THE CORPORATION OF THE TOWNSHIP OF JOLY

BYLAW 2025-019

BEING A BYLAW TO ADOPT THE SALE AND OTHER DISPOSITION OF LAND POLICY AND PROCEDURES

Legal Authority

Scope of Powers
Pursuant to Section 270 (1)(1) of the *Municipal Act*¸ 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, states that a municipality shall adopt and maintain policies with respect to its sale and other disposition of land.

Pursuant to section 11 of the *Municipal Act*¸ 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, authorizes municipalities to pass bylaws regarding Accountability and transparency of the municipality and its operations and of its local boards and their operations.

Powers of a Natural Person
Section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

Powers Exercised by Council
Section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council.

Powers Exercised by By-law
Section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by bylaw unless the municipality is specifically authorized to do otherwise.

Preamble

Council for the Corporation of the Township of Joly ("Council") acknowledges and is committed to disposing of surplus land in a manner that is fiscally responsible, transparent and consistent.

Decision

Council of the Corporation of the Township of Joly deems it expedient to adopt the Sale and Other Disposition of Land policy and procedures for the Township of Joly.

Direction

NOW THEREFORE the Council of the Corporation of The Township of Joly directs as follows:

1. Schedule A Sale and Other Disposition of Land Policy and Procedures

2. That Bylaw 2015-013 is hereby repealed;

3. That any Bylaws or provisions of other bylaws found to be inconsistent with this bylaw, are hereby deemed to be repealed; and

4. This Bylaw takes effect on the day of its final passing.

Read and adopted by Resolution 2025-00123 this 8th day of April 2025.

Original Copy Signed	Original Copy Signed
Mayor, Brian McCabe	Clerk, Jennifer Martin

1. **Policy Statement**

The Corporation of the Township of Joly is committed to disposing of surplus land in a manner that is fiscally responsible, transparent, accountable and consistent.

2. **Purpose**

The purpose of this policy is to achieve compliance with Section 270(1) of the Municipal Act, which requires municipalities to adopt policies regarding the sale and other disposition of municipally owned land. This policy establishes a transparent, consistent and accountable procedure to be followed when disposing of real property. The policy provides guidance for the overall management of the municipal property portfolio including the acquisition of lands required for municipal purposes as well as for the disposal of lands that are surplus to the municipality's present and known future requirements.

3. **Scope**

This policy applies to The Corporation of the Township of Joly Council and all municipal departments. This policy also applies to disposal of municipal land initiated by the Municipality or through unsolicited written application received from the public.

4. **Legislative Authority**

4.1 Section 270(1) of the *Municipal Act,* 2001, S.O. 2001, c. 25, as amended

4.2 Planning Act, R.S.O. 1990, c. P. 13, as amended

4.3 Expropriations Act*,* R.S.O. 1990, c. E.26, as amended

4.4 Township of Joly Official Plan

5. Definitions

5.1. **Act** means the *Municipal Act*, S.O. 2001, c.25, as amended

5.2. **Application to Purchase** means the document received by the Town, as prescribed.

5.3. **Appraisal** means an appraisal in writing by someone who is a member in good standing with the Appraisal Institute of Canada, with a designation as a Canadian Residential Appraiser (C.R.A) or Accredited Appraiser Canadian Institute

(A.A.C.I.), unless the Council agrees to deem the assessed value to be the appraised value on the recommendation of the Clerk.

5.4. **Clerk** means the Municipal Clerk for the Township of Joly, or their designate.

5.5. **Council** means the Council for the Township of Joly.

5.6. **Disposition** means the sale, transfer, conveyance or exchange of the fee simple interest in Land or the granting of a lease of license by the Town.

5.7. **Disposal** means the sale of real property or the lease of a property for a period of 21 years or longer; a lease with options to renew for a period greater than 21 years, but, does not include a licence given by the Municipality which is revocable by the Municipality within the 21 year period.

5.8. **Land** means real property owned by the Township and includes any building located thereon.

5.9. **Notice** means the notice as described in Section 8 and in accordance with the Township/s Notice By-Law A-2024-010, as may be amended from time to time.

5.10. **Purchaser/Requester** means the person(s) or organization(s), agency or entity who make application to purchase municipally owned land from the Township of Joly.

5.11. **Sale** means a transfer of legal title in land and includes disposal by means of a lease 21 years or longer.

5.12. **Surplus** means real property that the Township does not require to meet its present or anticipated future needs.

