

THE CORPORATION OF THE TOWNSHIP OF TARBUTT
BY-LAW 2025 – 25

A BY-LAW to adopt a Sale and Disposition of Land Policy for The Township of Tarbutt, and to repeal By-law 32-2007.

WHEREAS Section 5 (3) of the *Municipal Act*, S.O. 2001, c 25, as amended, provides that municipal powers, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law; and

WHEREAS Section 8 (1) of the *Municipal Act*, 2001, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 270 of the *Municipal Act*, 2001, as amended, provides that a municipality shall adopt and maintain policies with respect to its sale and disposition of land;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of The Township of Tarbutt enacts as follows:

1. THAT the **Sale and Disposition of Land Policy** is hereby attached as Schedule "A".
2. THAT By-law 32-2007 or any previous by-law or resolution, or any section, clause or policy which conflicts with this by-law be and is hereby repealed.
3. THAT this By-law shall come into force and take effect upon the date of passing.
4. THAT this by-law may be cited as the *Sale and Disposition of Land By-law* for The Township of Tarbutt.

READ A FIRST, AND TAKEN AS READ A SECOND AND THIRD TIME and finally passed this Fifteenth day of October, 2025.



Lennie Smith, Mayor



Carol O. Trainor, Clerk

**THE TOWNSHIP OF TARBUTT
POLICY AND PROCEDURE MANUAL**

Policy Name: Sale and other Disposition of Land **Department:** Administration

Date Introduced: October 15, 2025 **Approved:** October 15, 2025

POLICY STATEMENT AND RATIONALE

1. Authority

In accordance with Section 270(1) 1. of the *Municipal Act*, 2001, S.O.2001 c. 25, as amended, this policy ensures that any disposition of land is conducted in a manner that fosters public trust.

2. Policy Statement

The Corporation of The Township of Tarbutt and its management recognize the following principles for the sale of surplus land, the declaration of land as surplus, and for giving notice of any such proposed sale:

- The process is fair, open and transparent;
- The current and future interests of the Township are protected;
- The Township considers the value of its real property assets;
- Any real or potential risks to the environment, the health and safety of residents, and the financial integrity of the Township shall be minimized.

3. Definitions

Act means the *Municipal Act*, 2001, S.O. 2001 as amended.

Abutting Land means real property that directly adjoins the municipality's land. In the case of the disposal of a closed highway, abutting land is considered real property that is immediately to the side of the closed highway.

Appraisal means an opinion of the fair market value of the surplus land provided by a land appraiser or such other qualified person as Council may provide in this policy.

Certificate means the Clerk's Certificate verifying that, to the best of their knowledge, the requirements of the *Municipal Act*, 2001 and a policy which applies to the sale of surplus land have been complied with.

Clerk means the Clerk of The Township of Tarbutt, or designate, as appointed by by-law.

Council means the elected Council of the Corporation of The Township of Tarbutt.

Disposition means the sale, transfer, conveyance, or exchange of the Fee Simple Interest in Real Property, or the granting of a permanent easement or right-of-way, but does not include the granting of a short term lease, or a license of occupation, or the release of easement or right-of-way by the Township. A lease of twenty one (21) years or longer shall be considered a disposition.

Fair Market Value means the highest amount that real property might be expected to realize if sold on the open market by a willing seller to a willing buyer.

Highway means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

Land means lands owned by The Township of Tarbutt, whether vacant or not, or any other proprietary interest in lands owned by the Township, and, without limiting the generality of the foregoing, includes easements, rights-of-way, leaseholds exceeding twenty-one (21) years, and an interest in lands under an agreement of purchase and sale.

Non-Viable Land means property that, owing to zoning principals or physical constraints cannot be developed on its own or function as a separate entity, and that can therefore only become functional if used by an adjoining owner in conjunction with such owner's property. Non-viable lands may be of a size, shape or nature for which there is no general demand. This includes land for which a building permit cannot be issued because it is landlocked or because it is of insufficient size or shape to permit development unless in conjunction with abutting lands.

Notice means notification provided to the public in accordance with The Township of Tarbutt Procedure By-law, Notice provisions or relevant legislation.

