

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 138 - 2000

A BY-LAW TO ESTABLISH PROCEDURES, INCLUDING THE  
GIVING OF NOTICE, GOVERNING THE SALE OF REAL PROPERTY

**WHEREAS** *The Municipal Act* as amended R.S.O. 1990 Chapter M.45, Section 193 provides that every Council with authority to sell or otherwise dispose of real property, shall by By-Law, establish procedures governing the sale of real property, including the provision of notice to the public.

**AND WHEREAS** by definition in *The Municipal Act*, sale includes a lease of twenty-one (21) years or longer

**AND WHEREAS** the Council of The Corporation of the City of Kenora now deems it necessary and expedient to establish procedures to govern the sale or other disposal of real property owned by the Corporation;

**NOW THEREFORE** The Corporation of the Town of Kenora enacts as follows:

**DECLARATION THAT LAND IS SURPLUS**

1. Prior to offering any real property for sale or entering into a lease for twenty-one (21) years or more, the Council shall by By-Law or Resolution passed at a meeting open to the public declare the real property to be surplus to its municipal needs and requirements.

**NOTICE**

2. (1) The Council shall in the By-law or Resolution declaring the real property to be surplus, direct that notice be given to the public and such other persons, authorities or bodies corporate as it deems necessary and proper in the circumstances and such By-law or Resolution shall establish the method or methods of notice to be used in each case.
- (2) The methods of notice may include:
  - (a) advertisement one or more times in a daily or weekly newspaper or newspapers;
  - (b) advertisement in the Ontario Gazette;
  - (c) listing of the real property on the Council Agenda as property which has been declared surplus and which is to be disposed of;
  - (d) any other means of communication which in the opinion of Council, acting reasonably and in good faith, is seemed appropriate in the circumstances in order to give notice to the public.
- (3) The By-Law or Resolution may direct that a combination of the above mentioned be used.
- (4) In addition to the above referred to notice provisions intended to reach the general public, Council may, if it deems it to be appropriate, in the By-Law or Resolution direct that the notice be communicated directly, by ordinary mail, or such other means as may be set out in the By-Law or Resolution, to any of the following:
  - (a) the Government of Canada or any of its ministries or agencies;

- (b) the Government of Ontario or any of its ministries or agencies;
- (c) the Keewatin-Patricia District School Board;
- (d) the adjacent landowners as determined from a search of the records at the appropriate land registry or land titles office;
- (e) such other persons, authorities and bodies corporate as Council shall deem appropriate in the circumstances.

#### **METHODS OF SALE**

- 3. (1) The real property shall be disposed of or offers to purchase or lease solicited by any appropriate method as determined by Council, which may include:
  - (a) public auction;
  - (b) public tender;
  - (c) direct sale by the City;
  - (d) land exchange;
  - (e) call for proposals;
  - (f) listing of the real property with a real estate broker.
- (2) In the event that the sale is to be by public auction or public tender then this shall be set out in the By-law or Resolution declaring the property surplus or in a subsequent By-law or Resolution, and the By-law or Resolution shall set out the terms and conditions of sale and the reserve amount, if applicable, all as determined by Council.

#### **APPRAISAL**

- 4. Except for sales or leases for twenty-one (21) years or more to those public bodies or classes thereof for which an appraisal is not required by reason of the regulations made pursuant to *The Municipal Act* as they may be amended from time to time, prior to the sale of any real property or entering into a lease thereof for twenty-one (21) years or more, the Council shall:
  - (1) Obtain an appraisal of the fair market value of the property. For the purposes of this Section, an appraisal shall include either or both of:
    - (a) An estimate of value prepared by a licensed Realtor or property appraiser;
    - (b) An estimate of value prepared by the employees of the Corporation based on raw land costs, development, overhead, and carrying costs, and may include an allowance for profit.

#### **TERMS OF DISPOSITION**

- 5. Notwithstanding that the public notice of the intended disposition or lease for a period of twenty-one (21) years or more has been given and that one or more interested parties may present to Council an Offer to Purchase or an Offer to Lease the real property, nothing shall restrict the absolute discretion of Council to retain the land or to dispose of the land on such terms and conditions as maybe fixed by Council, which shall include the power to sell or lease the real property for nominal consideration and to whomever it wishes,

regardless of whether the disposition is to the party which apparently has presented the best offer.

**PUBLIC REGISTER**

6. Council shall establish and maintain a public register listing and describing the real property owned or leased by the Municipality except for:
- (1) Land .3 metres or less in width acquired in connection with approval or decision under *The Planning Act*;
  - (2) All highways, roads and road allowances, whether or not opened, unopened, closed or stopped-up;
  - (3) Land formerly used for railway branch lines;
  - (4) Land leased for a period of less than twenty-one (21) years;
  - (5) Such other land as may be declared from time to time, by regulation, exempt from the requirement to be listed.
7. This By-law does not apply to the sale or other disposition of land, pursuant to Section 210.1(2) of *The Municipal Act*.

**REPEAL**

8. This By-law repeals former By-Laws:
- (1) The Corporation of the Town of Jaffray Melick By-Law No. L16/95;
  - (2) The Corporation of the Town of Keewatin By-Law No. 95-021;
  - (3) The Corporation of the Town of Kenora By-Law No. 22 - 95.

**EFFECTIVE DATE**


9. This By-law shall become effective upon third and final reading.

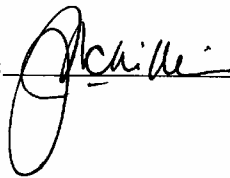
**BY-LAW READ A FIRST AND SECOND TIME**

**THIS 16th day of October, 2000**

**BY-LAW READ A THIRD TIME THIS 16th day of October, 2000**

**THE CORPORATION OF THE CITY OF KENORA**

Per:  MAYOR

Per:  CLERK