

THE CORPORATION OF THE TOWNSHIP OF HORNEPAYNE

BY-LAW NO. 1075

Being a by-law to establish policies for the sale of  
real property owned by the Municipality.

WHEREAS Section 270 (1) (1) of the Municipal Act, 2001 as amended requires that a Municipality shall adopt and maintain policies with respect to the sale of real property.

NOW THEREFORE, the Council of the Corporation of the Township of Hornepayne 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 regarding the sale of land.

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. The appraisal may be by one of the following means:

- a) an "Opinion of Value" from the municipal clerk
- b) an "Opinion of Value" from a Realtor
- c) appraised value from an independent qualified appraiser who is a registered member in good standing with the Appraisal Institute of Canada

Clerk- shall mean the Clerk of the Corporation of the Township of Hornepayne.

Notice- Before selling any real property owned by the municipality, Council shall give notice to the public of the proposed sale. Public Notice may consist of one or more of the following:

- a) advertisement in a newspaper of general circulation
- b) listing with a real estate broker
- c) "For Sale" sign on the property
- d) advertisement on local cable television, internet or other telecommunication
- e) personal service, registered mail, certified mail, courier or fax
- f) announcement by Council at an open Council Meeting

3. Conditions before Sale of Land and the municipality shall:

- a) by resolution- declare the land to be surplus
- b) obtain at least one appraisal of the fair market value or
- c) give notice to the public of the proposed sale by placing an ad in the local paper; a notice on the Web Page or a notice posted on the property for 14 days

4. No Review- the manner in which the municipality carries out the sale of its land, if consistent with this section and with the by-law under Subsection 1, is not open to review by any court if the municipality or local board may lawfully sell the property, the purchaser may lawfully buy it and the municipality acted in good faith.

5. Register- Every municipality shall establish and maintain a public register listing and describing the land owned by the municipality.


6. Certificate- the Clerk of the municipality may issue a certificate with respect to the sale of land by the municipality verifying that to the best of his/her knowledge the requirements of this section and of a by-law under this section which apply to the sale of land have been complied with. The fee for the Certificate is \$50.00 and a sample of the Certificate is attached as "Schedule A".
7. Effect-a certificate under subsection (6) 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.
8. Exclusion of certain classes of land- Clause 3 (b) does not apply to the sale of the following classes of land:
  - 1) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act
  - 2) Closed highways if sold to an owner of land abutting the closed highway
  - 3) Land formerly used for railway lines if sold to an owner of land abutting the former railway land
  - 4) Land that does not have direct access to a highway if sold to the owner of land abutting that land
  - 5) Land repurchased by an owner in accordance with section 42 of the Expropriations Act
  - 6) Land sold under sections 107, 108, 109 of the Municipal Act, 2001
  - 7) Easements granted to public utilities or to the telephone companies
9. Exclusions, sales to public bodies- Clause 3 (b) does not apply to the sale of land to the following public bodies:
  - 1) A municipality
  - 2) A Local Board including a school board and a conservation authority
  - 3) The Crown in right of Ontario or Canada and their agencies
10. Exclusion, classes of land- Subsection 3 does not apply to the sale of the following classes of land:
  - 1) Land sold under Section 110- Municipal Act, 2001- Municipal Capital Facilities
  - 2) Land to be used for the establishment and carry on of industries and industrial operations and incidental uses
11. Exempt from registry- Subsection 5 does not apply to the following classes of land:
  - 1) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act
  - 2) Highways
  - 3) Land formerly used for railway lines
12. Exemption- This by-law does not apply to the sale of land under Part XI, Municipal Act, 2001- Tax Arrears
13. Regulations- The Minister of Municipal Affairs may make regulations:
  - a) exempting the sale of prescribed classes of and from all or any of the provision 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. By-law No. 497 is hereby repealed

Read a first and second time this 22 nd day of January 2008.

Read a third time and finally passed this 22nd day of January 2008.

  
Presiding Officer

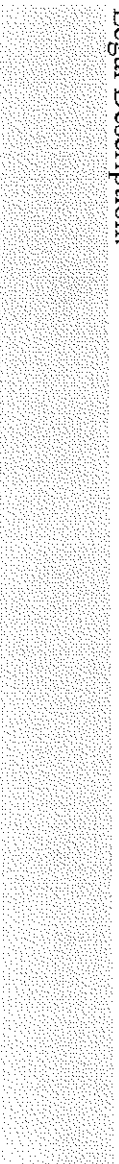
  
Clerk

SCHEDULE "A"  
to  
By-Law No. 1075

SALE OF LAND POLICY  
CERTIFICATE OF COMPLIANCE

Certificate of Compliance in accordance with Section 6 of the Township By-law No. 1075 . The sale of land described as:

Legal Description:



I hereby certify that:

1. The Township of Hornepayne passed By-Law No. 1075 on the 22nd day of January 2008.

It is a procedural by-law for the purpose of the sale of real property and was in force on the date of the sale of the land described above.

2. The real estate was declared surplus under Resolution No. , enacted or passed on the day of 20 .
3. The sale of land is/ not exempt from the requirement to obtain an appraisal of its fair market value under the following exemption:

Section of By-Law No. – Sale of Real Property

4. Public notice of intent to sell or dispose of the real estate was given by the following method (s):  
Pursuant to Section 2 and 3 (c), Sale of Real Property By-Law No. , on the following dates in the Local newspaper and our municipal website

Date:  
Date:

Dated this day of 20 .

\_\_\_\_\_  
Municipal Clerk