Published means published in a newspaper that, in the opinion of the Clerk, has general circulation within The Township of Tarbutt to provide reasonable notice to those affected by, or interested in the surplus land sale.

Sale means an unconditional agreement of purchase of municipal surplus property has been accepted by The Township of Tarbutt, and without limiting the generality of the foregoing, excluding lands temporarily conveyed to The Township of Tarbutt for municipal purposes intended to be reconveyed to the grantor, and any land or interest in land Quit Claimed or released by The Township of Tarbutt.

Surplus land means any land declared surplus by the Council of The Township of Tarbutt at a regular Council meeting held and open to the public.

Township means The Corporation of The Township of Tarbutt.

4. Declaration of Surplus Land

Prior to selling any land, Council shall, by resolution or by-law, declare the land to be surplus to the needs of the Township, whether the lands are viable or non-viable, and the method of sale.

5. Valuation of the Surplus Land

- a. Before selling any surplus land, the Township may obtain or require an **Appraisal** or Letter of Opinion of the fair market value of the land from:
 - an independent qualified appraiser who may be a registered member in good standing of the Appraisal Institute of Canada; or
 - a real estate brokerage firm or an independent real estate agent; or
 - any other person deemed by the Township to be qualified for this purpose.
- b. Notwithstanding the requirements outlined herein, the Township may not be required to obtain a property valuation unless Council directs otherwise, for any of the following:
 - Closed highways, if sold to an abutting owner;
 - Landlocked properties, if sold to the owner of abutting land; or
 - Land transferred to another municipality or the Crown in right of Ontario, or Canada, including their local boards and agencies.
- c. Any property valuation obtained shall be used solely as a guideline, and shall not determine the price for which the parcel shall be sold. Other factors, including the history of the parcel or related properties may be considered. Council shall have the absolute authority to determine the selling price.

6. Notice of the proposed Sale of Land

- a. Before selling any surplus land, the Township shall provide Public **Notice** in at least one (1) newspaper and on the Township website at least twenty (20) days prior to the disposal of viable land.
- b. The Township shall provide at least twenty (20) days notice to the abutting property owners of the subject lands of any **non-viable land**. The method of notice will be by mail or e-mail to the abutting property owners.
- c. Additional notice shall be at the discretion of the Clerk.
- d. Should any submissions or concerns be received from the public, such comments shall be considered by Council during an open public meeting prior to the passing of the by-law authorizing the sale.

7. Method of Sale:

Council shall determine, by resolution, the method of sale by any of the following:

a. Request for **Tender (RFT)** or **Quotation (RFQ)**:

In accordance with the Township's Procurement Policy, Council may direct that surplus lands be disposed of by a Request for Tender or Quotation.

b. Listing with a **Real Estate Agent or Broker**

- The Agent shall list the land on the Multiple Listing Service (MLS);
- The listing price shall be determined to be no less than the appraised value, plus costs identified herein;
- The Clerk shall be authorized to sign the listing agreement upon the direction of Council;
- The Clerk shall submit all final offers to Council for review.

c. Where the subject land is a **Closed Highway** or is **being Closed** under the provisions of the *Municipal Act*, the Township may:

- estimate the costs incurred to close and/or sell the highway or a portion of a highway including public notice, survey, legal fees, realty fees, encumbrances, improvements or any costs associated with the sale;
- determine a sale price based on the value of the land plus estimated costs as noted above;
- The Township may, at its sole discretion, place a nominal value on the land where the purpose of the road closure and sale is to resolve a long standing encroachment on the highway, or to bring a pre-existing building into compliance with the Township's Zoning By-law;
- Where the purpose of the proposed road closure and sale is to permit development of the lands either as part of an application under the *Planning Act*, or the *Building Code Act*, the Township shall determine the value of the lands in a manner consistent with the Appraisal section of this policy.
- Provide notice in the same form and method as set out herein;
- Establish any special terms or conditions of the sale; and
- Council reserves the right to adjust the sale price where, in the opinion of Council, it is in the best interests of the Township to do so.

d. **Land Exchange**

A land exchange involves a reciprocal transfer of land of an equivalent value, in whole or in part. Such exchanges may be negotiated as follows:

- The negotiated price shall not be less than the appraised value, plus costs, as identified herein.
- Council may authorize the Clerk to negotiate a direct sale;
- All final offers shall be submitted to Council for review.

