

THE CORPORATION OF THE TOWNSHIP OF LAIRD

By-law Number 1048-22

Being a by-law to establish Policies & Procedures For the Sale of Real Property.

WHEREAS Section 270 (1) (1) of the Municipal Act, 2001 as amended requires the Council of a Municipality to pass a by-law to establish Policies governing the sale of real property;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LAIRD 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 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;

Clerk - shall mean the Clerk of THE CORPORATION OF THE TOWNSHIP OF LAIRD;

Disposition - shall mean the sale, transfer, conveyance or exchange of the fee simple interest in land or the granting of a lease for a term of twenty-one (21) years or longer, and does not include the granting of an easement or right of way, and "disposal" shall have a similar meaning;

Land or Property – shall mean real property owned by the Township and includes building(s) located thereon;

Surplus Land – shall mean land that the Township does not require to meet its present or anticipated future needs that has been declared surplus under this or a proceeding by-law;

Township or Municipality – shall mean the Corporation of the Township of Laird.

3. **Conditions before sale of Land the Municipality shall:**

a) by resolution - declare the land to be surplus

b) obtain at least one appraisal of the fair market value of the land, and

c) give notice to the public of the proposed sale by local newsletter; and a notice posted on the property for 21 days to permit objections to the initiation of the sale.

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 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. The Register is attached as Schedule A.
6. **Certificate of Compliance**
 1. Following completion of a sale under this By-law, the Clerk shall issue a certificate with respect to the disposition of the land.
 2. The certificate shall verify that, to the best of the Clerk's knowledge and belief, all obligations and requirements of this By-law have been complied with, and that any appraisal required by this By-law has been obtained. Where an appraisal was not obtained, the Clerk shall set out in the certificate the reasons why an appraisal was not required.
 3. The Clerk's Certificate of Compliance shall, when issued, unless a person to whom the land is sold has notice to the contrary, be deemed to be sufficient proof that the provisions of this By-law have been complied with.
7. **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 meters 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 and 108 of the *Municipal Act, 2001*, as amended;
 7. Easements granted to public utilities or agencies;
8. **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
9. **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 carrying on of industries and industrial operations and incidental uses
10. **Exempt from registry** - Subsection 5 does not apply to the following classes of land:

1. Land 0.3 meters 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

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

12. Regulations - The Minister 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.

13. Sale Procedure - Subject to the completion of Subsection 3.

- a) Council may advertise the property for sale by tender, tender amount to be calculated to include value of land and cost related to preparation for sale, sale and after sale costs. or;
- b) Council may elect to conduct the sale of the property through a local recognized Real Estate agent to be chosen by a resolution in council.
- c) SALE OF UNDERSIZED TOWNSHIP PROPERTY
 - i. If a property does not meet the minimum size and area requirements of the zoning by-law, the Township may offer to sell the property to the abutting owners.
 - ii. Each abutting owner may purchase a minimum of the property that would be an equal divided percent of the property by the abutting owners. If any owner does not want to purchase the land, it will be then be offered to the other abutting owners.

14. By-law 739-95 and any other by-law or amendment is hereby repealed.

READ and passed on Open Council this 2nd day of June 2022.

Mayor _____
Richard (Dick) Beitz

Seal

Clerk _____
Jennifer Errington

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Schedule "A"

REGISTER OF MUNICIPALLY OWNED PROPERTIES:

