

CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

BY-LAW # 01-06-32

Being a By-law to Establish Procedures Governing The Sale of Real Property By the Municipal Corporation of the Township of Whitewater Region.

AND WHEREAS, Section 193(2) of the Municipal Act as amended by Bill 163 provides that every Council and Local Board with authority to sell or otherwise dispose of real property shall by by-law establish procedures governing the sale of real property;

AND WHEREAS, Section 193(3) of the Municipal Act as amended by Bill 163 provides that a procedure by-law passed under Section 193(2) may:

- (A) establish different procedures for different classes of real property; and
- (B) incorporate a procedure for the sale of real property of a council or local board required by this or any other Act.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION ENACTS AS FOLLOWS:

1. GENERAL

The purpose of this by-law is to establish procedures, including the giving of notice to the public, governing the sale of certain classes of real property, the sale of certain classes of real property to certain classes of public bodies and establishing and maintaining a public register listing and describing the real property leased or owned by the municipality or local board in accordance with the amendments made to the Municipal Act and the Municipal Conflict of Interest Act under Bill 163, S.O. 1994, Chapter 23.

2. DEFINITION

"Certificate of Compliance" means a certificate issued by the Clerk of the municipality or the secretary of a local board with respect to the sale of real property in accordance with Section 193(9) of the Act.

"Council" shall mean the municipal council for the Township of Whitewater Region.

"Local board" means a local board as defined in the Municipal Affairs Act, but does not include a school board as defined in Section 210.1.

"Public register" means a listing and description of all real property owned or leased by the municipality or board to be maintained in the Clerk's office and to be made available to the public but shall not include those classes of lands deemed to be exempt as set out in paragraph 8 below.

"Sale" includes a lease of 21 years or longer.

3. All real property shall be disposed of in the following manner and in accordance with the following steps:

Every council or local boards shall,

- (i) by by-law or resolution passed at a meeting open to the public declare the real property to be surplus;

- (ii) upon passing of the above mentioned by-law or resolution, obtain an appraisal of the fair market value of the real property.
- (iii) give notice to the public of the proposed sale. The method of notice shall normally be by publishing such notice in a paper with local circulation;
- (iv) any offers received for real property to be disposed of by the council or local board must be made in writing and must include the following;
 - (a) a proper legal description of the land;
 - (b) the full name of the person making the offer;
 - (c) the purchase price;
 - (d) a deposit by cash or certified cheque payable to the Municipality in the amount of not less than ten (10%) per cent of the entire purchase price;
 - (e) a date set for closing of the transaction;
- (v) In the event that the Council or local board does not receive an offer to purchase for the real property which is satisfactory to the council or local board, having regard to the appraisal obtained, the council or local board shall have the option of refusing acceptance of any such offers to purchase received.
- (vi) Upon acceptance of an offer to purchase, the Council or local board shall pass any and all by-laws necessary to complete the disposal of the real property, including any by-law necessary to authorize the Reeve and Clerk to execute any documentation necessary to complete the transaction.

4. **NOTWITHSTANDING** Section 3 of this By-law the municipality may sell the following classes of real property without obtaining an appraisal as required under Section 193(4) of the Act:

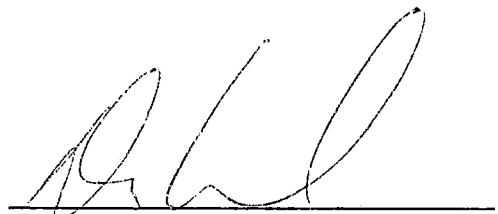
- (a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
- (b) Highways, road and road allowances.
- (c) Land formerly owned for railway branch lines if sold to an owner of land abutting the former railway land.
- (d) Land that does not have direct access to a highway if sold to the owner of land abutting the land.
- (e) Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
- (f) Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
- (g) Land sold under Sections 112, 112.1, 112.2, and 113 and 210.1(2) of the Municipal Act.
- (h) Easements granted to public utilities or to telephone companies.
- (i) Land sold under the Municipal Tax Sales Act.

5. NOTWITHSTANDING Section 3 of this By-law the council or local board may sell real property to the following classes of public bodies without obtaining an appraisal under subsection 193(4) of the Act and can be excluded from Section 3 (iv).
1. Any municipality, including a metropolitan, regional or district municipality.
 2. A local board as defined in the Municipal Affairs Act.
 3. An authority under the Conservation Authorities Act.
 4. The Crown in Right of Ontario or of Canada and their agencies.
6. Upon the completion of the sale of any real property by the municipality or local board, the clerk shall cause to be issued and signed a "Certificate of Compliance" in the form as provided for in Schedule "A" attached hereto which Certificate of Compliance shall be attached to the Transfer/Deed of Land for the real property disposed of by the municipality or local board and unless a person has notice to the contrary, the said Certificate shall be deemed to be sufficient proof that the provisions of Section 193 of the Municipal Act as amended have been complied with.
7. Council and every local board shall establish and maintain a public register listing and describing all real property owned or leased by the municipality or local board. This register shall be maintained at the office of the clerk and shall be available to the public during regular office hours.
8. NOTWITHSTANDING Section 7 of this By-law a municipality or local board is not required to list the following classes of real property in the public register established under Section 193(7) of the Act.
- (a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
 - (b) All highways, roads and road allowances, whether or not opened, unopened, closed or stopped up.
 - (c) Land formerly used for railway branch lines.
9. THIS By-law shall come into force and take effect upon the date of the final passing hereof.

READ a first, second and finally passed on the third reading this 6th Day of June 2001.



Reeve



CAO

SCHEDULE "A"

CERTIFICATE OF COMPLIANCE

**(Form for use with Bylaw # 01-06-32 of the Corporation of the Township of
Whitewater Region)**

Certificate of Compliance with Section 193 of the Municipal Act in the sale or
disposition of the real property described as:

(Description may be attached to this document)

I HEREBY CERTIFY THAT:

1. The Township of Whitewater Region passed By-law _____
on _____.

It is a procedural by-law for the purpose 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 By-law or Resolution _____
enacted or 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)

(describe method(s)

On the following date(s): _____

C.A.O.

Date