8. Evaluation and Acceptance of Offers

- a. All tenders, quotations, proposals or offers may be presented to Council in Closed Session, in accordance with Section 239 2. (c) of the *Municipal Act*, unless Council has directed staff to negotiate the sale within certain terms or by another method.
- b. If a final decision is not made at the Council meeting specified in a notice given under this policy and Council refers consideration of the matter to a future Council meeting for discussion, no further notice is required provided that a resolution is passed indicating Council's decision.
- c. Council reserves the right to accept an offer of less than the appraised value including costs where, in the opinion of Council, it is in the best interests of the Township to do so.
- d. Council shall pass a by-law authorizing the disposition and directing the Mayor and the Clerk to execute an Agreement of Purchase and Sale, in consultation with the Township's Solicitor.

9. Exemptions

The following classes of land are exempt from the provisions of this policy:

- a. The Sale of Lands for Tax Arrears which shall be subject to the procedures set out in Part XI of the *Municipal Act*;
- b. Land 0.3m or less in width acquired in connection with an approval or decision under the *Planning Act*, as amended;
- c. Land to be used for the establishment of industrial operations and incidental uses;
- d. Easements over municipally owned lands, as approved by Council; and
- e. the sale of lands under the *Expropriation Act*.

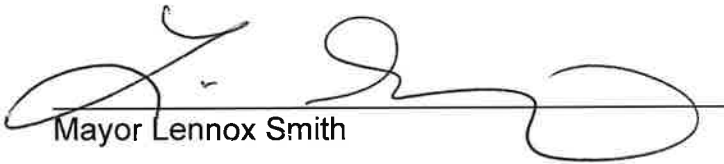
10. Certificate of Compliance

- a. The Clerk may issue a certificate with respect to a sale of land by the municipality verifying that, to the best of their knowledge, the requirements of the *Municipal Act* and this policy, which applies to the sale of surplus land, have been complied with.
- b. The Clerk's signature may be included in a deed or transfer of land and, unless a person to whom the land is sold has notice to the contrary, may be deemed to be sufficient proof that this section has been complied with.

11. General

- a. This Policy shall be administered by the Clerk.
- b. This Policy shall be referred to as the 'Sale of Land Policy'.
- c. Upon approval of this Policy, By-Law 23-2007 and any other by-law relating to the sale of land in The Township of Tarbutt are hereby repealed.
- d. In the event that the provisions of this Policy are inconsistent with the provisions of the *Municipal Act*, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.
- e. This Policy shall come into force and effect on the date of passing of the by- law.
- f. This Policy shall be reviewed every five (5) years, or as required under the *Municipal Act*.

Approved by Council Resolution No: 2025 – 171


Mayor Lennox Smith

**THE TOWNSHIP OF TARBUTT
POLICY FOR THE SALE AND DISPOSITION OF LAND
UNDER BY-LAW 2025-24**

CERTIFICATE OF COMPLIANCE

Under Section 270 (1) (1) of the *Municipal Act*, 2001, as amended, the following Clerk's Certificate of Compliance is hereby issued for the sale of municipal lands as follows:

The sale of the real property located at _____

And described as: _____

Has been lawfully completed with respect to the following:

- A by-law outlining the Notice to be given to the public and the other procedures to be followed with respect to the disposal of real property was in force in the municipality when the resolution declaring the property surplus was passed;
- The Notice provisions required by the above noted by-law have been complied with;
- The required appraisal was obtained

THIS WILL CERTIFY THAT THE ABOVE TRANSACTION HAS BEEN COMPLETED IN COMPLIANCE WITH CONDITIONS AS DESCRIBED IN THE POLICY.

DATED AT THE TOWNSHIP OF TARBUTT IN THE DISTRICT OF ALGOMA

THIS _____ DAY OF _____ 20____

CLERK