5.13. **Township** means the Corporation of the Township of Joly.

5.14. **User Fees** means those established by By-Law of the Township of Joly.

6. Principles

a) Municipal lands will be sold or disposed of in accordance with this Policy, unless Council passes a resolution to waive the requirements.
b) No municipal road allowances shall be sold unless such sale is for the good of the municipality as a whole.
c) No municipal land shall be sold prior to being examined by the Municipality for feasibility for current needs or future development

d) No municipal lands shall be declared surplus without taking into consideration Council priorities.
e) Sale and disposition of municipal lands will be conducted in a fair and accountable manner.

7. Public Registry (Surplus Land Database)

7.1. The Township Clerk or designate is responsible for maintaining a Surplus Land Database of all Land declared as Surplus.

7.2. The Surplus Land Database is available for inspection on the Township's official Website.

7.3. The Surplus Land Database shall be updated as decisions of Council are made that impact those Lands noted therein.

8. Declaration of Surplus Lands

When considering the disposal of municipally owned land, the Clerk or designate shall conduct an internal circulation to determine if the subject lands are required for municipal purposes or can be considered surplus lands. Circulation to external public agencies may also be completed as necessary.

Upon receipt of all comments received, a Report to Council shall be prepared for a open public meeting, outlining the reason(s) as to why the lands should or should not be declared as Surplus and the suggested method of disposition.

A property is deemed to be surplus to the needs of the municipality once Council has passed a resolution to this effect at a meeting open to the public.

The passage of such resolution does not obligate the Municipality to sell such lands, and such a declaration may be rescinded by resolution at any time before a binding agreement of purchase and sale has been entered into by the Municipality.

9. Determination of Method of Sale

9.1 Land may be sold by any of the following methods:

i. Public Tender
ii. Request for Proposal (RFP)
iii. Listing with real estate firm or broker
iv. Land exchange
v. Direct sale through negotiation
vi. Auction

9.2 The Clerk or designate shall be responsible for determining the appropriate method of sale in accordance with procedures as developed and amended by the Clerk or designate.

9.3 Notwithstanding the above, Council may authorize staff to sell land by direct negotiation or any other manner if, in the opinion of Council, it is in the best interest of the Municipality or otherwise fair and reasonable.

10. Establishing Fair Market Value

Prior to offering any surplus municipal lands for sale, the Clerk or designate shall establish the fair market value of the subject lands through one or more of the following means at the sole discretion of the Township:

- An independent qualified appraiser who is a registered member in good standing with the Appraisal Institute of Canada;
- An individual, group or agency not registered with the Appraisal Institute of Canada may be utilized to conduct an appraisal based on the circumstances at the discretion of the Clerk, or designate. Generally, such individuals, groups or agencies may include qualified provincial assessors and independent real estate brokers or agents;
- The value as reported by the Municipal Property Assessment Corporation (MPAC);
- Recent sales comparisons associated with similar property transactions; or
- Through a public process, including a Request for Proposal or a Tender/Auction.

Appraisals conducted on behalf of the Township of Joly shall be considered the property of the Township and shall be considered valid for a 24-month period from the date the appraisal was prepared unless Council determines a new appraisal is warranted.

If it would not be practical or economical to obtain an Appraisal as determined by the Clerk, or designate, or a minimum sale price has been approved by Council, then an Appraisal will not be required.

Additionally, Contents Part 3 outlines classes of Lands which are exempt from an appraisal to determine Fair Market Value.

11. Contents

The following contents form part of this policy and outline procedures to be undertaken in each instance.

- Part 1, Sale of Land (Other than Public Highways)

- Part 2, Sale of Land (Public Highways)
- Part 3, (Exclusions, No Public Notice or Appraisal Required)

12. <u>Notice to the Public</u>

Once a property has been declared Surplus by resolution, formal notice of the declaration and intent to sell the property shall be given to the public for a minimum of 21 days, as follows:

i. Posting notice on the municipal website;
ii. Posting notice on the municipal website through the Council agenda;
iii. Posting notice on the bulletin board at the municipal administration office situated at 871 Forest Lake Road
iv. Posting notice on the subject property and at a minimum at two (2) alternative places in the general area of the land being intended for sale or other locations chosen by the Clerk, or designate.
v. Council may direct that notice to the public be given by means of publication.

