

THE CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

BYLAW NO. 1247-26

BEING A BYLAW TO GOVERN THE DISPOSAL OF REAL PROPERTY OF THE CORPORATION OF THE TOWNSHIP OF VAL RITA-HARTY

Legal Authority

Scope of Powers

Section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

Powers of a Natural Person

Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council

Section 5(1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

Powers Exercised by By-law

Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Delegation of Powers and Duties

Section 23.1 of the *Municipal Act* authorizes a municipality to delegate its duties under the *Municipal Act*, subject to certain requirements.

Appoint a Chief Administrative Officer ("CAO")

Section 229 of the *Municipal Act* provides that a municipality may appoint a chief administrative officer who shall be responsible for,

- (a) exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality; and
- (b) performing such other duties as are assigned by the municipality.

Appoint a Treasurer

Section 286(1) of the *Municipal Act* provides that the municipality shall appoint a treasurer who is responsible for handling all of the financial affairs of the municipality on behalf of and in the manner directed by the council of the municipality.

Sale and Disposition of Municipal Land

Section 270 of the *Municipal Act* requires municipalities to adopt a policy on how they will sell or otherwise dispose of land owned by the municipality.

Preamble

The *Municipal Act* requires that a municipality adopt a policy on how it will sell or otherwise dispose of municipally owned land.

Bylaw No. 1155-23 (as amended) is the policy that is currently in place and requires updating.

Decision

Council of the Corporation of the Township of Val Rita-Harty deems it in the best interest of the Corporation to update its policy for the sale and other disposition of Town owned land.

Direction

NOW THEREFORE the Council of the Corporation of the Township of Val Rita-Harty directs as follows:

1. That the Township of Val Rita-Harty will dispose of surplus land in an open and transparent process to ensure that the consideration for such disposal is fair, reasonable and in the best interest of the Township.
2. That **Land(s)** shall mean any real property owned by the Township including any structures and buildings located thereon.
3. That **Other Disposition** shall mean the granting of the use of land by:
 - a. Lease for a period of five (5) years or more, or
 - b. A lease with options to renew for a period greater than five (5) years, but this does not include a licence given by the Township which is revocable by the Township within the twenty-one (21) year period.
4. That **Sale** shall mean a transfer of legal title in land and shall include a lease of 21 years or longer.
5. That the following Township owned properties with water frontage shall not be sold:

- a. No Town lands with water frontage shall be sold unless such sale is for the good of the Township as a whole;
- b. Lands used as a public park maintained by the Township, or a Local Board shall remain for public use and no encroachment or use other than as a public park will be permitted; and
- c. Lands that are unopened road allowances, or lots reserved for access to the lake and not maintained by the Township may be used and maintained by the public provided no trees are cut unless permission is given by the Senior Manager, all garbage and debris is removed, no structures are erected, no fires are permitted, and no camping is allowed. Any person maintaining land is not exclusive and cannot prohibit its use by other members of the public. Signs may be posted at the discretion of Council or the Senior Manager.

Procedures for Disposal

6. That the CAO or most Senior Manager (“SM”) in conjunction with the Treasurer establish guidelines to govern sale and disposal of surplus land owned by the Township of Val Rita-Harty that comply with this bylaw including that:
 - a. Land disposal procedures may be initiated in response to inquiries from the public, unsolicited offers or as the result of internal municipal decisions and the decisions of Council.
 - b. Council reserves the right to undertake activities to increase the value of lands prior to appraisal(s) and/or sale.
 - c. Surplus land is sold on an “as is” basis and at all times the Township makes no representations or warranties regarding title or any other matters relating to the land to be sold. Surplus land is sold on an “as is” basis.

Declaring Property Surplus

7. That prior to selling any land, Council shall by resolution, declare the land to be surplus to the needs of the Township.
8. That prior to declaring the lands surplus to the Township, the Senior Manager shall provide a report with their recommendation(s) for Council to consider which at a minimum will include:
 - a. The current use of the land(s) and if the current use complies with the Provincial Policy Statement, Official Plan & Zoning By-law.
 - b. The location of the land(s), the zoning and potential uses for the land as set out in the Zoning By-law.
 - c. The potential use of the land(s) for public purposes.
 - d. The preferred method of valuation and the Current Value Assessment set out by the Municipal Property Assessment Corporation.
 - e. The preferred method of disposal.
 - f. The minimum acceptable sale price.
 - g. Feedback from Township Department Heads, the contracted Land Use

Planner, and other such agencies or government bodies the Senior Manager believes appropriate or required by law.

