



GENERAL POLICY MANUAL

SECTION:	Finance	APPROVED BY:	County Council
NUMBER:	6.15	SIGNATURE:	Original signed by
PAGE:	1 of 9	DATE:	November 28, 2007
REFERENCE POLICY:	9.7 Housing First Policy 6.13 Public Notice Policy 8.05 Web, Intranet and Social Media Management Policy	REVISED:	October 12, 2022

Disposal of Land Policy

1.0 PURPOSE

- 1.1 The purpose of this policy is to establish provisions governing the sale of County real property and to establish the circumstances in which the County will provide public notice and, if notice is to be provided, the form, manner and times that notice will be given.
- 1.2 To ensure that transparent and accountable processes are followed in the disposal of all real property and to ensure that reinvestments are fair, reasonable and in the best interests of the County.

2.0 LEGISLATIVE AUTHORITY

- 2.1 Section 270 (1) of the *Municipal Act, 2001, S.O. 2001, c.25* provides that a municipality shall adopt and maintain a policy with respect to the sale and other disposition of land.

3.0 DEFINITIONS

3.1 For the purposes of this Policy,

“Act” shall mean the *Municipal Act, 2001, S.O. 2001, c.25*.

“Abutting Owners” shall mean any owner whose real property abuts to the County’s real property.

“Affordable housing” shall mean dwelling units and incidental facilities, primarily for persons of low and moderate income, that meet the requirements of any program for such purpose as administered by any agency of the Federal or Provincial government, the County of Oxford and/or the Area Municipality and for which an agreement has been entered into with the County of Oxford with respect to the provision of such dwelling

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units and facilities.

“**Appraisal**” shall mean a written estimate of current market value by a qualified appraiser and may include consideration of a public benefit in the case of any land transfer or exchange.

“**CAO**” shall mean the Chief Administrative Officer of the County of Oxford.

“**Clerk**” shall mean the Clerk of the County of Oxford.

“**Council**” shall mean County of Oxford Council.

“**County**” shall mean the County of Oxford.

“**County’s Website**” shall mean the official website of the County of Oxford.

“**Disposal**” shall mean the sale or other disposal of any of the County’s real property that has been declared surplus.

“**Fully Developed**” means lands which the County currently uses for its municipal purposes and is not available for sale.

“**Local Newspapers**” shall mean all free distribution newspapers with home delivery and any other relevant local printed publications circulated within the County, at the discretion of the Clerk in consultation with the Manager of Strategic Communication and Engagement or designate.

“**Not Suitable for Residential Development**” shall mean real property for which a building permit cannot be granted because either it is landlocked, or it is of insufficient size and shape to permit development unless developed in conjunction with abutting land.”

“**Partially Developed**” means lands which the County currently uses and intends to further develop or use for its municipal purposes and is not available for sale.

“**Real Property**” shall mean land and/or buildings and all improvements thereon.

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“Reserved” means lands which the County intends to develop or use for its future municipal purposes and is not available for disposal.

“Social Media” shall have the same meaning as in the Web, Intranet and Social Media Management Policy No.8.05.

“Suitable for Residential Development” shall mean real property for which a building permit can be granted for residential development.

“Surplus Real Property” shall mean real property that is not required to meet the current or future program or operational requirements of the County and that has been declared to be surplus by Council or its delegated authority.

4.0 RESPONSIBILITIES

Senior Management Team recommendation is required to propose to Council real properties suitable and not suitable for residential development as surplus with priority given to designating the proceeds for use in accordance with the County’s **“Housing First Policy No. 9.07.”**

County Council approval is required for:

- declaring surplus real property;
- approving the disposal of real property; and
- approval of land inventory designation and subsequent changes for the purpose of describing its use.

Community and Strategic Planning Office Department in cooperation with ~~the~~ Corporate Services - ~~Finance division~~ **Capital Planning** are responsible for annually updating the real property inventory for those properties that are suitable and not suitable for residential development in accordance with Section 6.1 of this Policy and conform with the goals and objectives of the County’s Official Plan and other adopted planning documents.

Corporate Services - Finance Division Capital Planning is responsible for:

- maintenance of the real property inventory;
- internal circulation of the real property inventory in accordance with ~~s~~Section 6.2 of this Policy; and
- management of this policy.

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Public Works is responsible for:

- coordinating with ~~the~~ Corporate Services - ~~Finance Division~~ Capital Planning in updating the real property inventory details;
- recommending to Senior Management Team, real properties suitable and not suitable for residential development as surplus;
- recommending how real property should be designated for purposes of describing its use;
- ensuring that a subsearch-title search and appraisal are conducted and that public notice is given in accordance with this policy; and
- executing the disposal of real property in accordance with this policy.

5.0 POLICY

5.1 Conditions for the Disposal of Real Property

Before the disposal or conveyance of any real property owned by the County, Council shall:

- a) by by-law or resolution declare the land to be surplus;
- b) obtain at least one appraisal(s) of the fair-current market value of the real property to be sold or conveyed in accordance section 5.4 of this policy; and
- c) give notice to the public of the proposed disposition.

