

BY-LAW NUMBER 95-034

OF

THE REGIONAL MUNICIPALITY OF WATERLOO

Property Disposition Procedure: A By-law to Govern the Procedures for the Sale of Real Property by the Regional Municipality of Waterloo, including the Giving of Notice

WHEREAS the Municipal Act, R.S.O. 1990, c. M.45, section 193, as amended, requires Council to establish, by by-law, procedures governing the sale of real property, including the giving of notice to the public;

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WATERLOO ENACTS AS FOLLOWS:

Definitions:

1. In this By-law:
 - (1) "Council", means the Council of the Regional Municipality of Waterloo;
 - (2) "Land Purchasing Officer" shall mean the Land Purchasing Officer for the Regional Municipality of Waterloo, or designate.
 - (3) "Sale", means any disposition of land including a lease of 21 years or longer.
 - (4) "Solicitor" means the Regional Solicitor for the Regional Municipality of Waterloo.

Declaration that Property is Surplus:

2. Before selling any real property, 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.

Classes of Property:

3. For the purposes of this by-law, the following classes of real property are hereby established:
 - (a) real property having an estimated value of up to \$15,000., hereinafter referred to as a "minor land sale";
 - (b) real property having an estimated value in excess of \$15,000. and up to \$100,000., hereinafter referred to as a "significant land sale";
 - (c) real property having an estimated value in excess

of \$100,000., hereinafter referred to as a "major land sale";

- (d) for the purposes of s.5, real property which is exempted from the requirements for obtaining an appraisal pursuant to s.193 of the Municipal Act and any regulations thereunder;
- (e) for the purposes of s.6, real property for which there is a statutory notice requirement specified in addition to the requirements in s.193 of the Municipal Act;
- (f) real property which is exempted from the provisions governing the sale of real property pursuant to s.193 of the Municipal Act.

4. For the purposes of section 3 the estimated value of real property shall be the value as determined by the land Purchasing Officer in accordance with good preliminary appraisal practice. Where a range of value is determined, the bottom end of the range shall determine the category into which the real property is classified.

Valuation:

5. An appraisal of the fair market value of any real property being sold hereunder, which is not exempt from such requirements pursuant to the Municipal Act and any regulations thereunder, shall be obtained in accordance with the following:
- (a) for minor land sales, the value shall be that which is determined by the Land Purchasing Officer based on an analysis of the property and related experience;
 - (b) for significant land sales, the value shall be that which is determined by a letter of opinion from a qualified appraiser; and
 - (c) for major land sales, the value shall be determined by obtaining a full, formal appraisal from a qualified appraiser.

Notice:

6. Notice to the public of the proposed sale of any real property, which is not exempt from the provisions governing their sale pursuant to the Municipal Act, shall be given in accordance with the following:
- (a) for real property sales for which there is a statutory notice requirement, notice shall be given in the manner required by the applicable

- statutory provision;
- (b) for minor land sales:
 - (i) an advertisement will be placed in a newspaper having general circulation in the geographic area, or
 - (ii) a notice will be placed in the public notices section of a newspaper having such circulation;
 - (c) for significant land sales:
 - (i) an advertisement will be placed in a newspaper having general circulation in the geographic area, or
 - (ii) a notice will be placed in the public notices section of a newspaper having such circulation;
 - (iii) a listing of the property with a real estate broker utilizing a multiple listing service; or
 - (d) for major land sales:
 - (i) a notice will be placed in the public notices section of a newspaper having such circulation
 - (ii) a listing of the property with a real estate broker utilizing a multiple listing service; and
 - (e) any other additional means of communication which the Solicitor deems appropriate, including direct notice to any persons, authorities or bodies corporate.

Agreements of Purchase and Sale:

- 7. The Solicitor may execute Agreements of Purchase and Sale for the sale of any real property pursuant to this by-law provided that any Agreement is subject to the approval of Council as a condition precedent. Prior to executing an Agreement, the Solicitor may seek direction from Council or may seek recommendations from other staff.

Terms of Disposition:

- 8. Notwithstanding that the public notice of a proposed sale has been given and that one or more interested parties may present an Offer to Purchase or that a conditional Offer has been executed by the Solicitor in accordance with s.7, nothing shall fetter the absolute discretion of Council to retain the land or to dispose of the land on such terms and conditions as may be fixed by Council, which shall include the power to sell or lease the real property for nominal

consideration to whomever it wishes, regardless of whether the disposition is to a party which apparently has presented the best offer.

Certificate of compliance:

9. Upon the sale of any real property pursuant to this By-law, the Regional Clerk shall issue a Certificate of Compliance in a form as required by the applicable Regulations under the Municipal Act and the Certificate shall be included in the deed or transfer of the land.

Effective Date:

10. This By-law will come into force and take effect upon enactment.

Short Title:

11. This By-law may be referred to as the "Property Disposition Procedure By-law".

By-law read a first, second and third time and finally passed at the Council Chambers in the Regional Municipality of Waterloo this *27th* day of *April* A.D., 1995.


REGIONAL CLERK


REGIONAL CHAIR