- h. Other such information as may be necessary for Council to make an informed decision.
9. Council may declare lands to be surplus for any reason, including but not limited to economic growth, income, job creation, community development, etc.

Appraisal

10. That an Appraisal shall mean a formal written opinion of the fair market value of the land which will be considered valid for a maximum of one (1) year after being received by Council. This may be provided by any one or all of the following methods:
- a. By the Senior Manager's office, having reference to assessed values in the surrounding area, or,
 - b. By an opinion of an independent Real Estate Agent, having knowledge of land values in the area, or,
 - c. By a formal valuation by a qualified Real Estate Appraiser.
11. That the disposition of Township owned land may be for no less than the fair market value of the land determined through at least one independent appraisal completed by an accredited appraiser through the Appraisal Institute of Canada, or such other method of valuation as determined by the Senior Manager.
12. That an alternative method of valuation may include the value assigned by the Municipal Property Assessment Corporation or a letter of opinion of the fair market value of the land from a real estate brokerage firm or an independent real estate agent. Alternative methods may also be used for non-viable land or a lease.
13. That notwithstanding the sections above, and whereas otherwise not or prohibited by legislation and regulation from doing so (i.e. anti-bonusing provisions), the disposition of land may be at a price different than fair market value if, in Council's opinion it is in the best interest of the Township to do so.

Sale Price

14. That Council at its absolute discretion can establish the sale price of surplus land(s) even if the sale price is less or more than the appraised value.
15. That once Land(s) is/have been declared surplus and a minimum acceptable sale price decided by Council, the Treasurer in consultation with the Senior Manager may execute all required documents for the sale on behalf of the Township.

Survey

16. Prior to selling any surplus land at the discretion of Council or the Senior Manager, the Township may obtain or require a survey or reference plan of the land from a Registered Ontario Land Surveyor in accordance with the laws of the Province of Ontario. This requirement may be waived if an existing survey or reference plan or property identification Number (PIN) is available. A reference plan shall be provided if a new lot is being created.

Other Approvals

17. That nothing in this bylaw shall prevent Council from deciding to retain or dispose of the land on such terms and conditions as may be decided by Council and not set out in this by-law, which shall include the power to sell the land to whomever it directs.

18. That all land, with or without improvements, shall be sold on an “as is” basis unless Council directs otherwise.

19. That the Township is under no obligation by virtue of the sale of land to grant any approvals, including approvals for changes to the Official Plan or Zoning Bylaw or with respect to site plan control, minor variances and building permits or to support approvals required by any other approval authority, which may be necessary for the use of the land by the purchaser, express or otherwise.

Notice Requirements

20. Once the lands have been declared surplus by Council, notice shall be provided in accordance with the Township Notice Policy.

21. That the Notice shall identify:

- a. That the lands have been declared surplus to the Township needs.
- b. The municipal address, legal description and/or a key map to identify the lands to be sold.
- c. The name and contact person who can respond to questions.
- d. The proposed date, time and location of the meeting where the sale of land will be considered by Council.
- e. If a decision is not made at the specified Council meeting, no further notice is required provided that a resolution is passed indicating Council's decision. This shall also apply to any further referrals or deferrals of the matter.

22. Any person may submit an objection to the Clerk in writing and include the person's name, address and reason(s) for the objection. Council must consider all comments received prior to a sale commitment. Council may revoke the surplus declaration at any time prior to the conveyance of land for any reason and may choose not to sell the land(s).

Methods of Sale

23. That Surplus Land(s) will be sold by one of the following methods:
- a. Unsolicited bid from a potential purchaser,
 - b. Public tender, or
 - c. Township initiative.
24. That the Treasurer shall develop guidelines for the sale of land by the Township which are compliant with law and are in keeping with best practices in fiscally responsible asset disposal.

Agreement of Sale

25. That the Mayor and the Treasurer are authorized to enter into an agreement to sell any land declared surplus on behalf of the Township providing it complies with this by-law.

General

26. That this by-law repeals Bylaw 1153-22 and any other by-law, resolution or policy that is contrary to these provisions.
27. This by-law takes effect on the day of its final passing.
28. That the Clerk for the Township of Val Rita-Harty is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the Bylaw and schedule after the passage of this Bylaw, where such modifications or corrections do not alter the intent of this Bylaw.

Read and adopted by Resolution 26-0 this 17th Day of March, 2026.

Mayor

Deputy Clerk