



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 7-2003

A by-law to establish procedures governing the sale of land and to repeal By-law 19-95

Section 268 of the Municipal Act, 2001 as amended, requires municipal councils to establish, by by-law, procedures including the giving of notice to the public, governing the sale of land by the municipality.

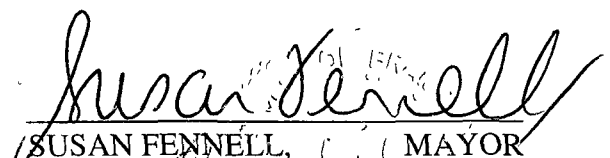
NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. For the purposes of this by-law, the following classes of real property are hereby established:
 - (i) surplus public highways that have been stopped up and closed in accordance with the Municipal Act, 2001 (hereinafter called "surplus public highways");
 - (ii) real property that has been expropriated by The Corporation of the City of Brampton that is no longer required for its purposes (hereinafter called "surplus expropriated property");
 - (iii) real property, other than surplus public highways, that, by statute or regulation, may be sold without obtaining an appraisal and real property intended to be sold or disposed of to a public body to which, by statute or regulation, real property may be sold without obtaining an appraisal (hereinafter called "appraisal-exempt property");
 - (iv) transfers of easement and releases of easement that are not appraisal-exempt property (hereinafter called "easement rights"); and
 - (v) all other real property owned by The Corporation of the City of Brampton that is no longer required for the purposes of the Corporation.
2. The procedure set out in this by-law apply to all of the following real property dispositions:
 - (i) sales of real property by The Corporation of the City of Brampton;
 - (ii) leases of 21 years or longer of real property owned by The Corporation of the City of Brampton; and
 - (iii) transfers of easement by The Corporation of the City of Brampton.
3. Before any of the real property dispositions described in section 2 occur, Council shall, by by-law or resolution passed at a meeting open to the public declare the real property to be surplus. A by-law declaring real property to be surplus may also authorize the real property disposition.
4. Before Council passes a by-law referred to in section 3, notice of Council's intention to pay the by-law shall be given in the following manner:

- (i) for surplus public highways, by the publication of a notice in accordance with By-law 393-2002;
 - (ii) for appraisal-exempt property and easement rights, by posting a notice in the City Hall Atrium at least four clear days in advance of the Council meeting at which the by-law is to be considered, unless otherwise required by statute or regulation; and
 - (iii) for any other class of real property, by the publication of a notice in the Brampton Guardian at least four clear days in advance of the Council meeting at which the by-law is to be considered, unless otherwise required by statute or regulation.
5. Before Council passes a by-law authorizing a real property disposition, Council shall obtain an appraisal of the fair market value of the real property unless the real property is appraisal-exempt property.
 6. Where Council wishes real property to be sold by way of public auction or public tender, it shall so indicate in the by-law or resolution declaring the real property surplus.
 7. Council shall, in its capacity as approving authority under the Expropriations Act, R.S.O. 1990, c.E.26, determine whether surplus expropriated property is to be disposed of without giving the expropriated owners the first chance to repurchase the lands on the terms of the best offer received, as set out in section 42 of the Expropriations Act.
 8. The procedures set out in this by-law do not apply to the sale or disposition of real property in accordance with an agreement for the provision of municipal capital facilities entered into pursuant to section 110 of the Municipal Act, 2001.
 9. The City Clerk is hereby authorized to execute all certificates required by section 268(6) of the Municipal Act, 2001.
 10. By-law 19-95, as amended by By-law 119-95, is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME and PASSED in Open Council this 13th day of January, 2003.

APPROVED AS TO FORM LAW DEPT. BRAMPTON			
WCC			
DATE	03	01	13


SUSAN FENNELL, MAYOR


LEONARD J. MIKULICH, CLERK