

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES

BY-LAW #24-54

BEING A BY-LAW OF THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES TO ESTABLISH PROCEDURES OF COUNCIL WITH REGARD TO THE SALE OF REAL PROPERTY OWNED BY THE MUNICIPALITY AND TO REPEAL BY-LAWS 15-01, 15-66, AND 23-32

WHEREAS Section 270 (1) (1) of the *Municipal Act*, 2001 as amended requires a Municipality to adopt and maintain policies with respect to its sale and other disposition of land;

AND WHEREAS the Council of the Corporation of the Municipality of Huron Shores deems it desirable to consolidate and update the by-laws governing the sale of real property owned by the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES enacts as follows:

1. Title

This by-law may be cited as the "Real Property Disposal By-law" and will establish Policies, including giving of notice to the public, governing the sale of lands owned by the Municipality.

2. Definitions

For the purpose of this by-law:

"Appraisal" – shall mean a written opinion 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.

"Clerk" – shall mean the CAO/Clerk, or designate, of the Corporation of the Municipality of Huron Shores.

"Council" – shall mean the Municipal Council of the Municipality of Huron Shores.

"Letter of Opinion" – a written estimate by a Broker of Record or Real Estate Agent as to the amount that the real property must be expected to realize if sold in the current market by a willing seller to a willing buyer.

"Municipality" – shall mean the Corporation of the Municipality of Huron Shores.

"Notice" – shall mean the notice of the proposed sale in an approved local newspaper of the intention to dispose of the lands in question.

"Real Property" – shall mean lands owned by the Corporation of the Municipality of Huron Shores whether vacant or not or any other proprietary interest in lands owned by the Corporation of the Municipality of Huron Shores, and without limiting the generality of the foregoing, includes easements, right of ways, leaseholds exceeding 21 years, and any interest in lands under an agreement of purchase and sale.

"Sale" – shall mean a transfer of municipal real property.

"Surplus Land" – shall mean real property owned by the municipality and declared surplus by By-law or resolution of Council.

"Tender" – shall mean a completed tender form sealed in an envelope. The required tender form is attached as Schedule "B" forming part of this By-law.

"Treasurer" – shall mean the Treasurer/Tax Collector of the Corporation of the Municipality of Huron Shores.

3. Commencement of Disposal Proceedings

The Municipality may commence the proceedings to dispose of Real Property at its own initiative or upon the receipt of a written request or inquiry from an interested party.

4. Declaration of Surplus Property

Before selling any land or advertising the lands for sale, Council shall by By-law or resolution during an open meeting, declare the property to be Surplus Land.

5. Appraisal

Council shall, before selling any land, obtain at least one Appraisal or Letter of Opinion of the fair market value of the land by a person or body qualified to do so. The listed price of surplus land for sale shall be the appraised or estimated value determined by a qualified appraiser, Broker of Record, or Real Estate Agent unless a majority of Council sets a different price by way of resolution of Council.

6. Notice to Public

Prior to selling any Real Property the Municipality shall:

- a) Give Notice to the public of the proposed sale.
- b) An advertisement shall be placed at least once in a newspaper having general circulation within the local area.
- c) Further to section 6.b of this By-law, the Notice is also to be posted on the municipal website and at the municipal office.
- d) The Notice shall include a brief description of the property and a sketch if at all possible.
- e) The Notice will make clear the closing date of the sale(s) and the date and time to which the sealed Tenders will be opened.
- f) The Notice shall be undertaken at least 21 days prior to the regular Council Meeting at which the proposed disposal will be discussed.
- g) Further to section 15 i) of this By-law, the Notice shall state that highest or any Tender not necessarily accepted.

7. No Review

The manner in which the municipality carries out the sale of its land, if consistent with this by-law, 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.

8. Public Register

The municipality shall establish and maintain a public register listing and describing the land owned by the municipality with the exception for the following:

- a) Land 0.3 meters 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 lines.

9. Certificate of Compliance

The CAO/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 by-law which apply to the sale of land have been complied with. The Certificate Form is attached hereto as Schedule "A". A fee may be imposed for a Certificate of Compliance.

10. Exclusions - certain classes of land

This By-law 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 not suitable or capable for building development if sold to the owner of land abutting that land;
- f) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*;
- g) Land sold under sections 107, 108 and 110 of the *Municipal Act, 2001*;
- h) Easements granted to public utilities or to the telephone companies;

- i) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

11. Exclusions - sales to public bodies

This By-law does not apply to the sale of land to the following public bodies:

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

12. Exemption – tax arrears

This by-law does not apply to the sale of land under Part XI – Sale of Land for Tax Arrears, *Municipal Act, 2001*.

13. Regulations – The Minister of Municipal Affairs and Housing may make regulations:

- a) exempting the sale of prescribed classes of land from all or any of the provisions of this by-law;
- b) removing the requirement to obtain an appraisal of land that is being sold to a prescribed public body;
- c) prescribing classes of land that are not required to be contained in the public register of land under this by-law.

14. Procedure of Sale of Real Property

- a) Obtain approval from any other agencies involved, if necessary;
- b) Prior to the disposal of real property and where there are no exceptions or exemptions under this By-law, or any Act or Regulation, Council shall follow Section 3-6 of this By-law;
- c) Once the surplus property is officially declared by Council:
 - i) the costs associated with the disposal of real property, including legal fees, survey, appraisal, letter of opinion, advertising, etc., shall be determined by the Treasurer;
 - ii) the tender or quotation documents shall be submitted to the Clerk, and shall include the statement that “the highest or any offer may not necessarily be accepted”;
 - iii) the property sale may include a minimum bid reserve.

