

THE CORPORATION OF THE TOWNSHIP OF BROCK

BY-LAW NUMBER 1480-97-AP

AS AMENDED BY BY-LAW NUMBERS 2077-2007-AP AND 2351-2011-AP
(CONSOLIDATED VERSION)

BEING A BY-LAW TO ADOPT A PROCEDURE GOVERNING THE SALE OF REAL PROPERTY

WHEREAS s. 193(1) of the Municipal Act, R.S.O. 1990, c. M.45, as amended, requires municipalities to pass by-laws to adopt procedures to sell real property;

AND WHEREAS the by-law must include a provision that Council shall officially declare, by by-law or resolution, the real property to be surplus;

AND WHEREAS the by-law must include a provision that Council shall obtain one appraisal of the fair market value of the real property;

AND WHEREAS the by-law must include a provision that Council shall give notice to the public of the proposed sale;

AND WHEREAS a public register listing and describing the real property owned or leased by the municipality is required to be maintained and updated each time a transaction occurs;

AND WHEREAS the Minister, by regulations, has prescribed classes of real property and the sale of property to certain public bodies for which an appraisal is not required and classes of real property for which a listing in the public register is not required;

NOW THEREFORE the Council of the Corporation of the Township of Brock hereby enacts as follows:

1. In this by-law:
"Sale" includes a lease of 21 years or longer.
2. Council shall, prior to the sale of any real property owned by the Corporation of the Township of Brock:
 - (a) by by-law or resolution passed at a meeting open to the public, declare the real property to be surplus;
 - (b) obtain at least one appraisal of the fair market value of the real property; and,
 - (c) give notice of the proposed sale to the public in accordance with Section 5 below.
3. The appraisal required by Section 2 (b) above shall not be required for the following classes of real property:
 - (a) land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - (b) highways, roads and road allowances;
 - (c) land formerly used for railway branch lines if sold to an owner of land abutting the 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 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 of the Municipal Act;

- (h) easements granted to public utilities or to telephone companies;
 - (i) land sold pursuant to the Municipal Tax Sales Act.
4. The appraisal required by Section 2 (b) above shall not be required for a sale to:
- (a) any municipality, including a metropolitan, regional or district municipality and the County of Oxford;
 - (b) a “local board” as defined in the Municipal Affairs Act;
 - (c) an authority under the Conservation Authorities Act;
 - (d) the Crown in the Right of Ontario or of Canada and their agencies.
5. Before selling any real property, the Clerk shall give notice of a public meeting at least forty (40) days and Notice of Intention at least twenty (20) days prior to the enactment of the by-law authorizing the sale by personal service or prepaid first-class mail to all persons within 120 metres of the affected land and by posting notice on the Township of Brock website to give the public reasonable notice of Council’s intention.
6. The Clerk shall establish and maintain, on a regular basis, a public register listing and describing the real property owned or leased by the Township, except for 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) all highways, roads and road allowances, whether opened, unopened, closed or stopped up; and,
 - (c) land formerly used for railway branch lines.
7. The Clerk shall, if all of the matters set out in Section 7 (a) through (c) below have been complied with, issue a certificate with respect to the sale of real property by the Township verifying that to the best of the Clerk’s knowledge and belief:
- (a) a by-law governing the sale of real property within the Township as required by the Municipal Act, as amended from time to time, was in full force in the Township at the time that the real property was declared to be surplus;
 - (b) the measures required for giving notice to the public required by this by-law have been carried out; and,
 - (c) the appraisal required by Section 2 (b) of this by-law was obtained or:
 - (1) the property does not require an appraisal pursuant to the Municipal Act or the regulations thereunder;
 - (2) the sale is to a prescribed public body otherwise exempt by the Municipal Act or the regulations thereunder from the provisions requiring the obtaining of an appraisal; or,
 - (3) the sale is made under section 210.1 of the Municipal Act and, therefore, is not subject to the procedures respecting the sale of land;
- and the said certificate shall be in the form attached as Schedule “A” hereto.
8. A certificate issued under Section 7 of this by-law shall be included in a deed or transfer of land for the land being sold.
9. If any agreement was entered into for the sale or other disposition of real property by the Township prior to January 1, 1995, the sale or other disposition may be continued and dealt with in accordance with section 193 of the Municipal Act as it read prior to January 1, 1995.

BY-LAW NUMBER 1480-97-AP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF JULY, A.D., 1997.

"Keith Shier"
Mayor

"George S. Graham"
Clerk-Administrator

BY-LAW NUMBER 2077-2007-AP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 4TH DAY OF JUNE, A.D., 2007.

"Larry O'Connor"
Mayor

"George S. Graham"
Clerk-Administrator

BY-LAW NUMBER 2351-2011-AP READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY OF MAY, A.D., 2011.

"W. Terry Clayton"
Mayor

"Thomas G. Gettinby"
Clerk

Schedule "A"

The Corporation of the Township of Brock

Certificate of Compliance
Pursuant to Section 193 of the
Municipal Act, R.S.P. 1990, c. M. 45, as amended

Certificate of Compliance in the matter or real property described as: _____

I hereby certify that:

1. The Municipality did pass By-law Number _____, being a by-law to adopt a procedure governing the sale of real property on the _____, day of _____, 19__, and was in force at the time of the property sale.
2. The above property has been declared surplus under By-law or Resolution Number _____ enacted or passed on the ____ day of _____, _____.
3. (a) An appraisal of the fair market value of the property was obtained on the ____ day of _____, ____; or,
 - (b) The property is of a class prescribed in Ontario Regulation 815/94 as being exempt from the requirement to obtain an appraisal; or,
 - (c) The sale is to a public body prescribed by Ontario Regulation 815/94 as being exempt from the requirement to obtain an appraisal; or,
 - (d) The sale is under section 210.1 of the Municipal Act.
4. Public notice of intent to dispose was given on the ____ day of _____, _____, by the following methods:

(Describe methods)

I, _____, solemnly declare that to the best of my knowledge and belief, this Certificate of Compliance is true and correct, and that I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signature of Clerk

Date