



AMENDED BY BY-LAW 193-2008

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 98-2008

To delegate authority in connection with the implementation of the real estate policy and to repeal By-Laws 128-80, 284-83, 180-2005, 273-2005 and 262-2007

Subsection 270(1), clause 1 of the Municipal Act, 2001 S.O. 2001 c.25 as amended (the "Act"), requires a municipality to adopt and maintain policies with respect to its sale and other disposition of land.

The Corporation of the City of Brampton has prepared a comprehensive real estate policy (the "Real Estate Policy") that addresses the requirements of subsection 270(1) clause 1 of the Act.

The Real Estate Policy provides for the delegation of approval authority for certain real estate transactions and activities to designated officers and employees of the corporation.

Section 23.1 of the Act authorizes a municipal council to pass a by-law delegating any of its powers and duties, subject to certain restrictions as set out in the Act.

The Council of The Corporation of the City of Brampton in deciding to adopt the Real Estate Policy and authorize the delegation of authority described therein, has had regard to the provisions of subsection 23.2(4) of the Act respecting delegation of legislative powers to an officer or employee of the municipality.


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

1. In this By-Law, "Commissioner of Operating Department" means the Commissioner of Works and Transportation, the Commissioner of Planning, Design and Development, the Commissioner of Community Services or the Commissioner of Management and Administrative Services, as the context requires, or a Director designated by a Commissioner to exercise the Commissioner's authority under this By-law.
2. The authority to approve the real estate transactions and activities described in Column 1 of Schedule "A" to this By-Law is delegated to the officers and employees listed in Column 2 of Schedule "A". Council hereby declares that in its opinion each power being delegated is minor in nature, within the meaning of subsection 23.2(4) of the Act.
3. The Mayor and Clerk are hereby authorized to execute all agreements of purchase and sale, transfers and any other documents approved by the City Solicitor that in the City Solicitor's opinion are required to complete any transaction approved in accordance with this By-Law.

4. By-Laws 128-80, 284-83, 180-2005, 273-2005 and 262-2007 are hereby repealed.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 23rd day of April, 2008.

Approved as
to form and
content
Law Dept.
WCC
08 04 23


SUSAN FENNELL MAYOR


~~K. ZAMMIT~~ ~~CLERK~~

Peter Foy, Deputy City Clerk

Schedule "A" to By-law **98-2008**

Delegated Authority in connection with Real Estate related activities

Column 1 Real Estate Activity	Column 2 Authority
Acquisition at current market value (CMV) of \$150,000 or less, plus due diligence (DD) costs, with pre-approved capital land acquisition budget	Commissioner of Operating Department and Commissioner of Finance
Acquisition at CMV of \$50,000 or less, plus DD costs, with no pre-approved capital land acquisition budget	Commissioner of Operating Department and Commissioner of Finance
Acquisition at nominal value and DD costs of \$25,000 or less, through pre-dedication, or from another government, or where CMV is \$25,000 or less	Commissioner of Operating Department
Surplus declaration for property or rights with CMV of \$50,000 or less where surplus declaration was not instigated by potential purchaser(s)	Commissioner of Operating Department and City Solicitor
Surplus declaration for excess property or rights acquired through funding from pre-approved capital land acquisition budget	Commissioner of Operating Department and City Solicitor
Surplus declaration for property or rights to be conveyed to a utility for installation/maintenance of services, or for property or rights to be conveyed to another government	Commissioner of Operating Department and City Solicitor
Disposal of surplus property or rights at CMV of \$50,000 or less to adjacent property owner(s) who is/are sole potential purchaser(s) where disposal was not instigated by potential purchaser(s)	Commissioner of Operating Department
Disposal of surplus property or rights at CMV of \$50,000 or less to be conveyed to a utility for installation/maintenance of services, or for property or rights to be conveyed to another government	Commissioner of Operating Department
Disposal of surplus property or rights at less than CMV to another municipal government in compliance with Standard Operating Procedure for inter-municipal transactions.	Commissioner of Operating Department
Limited Interest Agreements* (LIA) pertaining to all facilities and vacant land, generating CMV rent to the City of \$150,000 or less over the term of the LIA	Commissioner of Operating Department
Limited Interest Agreements* (LIA) where City is tenant and CMV rent payable is \$50,000 or less over the term of the LIA	Commissioner of Operating Department and Commissioner of Finance
Procurement of due diligence reports , whether prepared in-house by non-accredited staff, or externally by accredited professionals	Manager of Realty Services

* having a term of 21 years or less, and including but not limited to leases, licences, management and operations agreements, temporary easements, encroachments, and permissions to enter/occupy. LIAs with terms of more than 21 years are considered acquisitions or disposals as the case may be.

- NOTE:** (1) All Real Estate related activities not specified in this Schedule must be authorized by City Council.
- (2) Dollar limits specified in this Schedule are subject to adjustment annually on January 1st in accordance with the change in Consumer Price Index, Toronto, all items, over the previous year rounded to the nearest \$100.