

THE CORPORATION OF THE  
TOWNSHIP OF BLANDFORD-BLENHEIM  
BY-LAW NUMBER 1667-2011

Being a By-law to govern the Township's sale, and other disposition of land.

(Repeals By-law No. 1069-95)

WHEREAS the *Municipal Act, 2001, S.O. 2001, c.25, S. 270 (1.1)* provides for the establishment of a policy governing the sale and other disposition of land for a Municipality;

AND WHEREAS the Council of the Corporation of the Township of Blandford-Blenheim deems it advisable to provide for such procedures;

NOW THEREFORE the Council of the Corporation of the Township of Blandford-Blenheim enacts as follows:

**Definitions**

1. In this By-Law:

“Appraisal” shall mean an estimate of the fair market value and may include, but not be limited to a real estate appraiser's letter of opinion of the value.

“CAO” shall mean the Chief Administrative Officer of the Township of Blandford-Blenheim.

“Council” shall mean the Council of the Corporation of the Township of Blandford-Blenheim.

"Disposal" or “Sale” shall mean the sale of real property or the lease of real property for a period of 21 years or longer.

“Newspaper” shall mean a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news or current events of general interest and sold to the public and to regular subscribers.

“Notice to the Public” or “Public Notice” shall mean notice given to the public generally, but does not include notice given only to specified persons.

“Township” shall mean the Corporation of the Township of Blandford-Blenheim.

“Website” shall mean the official Township of Blandford-Blenheim website.

### **Surplus Lands**

3. Prior to the disposal of any real property, Council shall by resolution passed at a meeting open to the public declare the property to be surplus to the needs of the Township.

### **Appraisal**

4. Prior to the disposal of any real property and where there is no exemption under any legislation, including this by-law, Council shall obtain at least one opinion of value of the fair market value of the real property. The opinion of value can be from a real estate professional familiar with the local area or, if deemed necessary by the CAO, from an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.

### **Public Notice**

5. Notice to the public of the proposed sale, or disposal shall be given in one or more of the following forms:

- a) Posting a notice on the subject property.
- b) Publication of a notice in a newspaper having general circulation in the area where the property is located.
- c) Posting on the Township website.
- d) Inclusion on the agenda of a regular or special meeting of Council.

### **Disposal of Real Property**

6. The means of sale may be done by tender, real estate agent, negotiation ratified by Council, auction, or land exchange.

Disposal of the property shall be effected by by-law or resolution passed by Council at a meeting of Council open to the public, after the requirements for public notice have been satisfied.

### **Costs**

7. As prescribed by the Township, the purchaser shall be responsible for all costs incurred or required to dispose of the property including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and other costs.

## Exemptions

8. The provision of this by-law do not apply to the sale of the following classes of land:

a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act, as amended*.

b) Closed highways, streets, lanes or public thoroughfare if sold to an owner of land abutting the closed highways. All such properties will be sold at fair market value which takes into consideration size, shape, encumbrances (i.e. easements) and the location of the property. Fair market value will be established by the recommendation of administration staff.

c) Land formerly used for railway lines if sold to an owner of land abutting the former railway land.

d) Land that does not have direct access to a highway if sold to the owner of land abutting that land.

(e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act, as amended*.

(f) Land sold under sections 107, 108, and 110 of the *Municipal Act, 2001, as amended*.

(g) Easements granted to public utilities or to telephone companies.

(h) Any lands transferred to the Township as security until the financial obligations of the previous owner have been complied with to the satisfaction of the CAO or designate.

(i) The sale of land under the *Municipal Act, 2001, Part XI-Sale of Land for Tax Arrears, as amended*.

(j) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.

9. The provisions of this by-law do not apply to the sale of land to the following public bodies:

(a) A municipality.

(b) A local board, including a school board and a conservation authority.

(c) The Crown in right of Ontario or Canada and their agencies.

**Repeal**

10. By-law No. 1069-95 is hereby repealed.

**Conflict**

11. Where any by-law passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.

**Enactment**

12. This by-law shall become effective upon the date of enactment.

**BY-LAW READ A FIRST AND SECOND TIME THIS 16<sup>th</sup> day of MARCH, 2011.**

**BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 16<sup>th</sup> day of MARCH, 2011.**

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Marion Wearn, Mayor

(SEAL)

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Fran Bell, Clerk/CAO