

## **The Corporation of the Township of Southgate By-law Number 2026-050**

Being a By-law to Establish Policies and Procedures with Respect to The Sale and Disposition of Lands for the Corporation of the Township of Southgate

**Whereas** pursuant to Section 9 of the Municipal Act, 2001, S.O. 2001 (the "Act") municipalities have the capacity, rights, powers and privileges of natural persons, which includes the power to do things that natural persons can do, such as, inter alia, making decisions with respect to the sale of land; and

**Whereas** Subsection 11(2) of the Act provides broad authority for a lower tier municipality to pass by-laws which relate to the management of its financial affairs and the economic, social and environmental well-being; and

**Whereas** Section 8 of the Act provides that powers of a municipality shall be interpreted broadly to confer broad authority on the municipality to enable the governance of its affairs as considered appropriate and to enhance a municipality's ability to respond to municipal issues; and

**Whereas** Section 270 of the Act, as amended, requires every Council to adopt and maintain policies governing the sale or other disposition of its land, determine the appropriate manner of giving notice, and determine appropriate measures to establish accountability and transparency to members of the public; and

**WHEREAS** Subsection 5(3) of Act provides that municipal power be exercised by by-law,

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate enacts as follows:

### **1. TITLE AND DEFINITIONS**

(1) In this by-law, the following definitions apply:

- (a) **"Appraisal"** is an independent fair market valuation of land prepared by a qualified appraiser.
- (b) **"As is"** means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachment by buildings or fences or otherwise, on the land or adjoining properties or streets, and without warranties or representations including those as to use, environmental contamination, hazards or risks.
- (c) **"CAO"** means the Township's Chief Administrative Officer.
- (d) **"Clerk"** means the Clerk of the Township.
- (e) **"Council"** means the municipal Council of the Township.
- (f) **"Department Head"** shall be the staff person responsible for the oversight of employees performing the functions of a municipal department.
- (g) **"Disposition"** means the sale, transfer, conveyance or exchange of land by the Township or the granting of a lease for a term of twenty-one (21) years or longer, but it does not include the granting of an easement or a transfer of a road-widening or a right of way. In this By-law, **"Dispose"** has a corresponding meaning.
- (h) **"Expropriation"** means the acquisition of land by the Township through the Expropriations Act.

- (i) **"Industrial Land Sales"** means the sale of Land owned by the Township that is zoned for industrial uses in the Southgate Eco Park or such other lands as may be owned or hereafter acquired and designated by the Township as industrial lands.
- (j) **"Land"** means real property owned by the Township, including road allowances.
- (k) **"Meeting"** means any regular, special Committee or other meetings of Council or a Committees of Council.
- (l) **"Opinion of Value"** means an assessment of a property's value provided by a licensed real estate broker based on market analysis and includes a review of recent sales for similar properties.
- (m) **"Purchaser"** means the individual, persons, group, partnership, corporation or other party proposing to acquire Land from the Township.
- (n) **"Road Allowance"** means a strip of land owned by the Township or the Crown that is set aside, dedicated, or reserved for use as a public highway, street, or road, whether or not it is currently open, constructed, or used as such, and includes unopened and untravelled road allowances.
- (o) **"Surplus Land"** means any Land that has been deemed by resolution of Council to be no longer of use to the Township.
- (p) **"Township"** means the Corporation of the Township of Southgate.
- (q) **"Valuation"** means the value of Lands as determined by Part 6 of this By-law.

## **2. SALE PROCEDURE**

- (1) The following procedures shall apply to the Disposition of Land by the Township:
  - (a) Initiation of Sale;
  - (b) Declaration of Surplus Land (except where exempt);
  - (c) Determination of Method of Sale;
  - (d) Determination of Value of Land (except where exempt);
  - (e) Determinate of Sale Price;
  - (f) Notice to the Public; and
  - (g) Implementation.