5.2 Appraisal Exclusion of Certain Classes of Land

~~Clause-Subsection~~ 5.1 (b) of this policy does not apply to the disposal of the following classes of real property:

- a) land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*;
- b) closed highways if sold to an owner of land abutting the closed highway;
- 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;

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- e) land that is deemed, by the CAO, not to have any value other than to one adjacent land parcel, all such exclusions shall be reported to Council on an annual basis;
- f) land repurchased by an owner in accordance with Section 42 of the *Expropriations Act*;
- g) real property to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses;
- h) real property sold under Sections 107 (general power to make grants), 108 (disposal of land for the purpose of assisting the establishment of small businesses) and 110 (agreements to provide municipal capital facilities) of the *Municipal Act, 2001*;
- i) real property to be used or sold for the establishment of affordable housing, being ownership or rental housing; or
- j) easements granted to public utilities or to the telephone companies.

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5.3 **Appraisal Exclusion for Disposals to Public Bodies**

Clause-Subsection 5.1 (b) of this policy does not apply to the disposal of real property to the following public bodies:

- a) a municipality;
- b) a local board including a school board and a conservation authority; or
- c) the Crown in right of Ontario or Canada and their agencies.

5.4 **Appraisals**

Where an appraisal is required under this Policy, at least one (1) appraisal estimating the current market value of the real property shall be obtained. Where the estimated value is in excess of \$1,000,000, two (2) independent appraisals from certified appraisers are required.

Appraisal reports shall remain confidential until the disposal is completed.

5.5 **Notice of Proposed Disposal**

- a) As per Clause-subsection 5.1 (c) above, at least two weeks in advance of the meeting and in compliance with *6.13 Public Notice Policy*, public notice of the proposed sale shall be:
 - i. published in the Local Newspaper;
 - ii. posted on the County's Website with optional email notification message to any person who requests provision of such County notices;
 - iii. posted at the County's customer service desk;
 - iv. posted at the administration offices of the local area municipality if applicable; and
 - v. posted on Social Media in consultation with the Manager of Strategic Communication and Engagement, or designate.
- b) The content of such notice shall include an explanation of the municipal sale of real property, including location and mapping, the date/time/location of the public meeting where the by-law will be considered, the fact that written comments and/or verbal comments will be considered at the public meeting where the by-law is to be enacted, the address of the County's customer service desk to respond with written comments prior to the public meeting, and the Clerk's name and title.
- c) Nothing in this policy shall prevent the Clerk from using more comprehensive methods of notice or providing for a longer notice period.

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5.6 Exemptions

This policy does not apply to:

- a) the sale of land for tax arrears under Part XI, *Municipal Act, 2001*; and,
- a)b) disposal of real property which will be subject of an agreement entered into by the County for the provision of municipal capital facilities pursuant to section 110 of the *Municipal Act* for the purposes of increasing supply of Affordable Housing.-

6.0 PROCEDURE

6.1 Real Property Inventory Review

On an annual basis, the County's real property inventory shall be reviewed in order to ensure that unused properties are inventoried, managed effectively and, where appropriate identified as potentially surplus. This includes detailing lands and buildings suitable for affordable housing development in accordance with the County's Housing First Policy No. 9.07. The inventory will include such details as estimated land value, legal description, roll number, map, including site servicing and digital images and description of any structures or features on site.

6.2 Internal Circulation

The real property inventory listing shall be distributed to ~~the~~ Community and Strategic Planning ~~Office Department~~ and Human Services - Housing ~~Division~~ for review annually. ~~The~~ Human Services - Housing ~~Division~~ is to give consideration to potential surplus property for housing purposes in accordance with the "Housing First Policy" No. 9.07.

Departments shall have twenty (20) working days to provide written requirements or comments in response to the internal circulation.

Following Senior Management Team review, potential surplus real property and its proposed utilization will be presented to County Council for approval for designation as surplus real property.

6.3 ~~Sub-Search-Title~~ Search

Where real property has been identified as potentially surplus, the parcel register shall be obtained from the Registry Office to determine if:

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a) there are any legal impediments to the disposal of the real property; and,-

b)

~~Determine whether~~ an independent environmental site assessment is warranted prior to the disposal of any real property.

6.4 **Appraisal**

An appraisal report carried out by a qualified appraiser estimating the real property's current market value shall be completed in support of each disposal with the exceptions set out in ~~paragraphs-subsections~~ 5.2 and 5.3 of this Policy.

6.5 **Notice of Proposed Disposal**

Prior to the disposal of any real property, notice of the proposed disposal shall be given to the public in accordance with ~~paragraph-subsection~~ 5.5 of this policy.

6.6 **Methods of Disposal**

- a) Any transfer of real property must be approved by Council and may be disposed by:
 - i. listing ~~a~~Agreement with a licensed real estate broker;
 - ii. competitive request for proposal ~~call~~ to non-profit and private sector developers in accordance with the Housing First Policy No. 9.07; or
 - ~~iii. request for offers; or~~
 - iv.iii. public auction.
- b) The disposal method and negotiation process utilized ensures that transparent and accountable processes are followed in the disposal of real property. The method of disposal is determined based on maximizing the social, economic, environmental and cultural return to the County and takes into consideration factors such as viability, interest expressed from the external circulation, market conditions and availability of resources.

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7.0 LAND INVENTORY REVIEW

