



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 19-95

To establish procedures governing
the sale and disposition of real
property by The Corporation of the
City of Brampton

Section 193 of the Municipal Act, R.S.O. 1990, c.M.31, as amended, requires municipal councils to establish, by by-law, procedures including the giving of notice to the public, governing the sale of real property.

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 (hereinafter called "surplus public highways");
 - (ii) real property under the control and management of the Brampton Hydro-Electric Commission that the Commission has, by resolution, declared is no longer required for its purposes (hereinafter called "surplus Hydro property");
 - (iii) 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"); and
 - (iv) all real property owned by The Corporation of the City of Brampton that has not been described in clauses (i)(ii) or (iii) of this section and 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;
 - (iii) transfers of easement by The Corporation of the City of Brampton; and
 - (iv) releases of easement in favour of 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 passed at a meeting open to the public declare the real property to be surplus and may in the same by-law authorize the real property disposition.
 4. Before council passes a by-law referred to in section 3, notice of Council's intention to pass the by-law shall be given to the public by the publication of a notice in the Brampton Guardian at least two clear days in advance of the council meeting at which the by-law is to be considered. In the case of a surplus public highway, the notice shall be published once a week for four consecutive weeks prior to the council meeting at which the by-law is to be considered and the provisions of section 315 of the Municipal Act apply to the sale.
 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
 - (i) the real property is of a class that, by regulation, may be sold without obtaining an appraisal;
 - (ii) the intended transferee is a public body to which, by regulation, real property may be sold without obtaining an appraisal.
 6. Where council wishes real property to be sold by way of public auction or public tender or where council wishes a real estate agent to be retained, it shall so indicate in the by-law declaring the real property surplus.
 7. The procedures set out in section 11 of the Regional Municipality of Peel Act, R.S.O. 1990, c.R.15 continue to apply to surplus Hydro property.
 8. 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.
 9. 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 210.1(2) of the Municipal Act.

10. The City Clerk is hereby authorized to execute all certificates required by section 193(9) of the Municipal Act.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 16th day of January, 1995.


PETER ROBERTSON MAYOR


LEONARD J. MIKULICH CLERK

APPROVED
AS TO FORM
LAW DEPT.
BRAMPTON
WJ
DATE 1/11/95