

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 21-2021
FOR THE YEAR 2021**

***BEING A BY-LAW TO REGULATE THE SALE AND PURCHASE OF
PROPERTY.***

WHEREAS, the *Municipal Act, 2001*, c.25 S 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act 2001*, c. 25 S. 5(3) provides that the powers of every council are to be exercised by by-law.

AND WHEREAS the *Municipal Act, 200*, c.25 S270(1)1. provides that a municipality shall adopt and maintain policies with respect to the sale and other disposition of land.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF
THE TOWNSHIP OF SOUTH GLENGARRY ENACTS AS
FOLLOWS:**

1. SHORT TITLE

- 1.1. This by-law may be cited as the "Sale and Purchase of Property By-Law" or "Sale and Purchase of Property Policy".

2. PURPOSE/OBJECTIVES

- 2.1. The objectives of this by-law are:
- 2.1.1. to purchase and administer property only in support of municipal objectives;
 - 2.1.2. to purchase, maintain, preserve and sell property to the maximum long-term economic advantage of the Township;
 - 2.1.3. to ensure an efficient process for simple property sales and purchases by the Township;
 - 2.1.4. to be transparent in the sale and purchase of property by the Township;
 - 2.1.5. to ensure public accountability.

3. DEFINITIONS

"Abutting" means adjoining or bordering property;

"Adjacent" means a nearby property;

"Agreement" means a binding contract, formal or informal, between two or more parties that creates an obligation to do or not to do a particular thing;

"Appraisal" means a written opinion of value providing information sufficient to satisfy the Treasurer that the opinion is reasonable for that property;

“CAO” means the Chief Administrative Officer of the Township, including his or her successor and designate from time to time;

“Clerk” means the Clerk of the Township, including his or her successor and designate from time to time;

“Council” means the Council of the Township;

“General Manager” means the person responsible for the operation of a Division, including his or her successor and designate from time to time, and includes: General Manager – Planning, Building and Enforcement and General Manager – Finance/Treasurer.

“Land” means real property or real estate, not including structures or whatever is attached or affixed to the land but including anything that grows on the land;

“Manager” means the person responsible for the operation of a Department, including his or her successor and designate from time to time, and includes: Director of Roads and Waste Management, Director of Water & Wastewater Operations, Director of Corporate Services/Clerk and Fire Chief.

“Nearest” means the closest property

“Property” means land or real estate, including any improvements, structures and whatever is attached or affixed to the property and whatever grows on the land, that is owned by the Township or that is owned by its agencies, boards or committees and the jurisdiction for the sale of which rests with the Township;

“Township” means The Corporation of the Township of South Glengarry.

4. BY-LAW EXEMPTIONS

4.1. The following are exempt from all provisions of this by-law:

4.1.1. Sale of property under Part XI of the Municipal Act, 2001 (Tax Arrears).

4.1.2. Property purchases under the Township’s Right-of-Way Policy.

5. PECUNIARY INTERESTS

If a Member of Council has a direct or indirect pecuniary interest, as defined by the Municipal Conflict of Interest Act, R.S.O. 1990, CHAPTER M.50, as amended, in a sale or purchase then in addition to any other process laid out herein the sale or purchase must be approved by Council in open session

6. GENERAL PROVISIONS

6.1.1. Conditions before sale:

6.1.1.1. the property shall be declared surplus by a Council resolution or by-law in open session;

6.1.1.2. an appraisal of the property shall be obtained;

6.1.1.3. public notice seeking offers shall at a minimum be given through an advertisement in a local newspaper and on the Township’s webpage two weeks prior to Council considering a sale in open session or a real estate agent may be retained to sell the surplus properties. The Agent shall be permitted to use various selling strategies such as

selling one lot at a time or sell multiple properties simultaneously using a “delayed offer” presentation strategy;

6.1.1.4. The CAO or his or her designate shall be authorized to negotiate a conditional offer on behalf of the Township when a full price offer has been received and is permitted to negotiate multiple offers.

