOVE TRANSACTION HAS BEEN COMPLETED IN COMPLIANCE WITH THE REQUIREMENTS OF THE *MUNICIPAL ACT, 2001*.

DATED AT TAY VALLEY TOWNSHIP  
IN THE COUNTY OF LANARK  
THIS .....DAY OF ..... 20....

\_\_\_\_\_  
CLERK

<b>ISSUED BY:</b>	<b>DATE ISSUED:</b>	<b>SUPERSEDES:</b>	<b>PAGE:</b>
Clerk's Office	August 14 <sup>th</sup> , 2012	N/A	6 of 6