



4 February 2011

City Council Committee Report

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

**Re: Amendment to Notice By-law Number 144-2007
- Notice for the Sale of Land**

Recommendation:

That Council give three readings to a by-law to amend By-law Number 144-2007 with respect to the giving of Notice for the Sale of Land.

Background:

In 2006 the requirement for the giving of notice for the sale of land under the Municipal Act was repealed and as a result municipalities had the option of creating their own notice provisions for this purpose. Our Solicitor provided a guideline to Council (of the day) with respect to the legal notices that had been legislatively required, being notice in a newspaper for four (4) consecutive weeks, for the sale of road/shore allowances. All other notices, for the sale of municipal land, were required to be on the Committee Agenda prior to the Council meeting where the applicable by-law would be adopted. For those legal notices, our Solicitor suggested three (3) consecutive weeks. The City has been doing so for the last four years. The way that section in the Notice By-law reads is somewhat ambiguous and it is a change that I, along with Mr. Ormiston, would like to see as the wording needs to be separated more clearly to define the two scenarios for the sale of land (vacant or otherwise), and for the sale of road/shore allowances. A copy of the draft by-law is attached and is self-explanatory. There is no reference to advertising any notices on the portal as the Agenda gets posted on the Portal and notice is provided. As for the legal notices from the Law Office, these will continue to be advertising consecutively in the newspaper (Enterprise) but we have reduced the notice from three to two weeks. Typically these types of sales only affect the property owner making the application to purchase the lands abutting their property, but there have been instances where this is not the case so the notice in the newspaper is a good outlet and as well these notices will appear on the Council Agenda.

Budget:

N/A – Costs of notices in newspaper borne by Applicant.

Communication Plan/Notice By-law Requirements:

Law Office, Planning Department, Operations to be advised of changes as well as notice on the Committee Agenda that a Notice By-law amendment is being proposed.