## **3. INITIATION OF SALE**

- (1) The CAO, Clerk and/or a Department Head may identify Land for Disposal in which case such a proposal shall be circulated for comment to Department Heads, CAO and the Clerk.
- (2) Requests from Purchasers to purchase Land shall be received by the Clerk and shall be reviewed by the CAO.
- (3) No request received from a potential Purchaser shall be considered complete unless it is submitted in writing or by email to the Clerk providing a sufficiently accurate description or map of the Land.

#### **4. DECLARATION OF SURPLUS LAND**

- (1) The CAO or Clerk shall provide a report to Council for direction as to the Disposition of such Land including the rationale for a Surplus designation and any relevant considerations, including potential future municipal use and making to Council whether the Land should be declared Surplus and whether the Land should be Disposed of.
- (2) At a meeting open to the public, Council may by resolution declare the Land to be Surplus to the needs of the Township. Council may further direct the CAO, the Clerk or designate to proceed with a sale of the Land.
- (3) The passage of a resolution declaring Land to be Surplus does not obligate the Township to Dispose of such Land, and such a declaration may be rescinded by resolution at any time before a binding agreement of purchase and sale has been entered into by the Township.
- (4) Notwithstanding the foregoing, the following classes of land are excluded from the requirements of this By-law:
  - (a) Land sold under s. 110 (Municipal Capital Facilities) of the Act;
  - (b) Classes of land described under Part XI of the Act (tax sales);
  - (c) Industrial Land Sales or any similar property disposed of by the Township for industrial purposes;
  - (d) Easements;
  - (e) Land being sold to a Municipality, local board, school board, conservation authority, public utility, and/or any government or government-related agency;
  - (f) Land was conveyed to the Township for municipal purposes and was determined not to be necessary to be re-conveyed to the transferor; and
  - (g) Land 0.3 meters or less in width that was acquired as roadway widening or acquired as a road allowance, reserve, temporary road or as security in connection with an approval or decision under the ***Planning Act***.

#### **5. METHOD OF SALE**

- (1) The Township may dispose of Land by:
  - (a) Public tender or request for proposals;
  - (b) Public auction;
  - (c) Direct sale through negotiation;
  - (d) Listing with a real estate firm or broker; or
  - (e) Any other method as determined by Council to be in the best interests of the Township.
- (2) Where Land is to be Disposed of pursuant to public tender or a request for proposals, the following steps shall be taken:
  - (a) If necessary, a reference plan of survey shall be prepared and a Valuation conducted;

- (b) The minimum bid price shall be established based on the Valuation in addition to all survey, appraisal, legal and similar costs, and the minimum bid deposit shall be set;
  - (c) A tender package shall be prepared with basic information about the lands which may include tax roll number, lot size, zoning, soil condition if available, building condition and similar which shall be made available to potential purchasers;
  - (d) Notice of the Disposition of Land by public tender shall be given in the same manner as provided for in Part 8 of this By-law with the first notice issued no less than four weeks in advance of the tender date and at least one more time prior to closing of the tender;
  - (e) Tenders submitted for the purchase of Land shall be processed in accordance with the Township Procurement Policies and By-laws including submission in a sealed envelope, provision of deposit, non-refundable fee, and public opening; and
  - (f) Following the award of the successful bid or proposal, the Clerk shall notify the successful Purchaser, and the transaction shall be completed by the Township's legal counsel.
- (2) Where Land is to be Disposed of by direct sale through negotiation, the CAO or designate is responsible for conducting negotiations with prospective purchasers, enter into agreements and sign all documents necessary to sell any land provided that:
- (a) in the opinion and discretion of the CAO no other municipal interests will be adversely affected by the conveyance;
  - (b) for all sales, the party acquiring the land pays all transaction costs and enters into an agreement that is acceptable to the Municipal Solicitor;
  - (c) the final agreement is authorized by by-law;
  - (d) the fee/deposit as required in accordance with the Township Fees and Charges By-law has been paid;
  - (e) All documents required to effect the Disposition of Land shall be executed by the Mayor and Clerk, or such other officers as Council may designate.