12.1 **<u>Form of Notice</u>**, sample copy attached to this policy, will include the following:

- Date, time and location of public meeting where the matter will be considered by Council;
- Brief description of the proposed land being disposed;
- Legal description of the said land;
- Municipal address and/or key map;
- Indication of the Fair Market Value, if applicable;
- When and where information pertaining to the surplus land is available for public viewing, including Reference Plan, if available;
- Contact information for the Clerk, or designate, managing the circulation.
- Statement that anyone wishing to comment on the proposed sale or other disposition may do so by delivering comments in writing to the Clerk, on or before the date the subject matter is to be considered by Council or by appearing at the Council meeting where the matter will be considered.

Notwithstanding the foregoing, the classes of land exempted from the requirement to provide notice prior to its disposal are outlined in Contents Part 3 (Exclusions, No Public Notice or Appraisal Required)

13. The notice of sale of surplus land shall serve as a means to invite purchase offers for the surplus municipal land in the case of a public sale and also offer the opportunity for public comments/concerns with respect to the proposed sale by Council. Should any submissions or concerns be received from the public, such comments shall be directed to the Clerk and considered by Council during an open public meeting and prior to the resolution or by-law authorizing the sale being passed.

14. Certificate of Compliance

All offers of purchase and sale must be approved by Council by resolution or by-law. For conditional offers, an agreement of purchase and sale may be entered into between the Township and the proponent following the authorizing by-law being passed.

The Township Solicitor will be responsible for all legal work associated with the sale/purchase of Township land including transaction particulars including, but not limited to, HST on the sale price, land transfer tax, appraisal, lands and titles registration, survey, public notice and administration charges.

The Township solicitor will also be responsible to review the legal documents and invoice costs when meeting with the purchaser for document execution. All costs associated with the real estate transaction are to be paid in full “in Trust” to the Township solicitor prior to registration.

A certificate of compliance for the sale of the real property shall be issued by the Township Clerk, verifying that the best of her/his knowledge the requirements of the Municipal Act and this Policy apply to the sale of the land, have been complied with.

15. Municipal Tax Sales

Lands sold under the Municipal Tax Sales Rules established under Ontario Regulation 181/03 and form part of the Municipal Act, 2001. C.25 shall include lands vested in the Township by the registration of a Notice of vesting in accordance with the Municipal Tax Sales Rules, and such lands may be sold by the Township within one year from the date of registration of the Notice of vesting without an appraisal, by means of direct sale, request for proposal or tender, without declaring the lands surplus or giving additional notice to the public from that of the Tax registration advertising.

15.1 Tax Sale Vesting

The primary legislative provisions relating to the vesting of unsuccessful tax sale property are set below:

- The Municipal Act provides for a two-year period for municipalities to make a decision to vest a property in the name of the municipality after an unsuccessful tax sale.
- The Environmental Protection Act provides a five-year period of limited protection from environmental orders for municipalities that vest contamination property as a result of tax sale proceedings.

The Township of Joly Council has three options to consider in the event that vesting is not recommended:

1. To write-off a portion of the tax arrears deemed uncollectable and re-advertise at a lower amount to attract bids.
2. Re-advertise with no change in the amounts owing.
3. Immediately remove the tax arrears certificate without waiting the two years.

If vesting is recommended, a review/inspection of the property is to be undertaken by the relevant department and associated consultants, if required, to identify possible deficiencies such as property standards, tenants, liens on title etc… and this could also include an environmental pre-screening in instances in where past contamination is suspected.

16. Road/Lane Allowance Closures and Sale

Consideration for the sale of the whole or part of a highway, road, laneway or shoreline allowance shall include the requirements of Notice as outlined in Section 12 of this Policy and a report, with recommendations and resolution or by-law, will be prepared for Council consideration.

The selling price for the disposal of the whole or part of highways, roads, laneways or shoreline allowances offered to abutting owners will be based on the generic appraisal as outlined in Section 10.

In those instances where the allowance is deemed to meet building lot specifications under the Township's zoning by-law, it shall be disposed of in accordance with Section 10.

17. <u>Responsibility and Implementation</u>

17.1 Council is responsible for approving this Policy.

17.2 The Municipal Administrator/Clerk or designate is responsible for:

i. Directing compliance and resolving any conflicts with this Policy;

ii. Assigning appropriate departments for administration of this Policy, as required;

iii. Establishing procedural guidelines;

iv. Conducting negotiations with prospective purchasers, entering into agreements and signing all documents necessary to sell any land provided:

a) In the opinion and discretion of the Municipal Administrator/Clerk, no other municipal interests will be adversely affected by the conveyance;

b) For all sales, the party acquiring the land pays all transaction costs and enters into an agreement that is acceptable to the Township Solicitor; and

c) The final agreement is authorized by by-law.

v. Engaging consultants to prepare environmental site assessments, impact statements, natural heritage evaluations, or any similar study that may be required prior to the sale of the land.

