

1. Purpose

This policy will outline the process for the disposal of real property including the giving of notice to the public governing for the sale of land.

2. Definitions

Appraisal – means a written opinion from an independent 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.

Clerk – means the Clerk of the Corporation of the Municipality of Trent Lakes.

Disposal – means the sale of real property. A by-law shall be passed to dispose of real property by the municipal Council. All notice provisions shall apply in accordance with this policy and/or the Public Notice Policy with the more prescriptive requirements being required.

3. Policy

3.1 Before the sale of the land, the Municipality shall:

- a) Declare the land to be surplus by resolution of Council and circulate notice of the declaration to all property owners within a 120 metre radius of the surplus property.
- b) Obtain at least one appraisal of the fair market value of the land.
- c) Give notice to the public of the proposed sale by an ad in a local paper, a notice on the municipal website, circulation of the notice to property owners within 120 metres of the property, a notice posted on the property for at least 14 days and by any other means deemed appropriate by the Clerk.

3.2 Disposal of real property

The sale or disposal of real property may be by tender, auction, realtor or other appropriate method as determined by the CAO. Where applicable, Council will determine a minimum bid in closed session.

3.3 No review

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

3.4 Register

The municipality shall establish and maintain a public register listing and describing the land owned by the municipality.

The following classes of land are exempt from the registry:

- a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
- b) Highways.

3.5 Certificate

The Clerk may issue a certificate with respect to a disposal of real property by the municipality verifying that to the best of his/her knowledge the requirements of this policy which apply to the sale of land have been complied with.

3.6 Effect

A certificate under subsection (7) 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 has been complied with.

3.7 Exclusion of certain 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 that does not have direct access to a highway if sold to the owner of land abutting that land.
- d) Land repurchased by an owner in accordance with section 42 of the Expropriations Act.
- e) Land sold under sections 107 and 108 of the Municipal Act, 2001.
- f) Easements granted to public utilities or to the telephone companies.

3.8 Exclusions – Sales to public bodies

Section 3(b) of this policy 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.

3.9 Exclusions – Classes of land

Section 3 of this policy does not apply to the sale of the following classes of land:

- a) Land sold under subsection 110, Municipal Act, 2001 – Tax Arrears.
- b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses

3.10 Exemption

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

3.11 Regulations

The Ministry 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.
- 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.

4. Review Cycle

This policy will be reviewed on an as needed basis.

5. Repeals

This Policy repeals a previous version, and all revisions.

This Policy was previously referred to as AD-08.

6. Related Information

Revisions to this document may impact the following policies, procedures, and/or by-laws.

#	Document Title
Policy 5.10	Public Notice Policy

7. Policy Revisions

Version	Date Approved	Council Resolution
1	November 6, 2007	R2007-685
2	February 2, 2016	R2016-64