

Sale of Land Procedure

Approved by: County Council

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Procedure Number: G-GEN-003-001

Section: Governance

Parent Policy: G-GEN-003

Sub Section: General

References and Related Documents

Municipal Act 2001 Section 270

[Sale and Acquisition of Land Policy](#)

[Acquisition of Land Procedure](#)

Forms

Purpose

To define the procedures to be followed for all sales of County owned Real Property.

Scope

This procedure covers all sales of Real Property by the County of Grey.

1. Sale Procedures

Unless an exemption is provided in this policy and associated procedures, before selling any Real Property, County Council shall;

- a) declare the Real Property to be surplus by resolution passed at a Meeting open to the public;
- b) value the Real Property in accordance with Section 2; and
- c) give notice to the public in accordance with Section 3.

The responsibility for receiving staff reports and making recommendations for the sale of Real Property for County Council approval under this policy and procedure is the appropriate Standing Committee.

2. Value or Valuation

Where Real Property needs to be valued, it will be valued by a method determined to be satisfactory by County Council, including but not limited to:

- a) an appraisal or an opinion by an independent qualified appraiser, or
- b) the value assigned by the Municipal Property Assessment Corporation, or
- c) an opinion of value by a licensed real estate agent, or
- d) the amount set out in an agreement of purchase of sale entered into between a willing purchaser and vendor evidencing the market value, or
- e) such other means as may be specifically determined as appropriate by County Council in the circumstances.

3) Notice

Before selling any Real Property:

- a) notice shall be given to the public of the proposed Sale by a single publication in a newspaper that is, in the Clerk's opinion, of sufficient general circulation in the area of the Real Property to give the public reasonable notice of County Council's intention, and
- b) notice shall also be posted on the County website, and
- c) this publication should occur at least three weeks prior to the Standing Committee Meeting which includes the item on the agenda; however, County Council shall retain discretion to determine what is reasonable notice in the circumstances, and
- d) notice shall include a brief description of the property and shall specify the method of sale and the date when the sale of the property will be considered if applicable, and
- e) Real Property being sold under Section 4 of this policy is exempted from the notice requirements of Section 1(c), and
- f) the Clerk has the authority to deem notice on the website is sufficient notice for properties included in 6(a) to 6(m) inclusive.

4. Exemptions from Sale Procedures

Sections 1(a) to 1(c) inclusive do not apply to:

- a) Real Property sold under Section 110 of the Municipal Act, 2001 (agreements for municipal capital facilities);
- b) classes of Real Property described under Part XI of the Municipal Act (sale of land for tax arrears);
- c) Real Property being reconveyed to the Person that originally conveyed it to the County where the Real Property is held by the County in trust or subject to a condition, obligation or legislation that requires a specific conveyance by the County;
- d) Real Property being reconveyed to the Person who conveyed the Real Property to the County where the Real Property is held by the County as security for the performance of obligations for that Person pursuant to an agreement between the Person and the County;

- e) Real property that vested in the County by by-law, operation of law or otherwise which neither the County nor the registered owner intended to vest;
- f) Real property 0.3 metres or such other size which was acquired for road purposes or pursuant to a planning approval or decision, sold to the adjoining landowner or any government or government related agency;
- g) Easements granted to a public utility, an electricity distribution company, a power generation company, a telephone company or a similar entity;
- h) Real property sold to any municipality, local board, school board, conservation authority, a corporation that operates a public hospital or the Crown in right of Ontario or Canada and its agencies.

5. Lands Acquired Pursuant to Acquisition of Land Procedure G-GEN-003-002

- a) In the event the sale of Real Property is as a result of an acquisition under Section 3(b) of G-GEN-003-002, being the County's Acquisition of Land Procedure, such sale shall not be completed unless it is consistent with the County's and affected lower tier municipality's planning policies as determined by Council.
- b) Council may, at its discretion, exempt lands under this section from the requirements of Sections 1(b) and 1(c).

6. Valuation Not Required

The valuation required in Section 2 above may not be required for the following classes of Real Property or type of transaction:

- a) Closed County roads if sold to the owner of real property abutting the closed County road;
- b) Real Property formerly used for railway lines if sold to an owner of real property abutting the former railway Real Property;
- c) Real Property that does not have direct access to a highway if sold to the owner of real property abutting the Real Property;
- d) Real Property repurchased by an owner in accordance with the Expropriations Act;
- e) Real Property sold under Sections 107 (general power to make grants) and 108 (small business assistance) of the Municipal Act, 2001;
- f) Real Property sold to any municipality;
- g) Real Property sold to a Local Board;
- h) Real Property sold to a school board;
- i) Real Property sold to a conservation authority;
- j) Real Property sold to a corporation that operates a public hospital;
- k) Real Property sold to the Crown in Right of Ontario or Canada and its agencies;

- l) Real Property 0.3 metres or such other size which was acquired for road purposes or by planning approval or decision;
- m) Any Real Property that is exempt by Regulation made by the Minister of Municipal Affairs and Housing;
- n) Any other Real Property, which County Council in its discretion determines a valuation is unnecessary provided the purchaser is not a manufacturing business or other industrial or commercial enterprise.

7. Methods of Sale

Real Property may be sold by public tender, by call for proposal, by listing with a real estate firm or broker, by Real Property exchange, by auction, by private sale, or in such other manner as County Council deems appropriate. The fact of each transaction will dictate the choice made.

If Real Property is to be sold by public tender, then the notice shall include, amongst other information, the following:

- a) the date for submitting the tender;
- b) the notation “the highest or any tender may not necessarily be accepted”;
- c) the date, time and location of opening tenders.

8. Sale Price

Unless prohibited by Section 106 of the Municipal Act, 2001, County Council may authorize the sale of Real Property for less than the fair market value if in the opinion of County Council it is in the best interest of the County to sell the Real Property for less than the fair market value.

9. Terms of Disposition

The agreement of purchase and sale shall be prepared in accordance with the factors County Council has deemed appropriate in the circumstances and a by-law enacted by County Council.

Upon confirmation by the Clerk that the agreement of purchase and sale is in accordance with County Council’s directions, the Warden and Clerk shall be authorized to take all actions and execute all documentation required to finalize the sale.

The manner in which the County carries out the sale of Real Property, if consistent with the Municipal Act, 2001 and this policy and procedure, as applicable, is not open to review as the County is deemed to have acted in good faith.