

The Corporation of the City of Temiskaming Shores
By-law No. 2015-160
Being a by-law to adopt a Procedural Policy for the
Disposal of Real Property

Whereas, Section 270 of the Municipal Act, S.O. 2001, C.25, as amended, requires that every council with authority to sell or otherwise dispose of real property shall by by-law establish procedures governing the sale of real property, including a lease of 21 years or longer;

And whereas, the by-law must include a provision that council shall officially declare, by resolution, the real property to be surplus;

And whereas, the by-law must include a provision that council shall obtain at least 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, the by-law could include a provision authorizing different procedures for different classes of real property;

And whereas, the Minister, by regulations, has prescribed classes of real property and certain bodies for which an appraisal is not required;


And whereas, Council considered Administrative Report No. CGP-032-2015 at the July 7, 2015 Regular Council meeting and directed staff to prepare the necessary by-law to adopt a new Disposition of Land Policy for consideration of first and second reading at the August 4, 2015 Regular Council meeting and third and final reading at the September 1, 2015 Regular Council meeting.

Now therefore the Council of The Corporation of the City of Temiskaming Shores in accordance with the provisions of Section 270 of the Municipal Act 2001, S.O. c. 25 enacts as follows:


1. That Council for the City of Temiskaming Shores adopts a Disposition of Land Policy identified as Schedule "A", attached hereto and forming part of the by-law.
2. That this by-law shall become effective on the date of passing thereof.
3. That By-law No. 2004-031 is hereby repealed.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where

such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first and second time this 4th day of August, 2015.



Mayor – Carman Kidd




Clerk – David B. Treen

Read a third and final time and passed this 1st day of September, 2015.



Mayor – Carman Kidd



Clerk – David B. Treen



Schedule "A" to
By-law No. 2015-160
Disposition of Land Policy

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Section 1: Title, Scope, Conflicts, Validity

1.1 Short Title

This by-law may be cited as the "Land Disposal By-law".

1.2 Scope of By-law

The provisions of this By-law shall apply to all property within the geographic limits of the *City*, except where otherwise provided.

1.3 Conflicts

Where provisions of the By-law conflict with a provision of another by-law in force in the *City*, the provisions that establishes the higher standard in terms of protecting the health, safety and welfare of the general public and the environmental well-being of the municipality, shall prevail to the extent of the conflict.

1.4 Validity

It is declared that notwithstanding that any section or sections of this by-law, or parts thereof, may be found by any court of law to be bad or illegal or beyond the power of the *Council* to enact, such section or sections or parts thereof shall be deemed to be severable and that all sections or parts of this by-law are separate and independent from the other and enacted as such.

Section 2: Definitions

Abutting shall mean *land* adjoining another parcel having one or more lot lines in common.

Appraisal shall mean the property valuation as determined by a current member of the *Appraisal* Institute of Canada with a Canadian Residential Appraiser (CRA) or Accredited Appraiser Canadian Institute (AACI) designation.

Assessed Value shall mean the property valuation as determined by the Municipal Property Assessment Corporation (MPAC) and as listed on the current property tax roll.

City shall mean The Corporation of the City of Temiskaming Shores.

Council shall mean the *Council* for The Corporation of the City of Temiskaming Shores.

Dispose shall mean the sale of *land* or the lease of *land* for a period of 30 years or longer.

Land shall mean property, lands, and premises or any proprietary interest in land which is owned by the *City* including all easements, *streets* and leasehold interests of the *City*, including but not limited to vacant lots, parks, parking lots, water lots, open space, buildings, and lands laid out as *streets*.

Proponent shall mean an individual, organization, or agency that shows an interest in purchasing *land*.

Public Notice shall mean providing notice to the public that *Council* is considering disposing of *land*.

Street shall include but not be limited to opened or unopened highways, streets, lanes, roads, road allowances, and rights of way.

