

**Corporation Of The City Of Quinte West  
By-Law Number 13-161**

**Being A By-Law Regarding The Procedure For Sale Of Real Property  
By The City Of Quinte West**

**Whereas** Section 270 (1)(1) of the *Municipal Act*, 2001, authorizes the Council of a Municipality to pass By-laws to sell or otherwise dispose of land when the same is no longer required by the Municipality;

**Now Therefore Be It Enacted By The Council For The Corporation Of The City Of Quinte West As Follows:**

1. That this by-law shall be entitled the **“Sale of Real Property Procedure By-law”**.

2. **Definitions:**  
In 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;

**“City”** shall mean the Corporation of the City of Quinte West;

**“Council”** shall mean the Council for the Corporation of the City of Quinte West;

**“Clerk”** shall mean the City Clerk for the Corporation of the City of Quinte West;

**“Disposal”** shall mean 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;

3. **Conditions before the sale of Land, every municipality shall:**

- a) By resolution or by-law 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 following criteria as set out in the City's Notice By-law.

4. **Register**

Every municipality and local board shall establish and maintain a public register listing and describing the land owned by the municipality or local board.

- a) Land 0.3 metres 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 branch lines.

## 5. Sale Process

5.1 Where Council wishes to sell any real property owned by the City and Council has complied with the provisions of Section 3 of this By-law, Council may conduct the sale of the real property in such a manner as will, in Council's opinion, obtain the highest sale price for the real property and Council may authorize that the real property be sold:

- a) by way of public tender;
- b) by way of a private sale by the City;
- c) by way of listing the property with a qualified and licensed real estate agent; or
- d) in such other manner as will, in Council's opinion, obtain the highest sale price for the real property.

5.2 Where Council is of the opinion that the City will obtain the highest sale price for the real property by way of a sale by public tender, Council may, prior to providing public notice of a request for tenders for real property, set a minimum sale price for the real property which may include the appraised fair market value of the real property, together with the expected costs to be incurred by the City in the sale including any appraisal fees, legal fees, survey fees and any other costs or expenses normally incidental to the sale of real property and the requests for tender will proceed in the following manner:

- a) Council shall, prior to the publication of notice regarding the sale of the real property by public tender, set out the procedure for conducting the sale of the real property by public tender including the time, date and place of the opening of tenders, the amount of any cash deposits that may be required and any details regarding the completion of the transaction by the successful tenderer;
- b) Upon establishing the requirements under subsection 5 (2) (a) above, Council shall cause the Clerk to publish notice of the sale of the real property by way of public tender in local print media intended for general circulation within the City and the notice as published shall include a provision that the highest or any tender may not necessarily be accepted by the City; and
- c) The process for opening the tenders and completing the transaction shall comply with the greatest extent possible with the City's policy regarding the opening of tenders.

5.3 a) Where Council is of the opinion that the City will obtain the highest sale price for the real property by advertising and selling the real property itself, Council shall instruct the Clerk to take steps to advertise the real property in a reasonable manner to bring it to the attention of as many people within the City as possible and such advertising may include, but not be limited to:

- (i) the posting or placing of a sign or signs on the real property indicating that it is for sale; and

(ii) publishing an advertisement for the sale of the real property in at least one local print media having general circulation within the Municipality at least once per week for two consecutive weeks.

- b) Any Offer to Purchase the real property that is received shall be placed before Council for its consideration and instruction;
- c) Council shall, prior to advertising the sale of the real property, establish a minimum sale price based on the appraised fair market value of the real property together with the estimated cost of the sale including legal fees, survey fees and any other fees normally incidental to the sale of real property.

5.4 Where Council is of the opinion that the City will obtain the highest sale price for the real property by entering in to an agreement with a real estate agent or broker to market the real property, Council shall request that the duly accredited and licenced real estate agent(s) act on behalf of the City.

6. Council, in its sole and absolute discretion, may sell the real property for less than the fair market value of the real property as established by one or more appraisals where in the opinion of Council it is in the best interests of the City to sell the property for less than its appraised fair market value.

#### 7. **Exclusion of Certain Classes of Land**

Clause 3(b) does not apply to the sale of the following classes of land:

- a) Land 0.3 metres or less in which 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 that land;
- d) Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- e) Land sold under Sections 107, 108, of the *Municipal Act*, 2001; and
- f) Easements granted to public utilities.

#### 8. **Exclusions, Sales to Public Bodies**

Clause 3(b) 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; and
- c) 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:

- a) Land sold under Section 110 of the *Municipal Act*, 2001, Municipal Capital Facilities.

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

10. **Certificate**

Where real property is sold by the City pursuant to the provisions of this By-law, the Clerk may, upon the request of the purchaser, provide a Certificate in the form attached hereto and forming part of this By-law as Schedule "A" as provided for in Section 270 (1)(1) of the *Municipal Act*.

11. **Revenue**

Where real property is sold, all monies generated by said sale shall be credited to the City's general revenue fund, unless otherwise specifically provided by statute.

12. **Repeal**

That By-law 98-203 is hereby repealed in its entirety.


13. **Effect**

This By-law shall take effect upon final passing hereof.

**Read A First, Second And Third Time And Finally Passed This 16th Day Of December, 2013.**



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John R. Williams, Mayor



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Kevin Heath, City Clerk

**BY – LAW 13-161 SCHEDULE “A”**

**CERTIFICATE OF COMPLIANCE**

**Section 270 (1)(1) of the *Municipal Act, 2001***

**IN THE MATTER OF the sale of real property located at:**

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I hereby certify that to the best of my knowledge and belief:

1. The Corporation of the City of Quinte West has passed By-law No. 13-161 which is a By-law that established procedures for the sale or other disposal of real property and it was in force on the date that the above noted property was declared to be surplus by the Corporation of the City of Quinte West.
2. The above noted property was declared surplus by resolution of Council passed at a meeting open to the public on the \_\_\_\_\_ day of \_\_\_\_\_.
3. The measures required for giving notice to the public required by By-law No. 13-161 were carried out.

**DATED** at the Corporation of the City of Quinte West, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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City Clerk