6.1.1.5. The Mayor and Clerk shall be authorized to sign conditional offers, which shall be subject to the final approval of Council.

6.1.1.6. the sale shall be approved by Council resolution or by-law in open session;

6.1.1.7. once the above conditions have been met, the Mayor and Clerk shall be authorized to sign all applicable documents required to finalize the sale.

6.1.2. Conditions before purchase:

6.1.2.1. Council shall provide direction to Administration;

6.1.2.2. the CAO or his or her designate, based on the direction provided by Council, shall be authorized to negotiate an agreement to purchase which shall be subject to Council’s final approval;

6.1.2.3. the agreement to purchase shall be approved by Council resolution or by-law in open session;

6.1.2.4. subject to the above resolution or by-law, the Mayor and Clerk shall be authorized to sign all applicable documents required to finalize the purchase.

7. SPECIAL CLASSES

7.1. The following shall apply for special classes of property:

7.1.1. Conditions before sale:

7.1.1.1. If it is a closed highway and, is without any structures greater than 10 square metres, is sold to an owner of property abutting and/or adjacent to the closed highway and the sale has been recommended by Council Resolution or By-Law in open session then the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

7.1.1.2. If it is property that does not have direct access or access through a right of way or easement to a highway, is without any structures greater than 10 square metres, is sold to an owner of property abutting and/or adjacent to that property, and the sale has been approved by Council Resolution or By-law in open session then, the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

7.1.1.3. If the purchaser is an incorporated, not-for-profit organization, local board, including a school board or conservation authority, municipality, or crown in right of Ontario or Canada, and their agencies, and the sale has been approved by Council Resolution or By-law in open session then, the Mayor and Clerk shall be authorized to sign all applicable required for the sale.

7.1.1.4. If Council, by resolution, deems that the sale is an important means of promoting economic development, there is an appraisal for the property, and the sale has been approved by Council Resolution or By-Law in open session then the Mayor and Clerk shall be authorized to sign all applicable documents required for the sale.

- 7.1.1.5. If the Township's General Manager of Planning, Building and Enforcement deems that due to lot configuration it would be good planning to merge the property with an existing abutting lot, then if it is to be sold to the owner of the lot and the sale has been approved by Council in open session by Resolution or By-law, then the Mayor and Clerk shall be authorized to sign all applicable required for the sale.
- 7.1.1.6. If the Township's General Manager of Planning, Building and Enforcement deems that due to lot location it would be good planning to sell the property to the nearest adjacent property owner providing the property provides direct access to a body of water, a public road or any infrastructure that will add value to the adjacent property and the sale has been approved by Council in open session by Resolution or By-law then the Mayor and Clerk shall be authorized to sign any documentation required for the sale.

8. ROAD ALLOWANCES

- 8.1. The Township of South Glengarry encourages the preservation of road allowances leading to the water. The Township of South Glengarry requires that such road allowances remain in the Township's ownership to ensure that access to the water is available to the public now and in the future or the proposed purchaser shall offer an alternative means of guaranteeing access to the water that either provides at least the equivalent access to the water that the road allowance could provide or provides access appropriate for the location.
- 8.2. The Township of South Glengarry will not typically consider the stop up and closing of an unopened road allowance where the road allowance might potentially serve future development or movement of traffic.
- 8.3. All cost incurred for the road closing are borne by the applicant (e.g. legal fees, survey costs, advertising costs). Road closing that takes place, are at no expense to the Township.

9. OTHER

- 9.1. If any portion of this by-law is ruled invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the remainder of the by-law shall remain valid and binding.

10. ENACTMENT

- 10.1. This by-law shall come into force and effect, and By-Law 11-18 shall be repealed, upon final passing.

READ A FIRST, SECOND AND THIRD TIME, PASSED, SIGNED AND SEALED IN OPEN COUNCIL THIS 15TH DAY OF MARCH, 2021.

MAYOR:

CLERK: