

**The Corporation of The Municipality of Hastings Highlands**

**Bylaw 2024-076**

**A Bylaw to Amend Bylaw No. 2020-060 of The Corporation of The Municipality of Hastings Highlands to Formally Adopt Policies and Procedures for the Sale of Surplus Municipal Land in the Municipality**

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**Whereas** the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, is the governing legislation for adopting and maintaining policies with respect to the sale or other disposition of land;

**And Whereas** Council of the Corporation of the Municipality of Hastings Highlands deems it appropriate to make administrative amendments and to delegate routine or minor powers and duties to enhance the efficiency of the decision making and administrative processes for development in the Municipality;

**And Whereas** Council of the Corporation of the Municipality of Hastings Highlands deems it advisable to update the current policies and procedures on the sale and other disposition of land;

**And Whereas** the Council of the Corporation of the Municipality of Hastings Highlands deems it appropriate to amend Bylaw No. 2020-060;


**Now Therefore, The Council of The Corporation of The Municipality of Hastings Highlands Enacts As Follows:**

1. **That** Section 1.9 c) of Schedule A to Bylaw 2020-060 is hereby amended by adding "*or directions on obtaining any applicable Key Map is provided*" after the words "*accompany the Notice*".

**Coming Into Force**

2. **That** this bylaw shall come into force and take effect on the 16<sup>th</sup> day of October, 2024.

**Enacted and Passed** in Council this 16<sup>th</sup> day of October, 2024.

  
\_\_\_\_\_  
Tony Fitzgerald, Mayor

  
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Suzanne Huschilt, Municipal Clerk

**THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS**

**BYLAW 2020-060**

**A BYLAW TO FORMALLY ADOPT POLICIES AND PROCEDURES  
FOR THE SALE OF SURPLUS MUNICIPAL LAND IN  
THE MUNICIPALITY OF HASTINGS HIGHLANDS**

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**WHEREAS** Section 270 of the *Municipal Act* S. O. 2001, c. 25, as amended, requires Municipalities to adopt and maintain policies with respect to the sale or other disposition of land;

**AND WHEREAS** the Municipality of Hastings Highlands deems it advisable and in the public interest to pass such a bylaw pertaining to the sale of land owned by or deemed to be surplus to the needs of the Municipality;

**AND WHEREAS** the purpose of this bylaw is to update the current Municipal policies on the sale and other disposition of land;

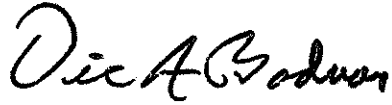
**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS ENACTS AS FOLLOWS:**

1. In this Bylaw, the term Council shall mean the Council of the Corporation of the Municipality of Hastings Highlands.
  2. The Sale of Surplus Municipal Land Policy will provide guidance to both Council and Staff and provide a basis for decision-making relating to the sale of lands surplus to the needs of the Municipality.
  3. The Policies and Procedures set out in Schedule 'A' and Schedule 'B' attached hereto are the policies and procedures including the giving of notice to the public governing the sale of lands surplus to the needs of the Municipality. Schedule 'A' and Schedule 'B' are hereby incorporated into, and form part of this Bylaw.
  4. This Bylaw shall not include the procedures for closure and conveyance of Original Shore Road Allowances (OSRA) and Original Road Allowances (ORA) within the Municipality of Hastings Highlands.
  5. In this bylaw, the term "sale" shall include a lease of 21 years or longer.
  6. All former bylaws to establish policies and procedures for the Sale of Surplus Municipal Land are hereby rescinded, including Bylaw 2018-045.
  7. If any term or provision of this Bylaw or the application thereof shall to any extent be declared invalid or unenforceable, the remainder of this Bylaw or the application of
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this Bylaw shall not be affected thereby, it being the intention of the Council that each term and provision of this Bylaw shall be separately valid and enforceable to the fullest extent permitted by law.