PART 1
(other than Public Highways)

SALE REQUIREMENTS

1. Method of Sale

Council shall have the absolute discretion to select the method of disposing of a parcel of land to the public for sale.

1.1 Unsolicited Offers

a) Unsolicited written offers to purchase a parcel of municipal surplus property may be considered by Council (see Procedure and Policy for Road Closing Applications, attached);
b) Where more than one (1) person has expressed an interest in purchasing municipal surplus property, or whether Council believes it to be in the best interest of the municipality, Council may by Resolution direct that the municipal surplus property be sold by means of tender.

1.2 Appraisal

In accordance with this policy, prior to the disposition of municipal surplus property, at least one (1) appraisal, in the manner deemed as appropriate by Council, shall be undertaken.

1.3 Sale Price of Land

Council at its discretion shall determine the sale price of any land. The sale price includes the sale price of land and the anticipated costs being incurred by the Municipality with respect to the sale including legal fees, surveys (if applicable), appraisal fees (if applicable) and the publication of the Public Notice.

1.4 Public Notice

Unless otherwise directed by Council, Public Notice shall be given, in accordance with this policy.

1.5 Council Consideration: Interval

Final consideration of the proposed sale or other disposition by Council at public, open meeting a shall not take place sooner than one (1) week

after the last published date, after the last of, the publishing date, the posting date, the website date, which ever shall be last.

PART2
(Public Highways)

1. SALE REQUIREMENTS

Where the land being sold is all or part of a Public Highway, or of a former Public Highway, the following provisions shall apply.

1.1 Surplus Land

Council shall first determine that the land is surplus to the requirements of the Municipality.

1.2 Approval In Principle

a) Application Form: Application Fee

On receipt of a request to purchase all or part of a Public Highway, the Applicant shall fill out an Application Form, pay the required fee and follow the procedure. (see Procedure for Road Closing Applications and Sale of Land attached)

2. PUBLIC NOTICE

2.1 Prior to Council's consideration of a Road Closing By-law Public Notice shall shall be given in accordance with this policy, unless otherwise directed by Council.

2.2 Council Consideration: Interval

Final consideration of the proposed sale or other disposition by Council, at a public open meeting shall not take place sooner than one (1) weeks after the last published date, after the last of, the publishing date, the posting date, the website date, which ever shall last occur.

PART 3
(Exclusions, No Public Notice or Appraisal Required)

1 NOTICE OR APPRAISAL NOT REQUIRED

1.1 The Public Notice and Appraisal portion of this policy shall NOT apply to the sale or other disposition of the following classes of land unless Council at its discretion determines that an appraisal is necessary for such sale:

a) **Reserves** - land 0.3 meters or less in width acquired in connection with an approval or decision under the Planning Act or otherwise;

b) **Abutting Owners** - closed highways (excluding Original Shore Road Allowances) if sold to an owner of land abutting the closed highway;

c) **Former Railway Lands** - land formerly used for railway lines if sold to an owner of land abutting the former railway land;

d) **No Direct Access** - the subject land that does not have direct access to a highway and if sold to the owner of land abutting that land;

e) **Expropriation Act**- land repurchased by an owner in accordance with s.42 of the Expropriations Act;

f) **SS. 107 and 108 Municipal Act**- land sold under ss. 107 (grants guaranteed) and 108 (small businesses) of the Municipal Act, 2001;

g) **Land sold to Municipality or Local Board** - land sold to a Municipality, a local board including a school board and Conservation authority, or the Crown in Right of Ontario or Canada and their agencies.

2 SPECIAL PROVISIONS

This Policy shall NOT apply to the sale or other disposition of land in the following classes of land:

a) Capital Facilities Agreement

Land sold under s.110 of the Municipal Act, 2001 (municipal capital facilities agreement);

b) Industrial Operations

Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;

c) Sale for Tax Arrears

Land sold under Part XI of the Municipal Act, 2001 (sale of land for tax arrears), in accordance with Section 16 of this Policy.

d) Electrical and Communication Easements

An easement required for electrical distribution line, electricity transmission line, hydro carbon distribution line, within the meaning of Part VI of the Ontario Energy Board Act, 1998, Bell Telephone, or any cable company.