Section 3: Disposal Methods

One or more of the following disposal methods may be utilized:

1. Direct sale by the *City*
2. Public Tender or Request for Proposals
3. Public Auction
4. Listing land with a broker and/or real estate firm at a negotiated commission
5. Posting on the proposed land to be sold a "For Sale" sign which will include contact information for inquiries
6. Funding agreements
7. Direct negotiation
8. Direct advertising
9. Property exchange

Section 4: Determining Fair Market Value

One or more of the following methods may be utilized to determine the fair market value:

1. Obtaining an *appraisal*
2. Using the *assessed value*
3. Comparing recent sales of similar properties based on willing buyer / willing seller
4. Using recent *appraisals* for similar properties

5. Negotiation
6. Public Tender, Request for Proposals, or Auction

Section 5: Exemptions to Fair Market Value

The following land may be sold without determining fair market value:

1. *Land* 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act
2. Closed *street* if sold to an owner of land *abutting* the closed *street*
3. *Land* that does not have direct access to a *street* if sold to the owner of land *abutting* that land
4. Easements granted to public utilities or telephone companies
5. *Land* that is sold to a local board or local agency
6. *Land* that is sold to the Crown in the right of Ontario and their agencies or another municipality
7. Cemetery plots

Section 6: Public Notice

Public Notice shall be given at least one week prior to a public meeting and shall be given in one or more of the following ways:

1. Advertising in a local newspaper at least two weeks prior to the public meeting
2. Posting a notice on the *City's* website, Facebook page, twitter or other social media
3. Mailing or e-mailing notices to *abutting* property owners
4. Posting a sign on the property
5. In the case of the *disposal* of parkland, all property owners within 120 metres of the park must be advised by mail of the *City's* intent to *dispose* of the *Land*

The *Public Notice* shall contain the following information:

1. Legal description
2. Municipal address or location of the *Land*
3. Key Map
4. Date, time and location of the public meeting

5. The name and contact information for the staff member that can provide additional information about the property or the *disposal*

The *Public Notice* may also contain other information including but not limited to:

1. *Proponent's* name
2. Existing and proposed use
3. Proposed planning applications
4. Description of the *land* including but not limited to size, zoning, description of buildings, improvements or fixtures
5. The manner by which the *disposal* is proposed to be carried out

Section 7: Public Meeting

A public meeting shall be held for the purpose of providing the public with information about the proposed *disposal* of *land* and to give the public an opportunity to speak in favour of or against the proposed *disposal*.

Section 8: Proponent to Pay for all Costs

It is *Council's* intent that the *proponent* shall pay directly or reimburse the *City* for costs associated with the *disposal* of *land*. Costs may include but are not limited to the following:

1. Fair market value
2. Appraisal costs
3. Survey costs
4. Legal costs such as a title search; costs to register or de-register easements, notices and agreements; land transfer costs; name changes; registration of deeming by-laws and *street* closure by-laws; taxes; disbursements. Legal costs include the *Proponent's* legal costs and the *City's*.
5. Advertising Costs
6. Land Titles Costs
7. Real Estate Commissions
8. Costs incurred by the *City* to make the *land* marketable such as planning application fees, records of site condition, and studies prepared by qualified consultants
9. Staff time

Section 9: Exceptions

Where appropriate, *Council* may choose to *dispose* of *land* at less than fair market value and may choose to waive the requirement to be reimbursed for the items listed above if it is in the best interest of the *City* including but not limited to *land* for charitable or altruistic reasons such as affordable housing, intensification, re-development, economic development, and job creation.

In order to encourage re-development of existing *land* and buildings, *Council* may enter into an agreement with a *proponent* in order to waive fees associated with development if it is in the best interest of the *City*. Fees associated with development may include but are not limited to in-kind costs such as fees for landfill tipping, building permits, entrance permits, and planning applications.

Council may exchange *land* and buildings with a *proponent* if it is in the best interest of the *City*. Some reasons that *land* or buildings may be exchanged are to obtain a parcel of *land* that is more usable, or to implement a policy document such as a Community Plan or Master Plan.

Section 10: Proceeds from the Disposal of Land

Council shall direct proceeds from the *disposal* of *land* to the following two reserves:

1. Proceeds from the *disposal* of parkland shall be directed to the Cash-in-lieu of Parkland Reserve Fund to be used for park and other public recreation purposes.
2. Proceeds from the *disposal* of other *land* shall be directed to the Community Development Reserve.

Section 11: Exemption for Disposal of Industrial and Commercial Land

For *land* that is zoned Industrial or commercial, the *City* is not required to give *public notice* or hold a public meeting prior to passing a By-law to *dispose* of the *land*.