**THAT** this Bylaw shall come into effect on the day it was passed.

**ENACTED** and **PASSED** in Council this 17<sup>th</sup> day of June, 2020.



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Vic Bodnar, Mayor



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Suzanne Huschilt, Municipal Clerk



Schedule 'A' to Bylaw Number 2020-060

Municipality of Hastings Highlands- Corporate Policies and Procedures			
DEPARTMENT: Planning			POLICY #:
POLICY: Sale of Surplus Municipal Land			
DATE: Jun/20	REV. DATE:	COVERAGE: Municipality of Hastings Highlands	PAGE #: 7

**PURPOSE:**

The *Municipal Act, 2001* requires that the Municipality adopt and maintain a policy to govern the sale and other disposition of land. The purpose of this policy is to set out the principles governing these transactions and the procedures to be followed.

**POLICY STATEMENT:**

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

**SCOPE:**

The procedures established in this bylaw are intended to provide guidance to Council and staff. These procedures will govern the sale and disposal of surplus land owned by The Corporation of the Municipality of Hastings Highlands. Land disposal procedures may be initiated in response to inquiries from the public, unsolicited offers or as the result of internal municipal actions and decisions of Council.

**TITLE:**

This bylaw shall be called the Sale of Surplus Municipal Land Bylaw.

**DEFINITIONS:**

**Appraisal** shall mean a formal written 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. This may be provided by any one or all of the following methods:

- a) By the Clerk's office, having reference to assessed values in the surrounding area, or,
- b) By an opinion of an independent Real Estate Agent, having knowledge of land values in the area, or,
- c) By a formal valuation by a qualified Real Estate Appraiser.

**Lands** shall mean any real property owned by the Municipality including any structures and buildings located thereon.

**Municipality** shall mean The Corporation of the Municipality of Hastings Highlands.

**Other Disposition** shall mean the granting of the use of land by:

- a) Lease for a period of twenty-one (21) years or more, or
- b) A lease with options to renew for a period greater than twenty-one (21) years, but this does not include a licence given by the Municipality which is revocable by the Municipality within the twenty-one (21) year period.

**Sale** shall mean a transfer of legal title in land and shall include a lease of 21 years or longer.

**POLICY COMMUNICATION:**

This policy will be communicated by posting on the Municipality of Hastings Highlands website.

**POLICY:**

**1.0 SALE OF LAND OTHER THAN PUBLIC HIGHWAYS**

**1.1 Commencement of Disposal**

The Municipality may commence the proceedings to dispose of land at its own initiative or upon the receipt of a written request or inquiry from an applicant.

**1.2 Declaration of Surplus Land**

Prior to the sale of land council shall determine by Bylaw that the subject lands are surplus to the requirements of the Municipality.

### **1.3 Sale Requirements**

**Method of Sale-** Council shall have the absolute discretion to select the particular method of disposing of a parcel of land to the public for sale. Such method shall include:

- a) Sale by Public Tender;
- b) Listing with Real Estate firm(s) or Broker(s);
- c) Direct sale (no Real Estate Agent);
- d) Other method as determined by Council.

### **1.4 Unsolicited Offers**

- a) Unsolicited offers are only considered when provided in writing to the CAO's office with a clear reference and description of the parcel of land to which the unsolicited offer is being made.
- b) Where one (1) or more persons have expressed an interest in purchasing land, or whether Council believes it to be in the best interest of the Municipality, Council may by resolution direct that the land be sold by public tender. Council's preferred method of sale is by public tender upon receipt of unsolicited offers.
- c) If and when Council directs that the land is to be sold by public tender, the municipality will follow Schedule 'B', attached to this bylaw.

### **1.5 Appraisal**

The Municipality shall, prior to the sale of any land, obtain at least one (1) appraisal of the land in the manner as deemed appropriate by Council.

### **1.6 Sale Price of Land**

Council at its discretion shall determine the sale price of any land or minimum tender bid. The sale price or minimum tender bid shall include the sale price of land plus the anticipated costs being incurred by the Municipality with respect to the sale including, but not limited to, legal fees, surveys, appraisal fees, if applicable, and the publication of the Public Notice.

The purchaser shall be responsible for all costs incurred or required to dispose of the land, including, but not limited to, legal, survey, appraisal fees, encumbrances, advertising, improvements, environmental testing/remediation, demolition, due diligence research, administrative fees, land transfer and registration fees.