## **6. DETERMINATION OF VALUE OF LAND**

- (1) Where Land needs to be valued, a Valuation shall be determined by a method satisfactory to the CAO or designate, including but not limited to:
- (a) An Appraisal of the fair market value of the Land;
  - (b) The value assigned by the Municipal Property Assessment Corporation;
  - (c) Opinion of Value provided by a licensed real estate broker. The procedure for Selecting Real Estate Firms or Brokers, Realtors, Appraisers, Surveyors shall be selected according to requirements set out in the Township Procurement Policies and By-laws; or
  - (d) Such other means as may be specifically determined as appropriate by Council in the circumstances.
- (2) Notwithstanding the foregoing, the following classes of Land or type of transaction are exempt from Valuation:

- (a) A stopped-up and closed highway, road and road allowance no longer required for a public highway if sold to one or more owners of land abutting the closed road allowance unless Council in declaring the lands surplus specifically directs that an Appraisal or an Opinion of Value to be conducted;
- (b) Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
- (c) Land that does not have direct access to a public highway if disposed by the Township to an abutting owner of land unless Council in declaring the lands surplus specifically directs that an appraisal be provided;
- (d) Land acquired through a previous expropriation that is no longer required and is repurchased by an owner in accordance with Section 42 of the ***Expropriations Act***;
- (e) Land sold under Subsection 107 (Power to Make Grants) and 108 (Small Business Programs) of the Act;
- (f) Land to be Disposed of for the purpose of correcting title or boundary adjustments and the value is nominal; or
- (g) Any transaction where Council, by resolution, determines that a Valuation is not necessary due to the unique nature of the transaction, the nominal value of the Land, or other extenuating circumstances.

## **7. DETERMINATION OF SALE PRICE**

- (1) Generally, Land sale price shall be determined in accordance with the Valuation. Where the Lands are exempt from Valuation or where Council determines a Valuation is not necessary, the sale price shall be determined by the CAO or delegate.
- (2) Council may authorize the sale of Land for less or greater than the Valuation or CAO's determination of sale price, if in the opinion of Council, it is in the best interest of the Township or otherwise fair and reasonable.
- (3) All Land, with or without improvements, shall be sold on an "as is" basis unless Council determines otherwise.
- (4) Any survey and/or reference plan required shall be obtained at the expense of the purchaser(s) unless Council by resolution otherwise determines.
- (5) Council may impose conditions of sale if deemed appropriate.
- (6) The Municipality is under no obligation by virtue of the Sale of Land to grant any approvals, including approvals for changes to the Official Plan or zoning by-law or with respect to site plan control, minor variances, and building permits, or to support approvals required by any other approval authority, which may be necessary for any contemplated use of the Land by the purchaser.

## **8. NOTICE**

- (1) Before selling Land, notice of the intent to sell shall be given to the public by:
  - (a) Posting notice on the municipal website;

- (b) Posting notice in the local newspaper of general circulation as determined by the Clerk; and
  - (c) Posting notice on the municipality's website through the Council Agenda.
- (2) Notwithstanding the notice provisions above, the CAO or designate may provide additional notice in order the gain maximum exposure.

**9. IMPLEMENTATION**

- (1) The Township shall Dispose of Land based on an "as is, where is" basis and the Purchaser must accept the Land subject to current site and soil characteristics and any future cost to remediate or prepare the site and soil for the Purchaser's use.
- (2) In addition to an applicable application fee, all costs, including the Township's costs, associated with the disposition of Municipal Lands shall be borne by the purchaser. These costs may include the Valuation, public notice, reference plan, legal fees, realty fees, encumbrances, improvements or such other costs associated with the Disposition.

**10. CONFLICT**

- (1) In the event of a conflict between this By-law and any applicable statute or regulation, the provisions of the statute or regulation shall prevail.

**11. REPEAL AND ENACTMENT**

- (1) By-law No. 3-2008 and all other by-laws or policies inconsistent with this By-law, are hereby repealed.
- (2) This By-law shall come into force and effect on the date of its passing.

**12. SHORT NAME**

- (1) This By-law may be cited as the **Disposition of Land By-law.**

**Read a first, second, and third time and finally passed this 20<sup>th</sup> day of May, 2026.**

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Brian Milne – Mayor

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Lindsey Green – Clerk