1-04600	Laird Township 14 Lapish Road Plan H753, RCP Lot 38	1.4 AC 105 FR 132 D
1-07100	Laird Township 697 Government Road Plan H757 RCP Lot 23	0.25 AC 82.50 FR
1-09900	Laird Township 127 Lake George Road E Plan H746 RCP Lot 16	38.75 AC 1321.46 FR
1-12000	Laird Township Plan H747 RCP Lot 7	1.05 AC 214.50 FR 214.50 D
1-12201	Laird Township Plan H747 RCP Pt Lot 8	1.40 AC 175.00 FR 350.00 D
2-02400	Laird Township Plan H751 Lot 21 Pt Lot 22 Pt	1.27 AC 466.65 FR 118.50 D
2-02701	Laird Township Plan H751 Pt Lot 19	4.74 AC 289.10 FR
2-07810	Laird Township – 1606 Government Road Plan H752 Lot 4	55.94 AC 1323.83 FR
2-09500	Laird Township Plan H752 RCP Lot 16	59.51 AC
2-09700	Laird Township Plan H755 Lot 14	0.14 AC 124.50 FR
4-04101	Laird Township Plan 1M498 BLK 10 BLK 11	1.37 AC 101.71 FR
4-04114	Laird Township Plan H761 Pt Lot 6	82.64 FR
4-04119	Laird Township Plan H761 Pt Lot 6 Parts 8-10	527.54 FR
4-10103	Laird Township Plan 1M463 Lot 14	1.56 AC 165.65 FR
4-10104	Laird Township Plan 1M463 Lot 15	0.95 AC 152.95 FR
4-10105	Laird Township Plan 1M463 Lot 16	0.96 AC 151.35 FR
4-10106	Laird Township Plan 1M463 Lot 17	0.98 AC 152.79 FR
4-10107	Laird Township Plan 1M463 Lot 18	1.00 AC 150.75 FR

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4-10108	Laird Township Plan 1M463 Lot 19	0.99 AC 152.92 FR
4-10109	Laird Township Plan 1M463 Lot 20	1.17 AC 159.42 FR
4-10110	Laird Township Plan 1M463 Lot 21	1.17 AC 152.76 FR
4-10111	Laird Township Plan 1M463 Lot 33	1.02 AC 387.37 FR
4-10112	Laird Township Plan 1M463 Lot 32	1.12 AC 272.57 FR
4-10113	Laird Township Plan 1M463 Lot 22	1.00 AC 174.21 FR
4-10114	Laird Township Plan 1M463 Lot 23	1.05 AC 166.50 FR
4-10115	Laird Township Plan 1M463 Lot 24	0.98 AC 157.48 FR
4-10116	Laird Township Plan 1M463 Lot 25	0.86 AC 159.32 FR
4-10117	Laird Township Plan 1M463 Lot 26	0.89 AC 164.40 FR 260.01 D
4-10118	Laird Township Plan 1M463 Lot 27	0.77 AC 194.59 FR
4-10119	Laird Township Plan 1M463 Lot 31	1.78 AC 503.35 FR
4-10120	Laird Township Plan 1M463 Lot 28	1.64 Ac 329.46 FR
4-10121	Laird Township Plan 1M463 Lot 29	1.64 AC 234.58 FR
4-12300	Laird Township – Centennial Park Plan H455 Lot 21	0.71 AC 100.00 FR 292.4 D
4-12900	Laird Township Plan H445 BLK B	5.71 AC 628.41 FR
4-13001	Laird Township Plan M323 BLK A	4.28 AC 915.00 FR
4-14902	Laird Township – 149 Pumpkin Point Road W Plan H760 Pt Lot 2	2.30 AC 200.00 FR
4-16000	Laird Township – 3 Pumpkin Point Rd W Plan H760 Lot 16	0.48 AC 86.0 FR 264.00 D
4-16300	Laird Township Plan H760 Lot 9	1.00 AC 264.00 FR 165.00 D

By-Law 1048-22**Schedule "A" - Continued**

4-19310	Laird Township – Finns' Bay Rd N Wharf Plan H761 Pt Lot 44 Plan M327	
4-19529	Laird Township Plan H761 Pt Lot 44 Plan 327 BLK C	9.16 AC 1188.91 FR
4-23700	Laird Township Plan H761 Lot 6	9.77 AC 85.00 FR 164.35 D
4-23702	Laird Township Plan H761 Lot 6 Pt	1.53 AC 448.93 FR
4-23710	Laird Township Plan H761 Pt Lot 6	178.53 FR
4-23715	Laird Township Plan H761 Pt Lot 6	9,180.43 AC 61.34 FR
4-25400	Laird Township Plan H762 Lot 10	0.63 AC 118.00 FR 233.80 D