Where the land is not to be disposed of by public tender all costs, as stated above in this section, 1.6, as calculated by the Municipality, shall be paid prior to the transfer of ownership of the land from the Municipality to the purchaser.

### **1.7 Sale Price Funds Allocation**

Council shall allocate the sale price of surplus land funds to the Reserve for Proceeds from Sale of Land and shall allocate the sale price of surplus land with any municipal building, outdoor rink, or fire station funds to the Reserve for Building Capital Expenses to offset costs associated with future municipal land acquisition and/or development costs.

### **1.8 Public Notice**

Unless otherwise directed by Council, Public Notice shall be given by:

- a) 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 two (2) consecutive weeks prior to the Council meeting in a minimum of two (2) local publications;
- b) Posting – The Municipality shall post the Public Notice in a minimum of three (3) locations within the Municipality for at least two (2) consecutive weeks prior to the Council Meeting; and
- c) Website – The Municipality shall post the Public Notice on the municipal website for a period of at least two (2) consecutive weeks prior to the Council Meeting.

### **1.9 Form of Notice**

Unless otherwise prescribed in the Act or its regulations, where notice of intention to pass a bylaw or Notice of a Public Meeting is required to be given, the form of the notice shall include the following information;

- a) A description of the purpose of the meeting, or the purpose and effect of the proposed bylaw;
- b) The date, time and location of the meeting;
- c) Where the purpose of the meeting or proposed bylaw is related to specific lands within the Municipality (where applicable), a Key Map showing the affected lands must accompany the Notice; and
- d) The name and address of the person who will receive written comments on the issue, which is the subject of the meeting and the deadline for receiving such comments.

### 1.10 Public Comment

The Notice shall specify that anyone wishing to comment on the proposed sale or other disposition may do so by:

- a) Appearing at the Council Meeting, if possible, and advising the Chair when the public is asked for verbal or written representation on the matter; or
- b) Delivering such comment in writing to the Clerk of the Municipality before the date the subject matter is to be considered by Council.

## 2.0 GENERAL PROVISIONS

### 2.1 General

- a) Council reserves the right to undertake activities to increase the value of the lands prior to appraisal(s) and sale.
- b) The Municipality makes no representation regarding the title or any other matters relating to the land to be sold. Surplus Land is sold "as is, where is".

Exemptions:

1. The following classes of land disposal are exempt from the provisions of this Bylaw:
  - i) Municipal tax sales as per Part XI of the *Municipal Act*, 2001;
  - ii) Sales pursuant to Section 100 of the *Municipal Act*, 2001;
  - iii) Land .03 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
  - iv) Closed highways if sold to an owner of land abutting the closed highway;
  - v) Land formerly used for railway lines if sold to an owner of land abutting the former railway land;
  - vi) Land that does not have a direct access to a highway if sold to the owner of land abutting the land;



- vii) Land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- viii) Land sold under Section 107 (economic development services), Section 108 (small business counselling service programs), or Section 109 (community development corporations) of the *Municipal Act*;
- ix) Easements granted to public utilities or telephone companies;
- x) Land where the sale is governed by another municipal policy, e.g. Sale of Original Shoreline Road Allowance/Original Road Allowance.

2. This Policy does not apply to the sale of land to the following public bodies:

- i) A municipality;
- ii) A local board, including a school board and a conservation authority;
- iii) The Crown in Right of Ontario or Canada or their agencies.
- iv) By resolution, Council may direct, on a case-by-case basis, that any exempted disposal be conducted in accordance with this policy.

## **2.2 Sequence of Events**

For clarity purposes, the following is the step-by-step process for the sale of Municipal lands broken down into two methods being a) Unsolicited Offer or Inquiry or b) Municipality's Own Initiative.

a) Unsolicited Offer or Inquiry:

1. Receipt of unsolicited offer to purchase Municipal land;
2. Council declares land to be surplus;
3. Council determines method of sale;
4. Appraisal;
5. Sale price of land or minimum tender amount is established;
6. Notice of Public Meeting for Sale of Surplus Land is published;
7. Public Meeting to pass Bylaw to sell Surplus Land; and
8. Finalization of sale of Surplus Land by solicitors.

b) Municipality's Own Initiative:

1. Council declares land to be surplus;
2. Council determines method of sale;
3. Appraisal;
4. Sale price of land or minimum tender amount is established;
5. Notice of Public Meeting for Sale of Surplus Land is published;
6. Public Meeting to pass Bylaw to sell Surplus Land; and
7. Finalization of sale of Surplus Land by solicitors.