PART4

(General Provisions)

1 ADJOURNMENT

1.1 Adjournment: Notice deemed to continue

Where notice of a public meeting or notice of intention to pass a by-law has been given in accordance with this by-law, Council may adjourn the public meeting to another specified date. On such subsequent date, notice shall be deemed to have been sufficiently given to continue the public meeting or consideration and pass the proposed by-law.

1.2 More Comprehensive Notice

Nothing in this Policy shall prevent the Clerk from using a more comprehensive method of giving Notice, or, providing for longer or shorter Notice period, when directed by by-law or resolution of council.

NOTICE OF SALE OF LAND PUBLIC MEETING
FOR DATE, 20XX

NOTICE OF SALE OF LAND PUBLIC TENDER

TAKE NOTICE That tenders are invited for the purchase of the land described below and will be received until **X:00** p.m. local time on **DATE, 20XX at 5:30 p.m,** at the Municipal office located at 871 Forest Lake Road, Sundridge, Ontario.

Tenders will then be opened in public on the same day as soon as possible after X:00 p.m. at the Township of Joly Municipal Office located at 871 Forest Lake Road.

Tenders must be submitted in the prescribed form and must be accompanied by a deposit of at least $XX,XXX

ADDITIONAL INFORMATION anyone wishing to comment on the proposed sale or other disposition may do so by delivering comments in writing to the Clerk or designate, on or before the date the subject matter is to be considered by Council or by appearing at the Council meeting where the matter will be considered.
Additional Information also available on the Municipal website: www.townshipofjoly.com. or by contacting the Clerk via email at Municipal.admin@townshipofjoly.com or 705-384-5428

Dated at the Township of Joly this Xth day of MONTH, YEAR.

Description of land:
Roll # 4951-XXX-001-XXXXX-0000
CON, LOT, PCL

According to the last returned assessment roll, the assed values of the land is $ XX,XXXX

Minimum tender amount: $XX,XXX

Example map



871 Forest Lake Road
P.O. Box 519, Sundridge, Ontario P0A 1Z0

Road Closing Application and Sale of Land

Type of Application

- ☐ Road Allowance
- ☐ Shore Road Allowance
- ☐ Other Land

Registered Owner Information

Name:_____

Date : _____

Civic Address:_____

Roll Number 4951_____

Legal Description of Property:_____

_____

Road Access:_____

Existing Use of Property:_____

Official Plan Designation: _____

Zoning Designation:_____

Contact Information

Phone:_____

Email:_____

Mailing Address:_____

871 Forest Lake Road
P.O. Box 519, Sundridge, Ontario P0A 1Z0

Agent Information (if applicable)

Name of Agent:_____
Company/Firm_____
Address_____
Telephone;_____ Email_____

Correspondence: Please specify to whom all correspondence should be sent

- ☐ Owner
- ☐ Agent
- ☐ Both

I/we hereby apply to the Corporation of the Township of Joly for the closing and conveying of the portion of the original road or shore road allowance abutting my property, and have the same transferred to the name(s) indicated below.

YES_____ NO_____

I/we agree to pay all the costs associated with the above transaction as established by the Township of Joly.

YES_____NO_____

A deposit in the amount of $3,500.00 is needed to complete the application.

YES_____NO_____

Payments

Electronic Bill Payment – If you are set up through online banking for your property taxes you can pay with this method, Please send an email to office@townshipofjoly.com when you have sent the money, if not the money will be put towards your taxes.

Credit Card – Credit Card payments are accepted through PLASTIQ online transactions. If transaction are made online please send on email to office@townshipofjoly.com indicating so or your payments will be put towards taxes. Credit card payments are accepted in person of the Township office.

Cash/ Cheque/Debit- These payments can be made in person at the Township of Joly Office at 871 Forest Lake Road.

871 Forest Lake Road
P.O. Box 519, Sundridge, Ontario P0A 1Z0

All reimbursements made to applicant shall be returned on Township of Joly cheques made out to the name of the applicant.

Affidavit

I, _____, registered owner of the subject lands,

declare that all the above information in true and accurate.

_____ _____

Date: Signature of Registered Owner(s) or Agent

Office Use Only

☐ Payment Received

Type of Payment_____

Receipt Number_____

Application sent to Land Use Planner

Yes:_____ No, why not_____

Date:_____ Completed By_____

Has this Application completed pre-consultation with staff and the Planner?

If Yes, Date of Meeting: _____
Staff Initial: