



REPEALED BY BY-LAW 98-2008

THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 273-2005

A by-law to establish procedures governing  
The sale of land and to repeal By-law 7-2003

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) .3m reserves being conveyed to an abutting owner pursuant to a development application ("3m reserves")
  - 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 applies 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 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 declaring surplus a public highways, that has been stopped up and closed in accordance with the Municipal Act, 2001 (hereinafter called "surplus public highway"), notice of Council's intention to pass the by-law shall be given by the publication of a notice in accordance with By-law 393-2002, or any successor by-law to By-law 393-2002.
5. Before Council passes a by-law declaring surplus a .3m reserve, or easement rights to be conveyed to either the Regional Municipality of Peel or to a public utility, notice of Council's intention to pass the by-law shall be given 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;
6. Before Council passes a by-law declaring surplus any property *other* than a surplus public highway, a .3m reserve, or easement rights to the Regional Municipality of Peel or a Public Utility Company, Council shall determine the means by which notice of Council's intention to pass the by-law shall be given. Council may determine any or all of the following to be appropriate means of giving notice:
  - i) by the publication of a notice in the Brampton Guardian at least four clear days in advance of the first Council meeting at which the by-law is to be considered, unless otherwise required by statute or regulation;
  - ii) 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;
  - iii) by posting on the City's website at least four clear days in advance of the Council meeting at which the by-law is to be considered;

Where Council has not determined the means by which notice is to be given, Council may pass a by-law declaring surplus any property other than a surplus public highway, ***provided that*** notice has been made by the publication of a notice in the Brampton Guardian at least four clear days in advance of the first Council meeting at which the by-law is to be considered, unless otherwise required by statute or regulation. Where Council defers consideration of a by-law, no further public notice is required.

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. 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.
7. 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
8. The City Clerk is hereby authorized to execute all certificates required by Section 268(6) of the Municipal Act, 2001.
9. By-law 7-2003, is hereby repealed.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council  
this 12<sup>th</sup> day of September, 2005.

Approved  
as to form  
Law Dept.  
WCC

05 09 20

Approved  
as to content  
MAS Dept.  
WCC

05 09 20

SUSAN FENNELL

MAYOR

LEONARD J. MIKULICH

CLERK