### **2.3 Errors and Omissions**

It is acknowledged that any error or omission in following the procedures, in which error or omission was not the result of bad faith on behalf of the Municipality will not necessarily render such disposal invalid or void.

### **2.4 Privacy**

The disclosure of information relevant to the sale of Surplus Land shall be in accordance with the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M56, as amended.

### **2.5 Effective Date**

This policy shall come into force and take effect under Bylaw 2020-060 on the 17<sup>th</sup> day of June, 2020.



## Schedule 'B' to Bylaw Number 2020-060

### **MUNICIPALITY OF HASTINGS HIGHLANDS SALE OF SURPLUS MUNICIPAL LAND POLICY**

This Schedule is applicable once steps 1 through 7 under Section 2.2 (a) and steps 1 through 6 under Section 2.2 (b) have been executed in Schedule 'A' to Bylaw 2020-060.

- 1) Once Council has determined that the method of sale is to be sale by public tender, an appropriate date & time is to be set.
- 2) Notices of sale by public tender will be circulated for 4 weeks, with the last advertisement circulated at least 7 days prior to date of the sale. The municipality may choose to advertise in local papers, on the Hastings Highlands website, and on SurplusProperties.ca.
- 3) a) A tender package will be created. The municipality reserves the right to edit the package how they see fit for each sale. Packages will be made available to potential tenderers. There may be a fee associated with obtaining a tender package.  
  
b) The package may include (but is not limited to) the property roll number, minimum sale/tender amount, municipal location, brief legal description, annual taxes, current assessed value, approximate property size, zoning, additional useful information as applicable, a map to locate the property, and photos as applicable. It will include how and who to submit the tender bid to.  
  
c) Tender bids must be submitted on the municipal tender package and typed or handwritten legibly in blue or black ink. Tenders are to be accompanied by a deposit of at least 20 per cent of the tender bid amount, which deposit shall be made by way of money order or by way of bank draft or cheque certified by a bank or authorized foreign bank within the meaning of Section 2 of the *Bank Act* (Canada).  
  
d) Tender bids will be submitted in a sealed envelope, addressed to the treasurer, which indicates on it that it is a sale by public tender bid and provides a short description of the municipal address of the land, sufficient to permit the treasurer to identify the parcel of the land to which the tender relates to.  
  
e) A tender shall relate to only one parcel of land.

- 4) a) Upon receipt of an envelope identified as containing a tender, the treasurer shall mark on it the time and date on which it was received and shall retain it unopened in a safe place.  
  
b) For the purposes of this Part, where two or more tenders are equal, the tender that was received earliest shall be deemed to be the higher bid.
- 5) a) A tender is withdrawn if the tenderer's written request to have the tender withdrawn is received by the treasurer before 3:00 p.m. local time on the last date for receiving tenders.  
  
b) The envelope containing a withdrawn tender shall be opened at the time of the opening of all sealed envelopes on the date of the sale.  
  
c) Tender packages will be accepted until 3:00 p.m. local time the day of the sale.
- 6) a) Tenders will be opened by the treasurer as soon after 3:00 p.m. local time as possible on the date of the sale, in a space in the municipality that is accessible to the public.  
  
b) The sealed envelopes shall be opened in the presence of at least one person who did not submit a tender; that person may be a municipal employee.  
  
c) After opening the sealed envelopes, the treasurer shall examine their contents and shall reject every tender that:
  - i) Is not equal to or greater than the minimum tender amount as shown in the Notice; or
  - ii) The tender has been withdrawn; or
  - iii) Does not comply with any terms outlined in this policy and/or tender package; the tender is to submitted on Form A with a deposit of at least 20% of the bid by way of a deposit money order, bank draft, or certified cheque made out in the favor of The Corporation of the Municipality of Hastings Highlands.  
d) After complying with Section 6(c), the treasurer shall reject all but the two highest of the remaining tenders.  
  
e) Every rejected tender shall be returned by registered mail only to the tenderer together with the tenderer's deposit, if any, and a statement for the reason of rejection.
- 7) If there are no tenders received or no tenders left after complying with Section 6, the treasurer shall declare there was no successful purchaser, and a report will go to Council as soon as possible so next steps can be determined.

