



Town of Latchford

THE CORPORATION OF THE TOWN OF LATCHFORD

BY-LAW No.: 2026-019

Being a By-Law to adopt a policy for the sale of land and other disposition of land policy.

Whereas section 270(1) of the Municipal Act 2001, S.O. 2001, c.25, states that a Municipality shall adopt and maintain policies regarding the sale and other disposition of land;

And Whereas the Council deems it necessary to establish a consistent, transparent and accountable procedure to be followed in the disposition of real property assets by the Town of Latchford;

Now therefore, the Council of the Corporation of the Town of Latchford hereby enacts as follows:

1. **That**, the attached policy in Appendix A attached hereto shall form part of this by-law..
2. **And Further**, That this by-law and attached policy shall come into force on the day of its adoption and all other by-laws and or policies shall be hereby repealed;
3. **And Finally**, the Clerk for the Corporation of the Town of Latchford is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law or its associated schedule.

Read a first, second and third time and finally passed on the 26th day of May, 2026.

Sharon Gadoury-East, Mayor

Malorie Robinson, Clerk



Policy Name: Sale of Land Policy

Policy No.: CORP-019

Date Approved:

Department: ALL

Motion No.: 26/097

Authority

Section 270(1) of the Municipal Act 2001, S.O. 2001, c.25, states that a Municipality shall adopt and maintain policies with respect to the sale and other disposition of land.

Policy

The purpose of this policy is to provide guidance to Council and staff concerning the procedures for the sale and disposal of surplus owned land by the Town of Latchford. Land disposal procedures may be initiated in response to inquiries from the public or as the result of internal municipal actions and decisions of Council.

This policy will dispose of surplus land in an open and transparent process to ensure that the consideration for such disposal is fair, reasonable and is in the best interest of the Municipality.

Definitions

Appraisal means a formal opinion of the fair market value of the land. An appraisal is valid for a maximum of one (1) year after being received by Council.

Disposal means the sale, transfer or conveyance of land, exchange for other lands, or the lease of land for a term exceeding 21 years, of any portion of the Municipality's surplus land.

Land means any real property owned by the Municipality including any structures and buildings located thereon.

Exemptions

This policy does not apply to the following classes of property disposal :

- a) Disposal of land pursuant to section 110 of the Municipal Act 2001, as amended (municipal capital facilities).
- b) Disposal as part of a municipal tax sale pursuant to Part XI of the Municipal Act 2001, as amended (Sale of land for tax arrears)
- c) Disposal to the Crown in Right of Ontario or Canada, or any government agency or authority.
- d) Disposal of an easement to a public utility.
- e) Land that does not have direct access or the size of which does not allow for construction of a building in conformance with the Zoning by-law or the Building code, if sold to the owner of the land abutting said land.
- f) Land included in the Community Improvement Plan.

Sale of Land Procedures

Commencement of Disposal

- a) The Municipality may commence the proceedings to dispose of land at its own initiative; or
- b) The Municipality may commence the proceedings to dispose of land upon the receipt of a written request or an inquiry of an applicant. The written request or inquiry must be submitted to the CAO of the Municipality. The CAO shall prepare a report to Council, including a recommendation as to whether or not the land should be considered surplus and identify any other issues related with the said land.

Declaration of Surplus Land

Before the disposal of any land, the Council shall declare the land to be surplus to the needs of the Municipality by a resolution passed at a meeting open to the public. The passage of a resolution declaring the land to be surplus does not obligate the Municipality to dispose of such land and the declaration can be rescinded at any given time by means of a resolution before the completion of the disposal of such land.

Survey

- a) When deemed necessary, a survey of the land to be disposed of shall be obtained from an independent surveyor in accordance with the laws of the Province of Ontario.
- b) The cost of the surveyor shall be included in the total sale price of the proposed land to be disposed.

Appraisal

- a) At least one (1) appraisal shall be obtained for the land to be disposed of from a qualified appraiser who is registered in good standing with the Appraisal Institute of Canada. However, if a circumstance shows that it would not be practical or economical to obtain an appraisal, a letter of opinion as to the value of the property, signed by a real estate broker, can be accepted. Circumstances where it would not be practical or economical to obtain an appraisal include, but are not limited to :
 - When the estimated value of the land to be disposed of is less than \$8,000.00.
 - When the cost of obtaining the appraisal would be more than 50% of the estimated value of the land.
- b) The cost of obtaining an appraisal shall be included in the total price of the proposed land to be disposed.