15. Surplus Land Sales by Tender

The method of sale for surplus land shall:

- a) Be by sealed Tender.
- b) Tenders received after the original advertised date will not be accepted.
- c) Tenders must be delivered to the Municipality of Huron Shores Municipal Office in a sealed envelope clearly marked "Tender for Surplus Lands" and include the address and name of the applicant.
- d) Sealed tenders will be opened during a public meeting of Council.
- e) The required tender document to be completed by the tenderer is attached to this By-law as Schedule "B".
- f) The tender document attached as Schedule "B" of this By-law must be accompanied by a certified cheque, bank draft or money order worth no less than 20% of the asking price of the Surplus Land for sale.
- g) By submitting a completed Tender accompanied by the required monetary deposit established in Section 15 f) of this By-law, applicants are accepting the terms and conditions of this By-law.
- h) Council may choose to make a final decision to accept or decline the Tender immediately upon opening all Tenders during a public meeting or choose to defer the decision until a later date.
- i) Council reserves the right to accept or decline any tender for Surplus Land. Highest or any tender not necessarily accepted.

16. Surplus Land Sales by Best Offer

- a) Sections 5 notwithstanding, if there are no Tenders received for properties for sale by the original Tender deadline, Council may pass a resolution to re-advertise any Surplus Lands for "best offer".
- b) A decision to dispose of Surplus Lands by best offer must be made within 3 calendar years of the original method of disposing of the land for appraised value. If this decision has not been made within 3 calendar years, the next time the Surplus Land is put up for sale it will be for appraised value.
- c) Sections 5 notwithstanding, the procedures for re-advertising sales by best offer remain the same with the further exception of procedures listed under Section 16 of this By-law.
- d) Tender forms submitted for Surplus Land sales by best offer will require a certified cheque or bank draft worth 20% of the offer to be accompanied by the completed tender forms.

- e) For sales by best offer Council will determine whether or not a tendered amount will be accepted. Highest or any Tender not necessarily accepted.
- f) Sales by best offer are intended to provide some revenue from Surplus Lands that have historically not received any tendered offers during the sales process.

17. Surplus Land Sales by Real Estate Firm or Broker

Should the method be to sell real property through a real estate firm or broker, once the surplus property is officially declared by Council,

- a) the Offers to Purchase shall be submitted to the Clerk, and shall be presented at the next regular meeting of Council, for Council's acceptance or dismissal;
- b) Council shall determine, by negotiation, the real estate commission payable.

18. Associated Costs

The purchaser of such lands determined to be surplus by the municipality shall be responsible for all costs incurred or required to dispose of the property with the exception of advertising and appraisal costs. These include, but are not limited to encumbrances and legal fees.

19. Errors or Omissions

It is acknowledged that any error or omission in following the procedures, in which error or omission was not the result of bad faith on behalf of the Municipality, will not necessarily render such disposal of land invalid or void.

20. Privacy

The disclosure of information relevant to the sale of Surplus Land shall be in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act., R.S.O. 1990 c. M.56, as amended.

21. Notes

- a) If the provisions of this By-law conflict with any other By-laws heretofore passed, the provisions of this By-law shall prevail.
- b) The Municipality makes no representation regarding the title or any other matters relating to the land to be sold. Surplus Land is sold "as is".
- c) By-laws #15-01, #15-66 and #23-32 are hereby repealed.
- d) This By-law shall come into full force and effect immediately upon final passing.

Passed in open Council this 13th day of November, 2024.

MAYOR – Matthew Seabrook

CLERK – Natasha Roberts

BY-LAW #24-54

SCHEDULE "A"

CERTIFICATE OF COMPLIANCE

The sale of real property located at:

and described as:

(Description or Map may be attached)

I hereby certify that:

1. The above-noted property was declared surplus under Resolution # _____ passed on _____ and the method by which the property was sold was by _____.

2. An appraisal of the fair market value of the above-noted property was obtained on _____.

3. Notice to the public of the proposed sale was given as follows:

OR

4. The above-noted property is excluded or exempt from By-law #24-54 for the following reason(s):

I hereby certify that the above transaction has been completed in compliance with conditions.

DATED at _____ in
the _____ of _____
This _____ day of _____,

Clerk

BY-LAW #24-54

SCHEDULE "B"

TENDER TO PURCHASE SURPLUS LAND

To: The Corporation of the Municipality of Huron Shores
Address: 7 Bridge St., P.O. Box 460, Iron Bridge, ON P0R1H0
Telephone: (705) 843-2033
Website: huronshores.ca
Re: Sale of: _____

Property Description

Roll Number

A minimum bid of \$_____ has been set.

1. I/We hereby tender to purchase the land described above, for the amount of \$ _____, plus the Harmonized Sales Tax (HST), if applicable, in accordance with the terms and conditions of By-law #24-54.
2. I/We understand that this tender must be received by the above office no later than 4:00 p.m. local time, on _____
(date of closing).
3. I/We enclose a deposit in the form of a certified cheque, bank draft or money order for the sum of \$_____ dollars in favour of the Corporation of the Municipality of Huron Shores representing twenty (20) percent or more of the tendered amount which will be forfeited if I/we are the successful tender(s) and I/we do not pay the balance of the tendered amount, any land transfer tax and the HST within thirty (30) days of the municipality notifying me/us that I/we are the highest tenderer.
4. I/We shall be responsible for all costs incurred or required to acquire this property with the exception of advertising and appraisal costs. These include, but are not limited to encumbrances and legal fees.
5. I/We understand that the highest or any tender may not necessarily be accepted.

Dated this _____ day of _____, _____

Name of Tenderer	Name of Tenderer
Signature of Tender	Signature of Tender
Address of Tenderer	Address of Tenderer
Telephone Number	Telephone Number