- 8) a) If, after complying with Section 6, two tenders remain, the treasurer shall immediately notify the higher tenderer, by ordinary mail sent to the address provided in the tender, that the tenderer will be declared to be the successful purchaser if, within 14 days of the mailing of the notice, the balance of the amount tendered, any taxes or fees that may be applicable (such as land transfer tax and any accumulated taxes to be paid) are paid to the treasurer.
- b) If the higher tenderer makes the payment as set out in Section 8(a), the treasurer shall declare the tenderer to be the successful purchaser and the finalization of the sale shall commence.
- c) If the higher tenderer does not make the payment as set out in Section 8(a), the tenderer's deposit shall be immediately forfeited to the municipality and the treasurer shall offer the parcel of land to the second highest tenderer in accordance to Section 9.
- 9) a) If, after complying with Section 6, only one tender remains or if, in accordance with Section 8(c) where the treasurer is required to offer the parcel of land to the second highest tenderer, the treasurer shall immediately notify the tenderer, by ordinary mail sent to the address provided in the tender, that the tenderer will be declared to be the successful purchaser if, within 14 days of the mailing of the notice, the balance of the amount tendered, any taxes or fees that may be applicable (such as a land transfer tax and any accumulated taxes to be paid) are paid to the treasurer.
- b) If the tenderer makes the payment as set out in Section 9(a), the treasurer shall declare the tenderer to be the successful purchaser and the finalization of the sale shall commence.
- c) If the tenderer does not make the payment as set out in Section 9(a),
- i) the treasurer shall declare there will no successful purchaser, and a report will go to Council as soon as possible so next steps can be determined; and
  - ii) the tenderer's deposit shall be immediately forfeited to the municipality.
- 10) Council reserves the right to cancel a public sale at any time.
- 11) Council may at their discretion choose to add additional sale terms to a sale of surplus land. Any additional sale terms will be outlined in Form A and advertised with the public tender documents.



**Form A to Schedule 'B' to Bylaw 2020-060  
 TENDER TO PURCHASE**

**THE CORPORATION OF THE MUNICIPALITY OF HASTINGS HIGHLANDS**

**To:** Name: **David Stewart**  
**CAO/Treasurer**

Address: **33011 Hwy 62**  
**P.O. Box 130**  
**Maynooth, ON K0L 2S0**

Telephone: **613-338-2811 Ext. 289**

**Re:** Sale of Property: *insert description of land*

1. I/We hereby tender to purchase the land described above for the amount of \$..... (.....dollars)
2. I/We understand that this tender must be received by the treasurer's office not later than 3:00 p.m. local time on \_\_\_\_\_, and that in the event of this tender being accepted, I/we shall be notified of its acceptance.
3. I/We enclose a deposit in the form of a certified cheque/bank, draft/money order for the sum of \$..... (.....dollars) in favour of the Corporation of the Municipality of Hastings Highlands, representing 20 per cent or more of the tendered amount, which will be forfeited if I/We are the successful tenderer(s) and I/We fail to pay the balance of the tendered amount within 14 days of the treasurer notifying me/us that I/We are the highest tenderer(s).
4. In addition to the purchase price, the purchaser will be responsible for paying any fees and legal and survey costs (if a survey is required) to register the land in the purchaser's name(s).

Dated at ....., this ..... day of ....., 20.....

Name of Tenderer: .....	Name of Tenderer: .....
Address of Tenderer: ..... ..... .....	Address of Tenderer: ..... ..... .....
Phone Number: ..... Email (optional): .....	Phone Number: ..... Email (optional): .....