

**THE CORPORATION OF
THE TOWNSHIP OF SOUTH-WEST OXFORD
BY-LAW NO. 42-2015**

Being a by-law to establish
procedures for the sale or disposal
of real property owned by the municipality
and to repeal By-Law No. 38-95.

WHEREAS Section 8 (1) of the Municipal Act 2001, S.O. 2001, c.25, provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate;

AND WHEREAS Section 270(1) of The Municipal Act 2001, S.O. 2001 C. 25 provides that a municipality shall adopt and maintain policies with respect to the following matters:

- (1) Its sale and disposition of land;
- (4) The circumstances in which the municipality shall provide notice of the public and, if notice is to be provided, the form, manner and times notice shall be given.

AND WHEREAS it is deemed advisable to establish a new policy to govern the sale and disposition of real property;

NOW THEREFORE, the Council of The Corporation of the Township of South-West Oxford ENACTS AS FOLLOWS:

1. Definitions:

- a. **Appraisal** – written opinion from an Accredited Certified Appraiser or an opinion of value from a realtor of fair market value providing information sufficient to satisfy the Clerk that the opinion is reasonable;
- b. **Clerk** – Clerk of The Corporation of the Township of South-West Oxford, including his or her successor and designate from time to time;
- c. **Council** – Municipal Council of The Corporation of the Township of South-West Oxford;
- d. **Disposal** – shall mean the sale of real property;
- e. **Land** – real property owned by the Township, whether vacant or not, or owned by its agencies, boards or commissions, the jurisdiction for sale of which has been transferred to the Township;
- f. **Newspaper** – a printed publication in sheet form intended for general circulation within the Township as to provide reasonable notice to those affected by, or interested in the land sale;

- g. **Public Property Report Index** – A report containing property information for real property owned by the Township or owned by its agencies, boards or commissions.
 - h. **Publish** – published in a newspaper that, in the opinion of the Clerk, has such circulation within the Township as to provide reasonable notice to those affected by, or interested in the sale;
 - i. **Sale** – a commitment to sell or otherwise dispose of land, including a disposal by way of lease for 21 years or longer;
 - j. **Surplus** – land which is no longer required by the Township which it intends to sell or otherwise dispose of;
 - k. **Township** – The Corporation of the Township of South-West Oxford.
2. Conditions:
Before a sale of any land:
- a) The land shall, by resolution of Council, be declared surplus by council at a Public Open Meeting;
 - b) The intended manner or process by which the sale of land will be carried out shall be approved by Council;
 - c) One appraisal of the land shall be obtained;
 - d) The method for which notice of the sale of land shall be given, pursuant to S. 6 of this by-law.
3. Sale of Public Bodies:
- That an appraisal and or notice does not apply to the sale of land to the following bodies:
- a) A municipality;
 - b) A local board, including a school board and a conservation authority;
 - c) The Crown in Right of Ontario or Canada and their agencies.

4. Sale of Certain Classes of Land:

The following properties are exempt from the disposition of land procedure:

- a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
- b) Any land that by itself is incapable of being a building lot;
- c) Closed highways if sold to an owner of land abutting the closed highway;
- d) Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
- e) Land that does not have direct access to a highway if sold to the owner of land abutting that land;
- f) Land repurchased by an owner in accordance with section 42 of the Expropriations Act, R.S.O. 1990, c. E.26;
- g) Easements granted to public utilities or to telephone companies; and
- h) Any other lands that Council determines in its discretion.

5. Exclusions, classes of land:

Clause 2 (c) does not apply to the sale of the following classes of land:

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

6. Notice of Proposed Sale:

- a) Where the land has been declared surplus and the intended manner or process by which the sale of the land will be carried out has been approved, the Clerk shall give notice to the public of a proposed sale in such manner by one of the following methods for a period of two weeks (14 consecutive days):

- i) Posted on the Township's website;
- ii) By publication in a newspaper in the area of the land.

- b) Notice of proposed sale shall contain the following information:

- i) General description of the manner of sale to be carried out;
- ii) Location of the land by reference to a municipal address or legal description, or both;
- iii) Approximate size of the land by reference to dimensions and area, or both, and a brief description of any buildings or other improvements situate thereon;
- iv) Latest date that inquires may be made of the Clerk;
- v) Date that Council will consider the appropriate by-law to dispose of the land.

7. Public Property Report Index:

- a) The Township shall establish and maintain a property listing of all Township Land;
- b) The Public Property Report Index is available to the public through the Clerk's office.

8. No Review:

The manner in which the municipality or local board carries out the sale of its land, if consistent with this by-law, is not open to review by any court if the municipality or local board may lawfully sell the property, the purchases may lawfully buy it is the municipality or local board acted in good faith.

9. Short title

This by-law may be cited as the "Real Property Disposal By-Law".

10. Validity

If a court of competent jurisdiction declares any section or part of a section of the by-law invalid, it is the intention of Council that the remainder of the by-law shall continue to in force.

11. Effective Date:

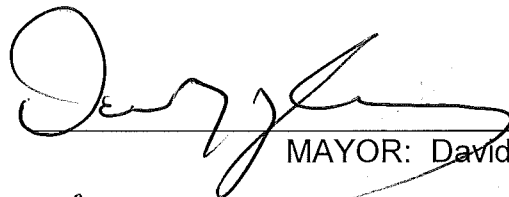
This by-law shall come into force and effect on the day of passage.

12. By-Law Provisions

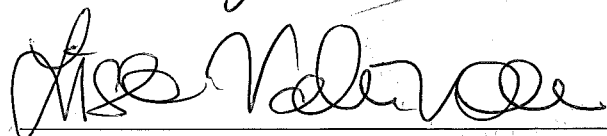
By-Law No. 38-95 and any other by-law not consistent with this by-law are hereby rescinded in their entirety.

READ a First and Second time this 16th day of June, 2015.

READ a Third time and finally passed this 16th day of June, 2015.



MAYOR: David Mayberry



CLERK: Lisa VanderWallen