Method of Sale

- a) Council must determine the most appropriate method to dispose of the land by choosing one of the following methods:

- Request for proposal (RFP): The RFP process is intended to be used most frequently for the public sale of large and/or significant and/or unique higher profile lands.
- Public tender/auction: The public tender/auction option is the most frequently employed technique to sell more routine surplus municipal land. This process is initiated by the Municipality and involves offering municipal lands for sale/lease to the general public through a formal and open process requiring the submission of sealed competitive bids.
- Real estate broker or other agent: The Municipality may deem it appropriate to secure the services of a real estate broker or other qualified agents to assist with the marketing and sale of surplus municipal lands. The Municipality shall undertake a competitive public process to select a preferred service provider.

Sale Price of Land

Council at its discretion shall determine the sale price of any land or the minimum tender bid. The minimum sale price or tender bid shall include the sale price of land plus all cost incurred by the Municipality with respect to the sale, including, but not limited to, legal fees, survey fees, appraisal fees, if applicable, and severance fees.

Public Notice

- a) Unless otherwise directed by Council, public notice shall be given by:
 - Publishing: The Municipality shall give notice to the public of a proposed sale or other disposition of land by publishing a notice, for a period of at least one (1) week prior to the Council meeting in a minimum of one (1) local publications.
 - Posting: The Municipality shall post the public notice in a minimum of two (2) locations within the Municipality for a period of at least three (3) consecutive weeks prior to the Council meeting.
 - Website: The Municipality shall post the public notice on the municipal website for a period of at least three (3) consecutive weeks prior to the Council meeting.
 - Social media: The Municipality shall post the public notice on the municipal social media page for a period of at least three (3) consecutive weeks prior to the Council meeting.
- b) The notice shall include the legal description of the land, the municipal address, a map of the land to be disposed, the date on which the land was declared a surplus by means of a resolution, the date, time and location of the Council meeting and the closing date to receive offers.
- c) The notice shall specify that anyone who wish to comment on the proposed disposal may do so by delivering such comment in writing to the CAO by a specified date and indicate that all comments shall be submitted to Council.

Disposal of Land

- a) In respect to the method of sale chosen for the disposal of land, the following procedures will be conducted once the Municipality receives all the offers from potential purchasers at the set date and time as written in the notice:
- Request for proposal (RFP) and Public tender/auction : The closing date and time to receive the offers shall be written in the public notice and must be respected by any potential purchasers. No offers given after the closing date and time shall be accepted. The RFP's and/or public tender will be opened publicly in an area that is accessible to the public. Once the offers have been viewed, the CAO shall prepare a report to the Council for approval at the public meeting of Council.
 - Real estate broker or other agent: The real estate broker or other qualified agent shall deliver all of the offers received for the disposal of land to the CAO on the closing date and time as set out in the public notice. The CAO shall prepare a report to the Council for approval at the public meeting of Council.
- b) Once Council approves the report submitted by the CAO, as well as the terms and conditions set out in the report, the agreement of purchase and sale and any ancillary documents shall be prepared by the Municipality's solicitor.
- c) Prior to the completion of the disposal of land, Council shall adopt a by-law that includes the following information:
- The date and number of the resolution declaring the land as surplus.
 - The address and roll number of the disposed land.
 - The final sale price.
 - The purchaser's name.
 - An authorization for the CAO to take all action and execute all documentation required to finalize the transaction.

Other Conditions

- a) The Municipality shall ensure that appropriate wording is included in the public notice and in the related tender or listing documents that "the highest or any offer may not necessarily be accepted" and that the land being disposed of shall be "as is" and "where is".
- b) The Municipality may require prospective purchasers to submit a deposit of up to 20% of the value of their respective offers. The deposit will either be returned to the unsuccessful purchaser or shall be deducted from the final sale price. The deposit shall be in the form of a certified cheque or a bank draft.