



Corporate Policy

Policy: C-LS-01 – Acquisition and Disposition of Real Property
Main Contact: CAO or designate
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PURPOSE

This policy sets out principles and procedures respecting the Acquisition and Disposition of Real Property. It is intended to ensure that Acquisition and Disposition of Real Property interests support Council approved projects, initiatives, programs and other related policies, as well as that a consistent and equitable process is followed.

SCOPE

Section 270 (1) of the Municipal Act, S.O., 2001 c 25, as amended (“Municipal Act”) requires all municipalities to adopt and maintain a policy with respect to the sale and other disposition of land. In addition to setting out the principles governing transactions and the procedures to be followed for the Disposition of Real Property, this policy addresses the same respecting the Acquisition of Real Property.



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DEFINITIONS AND EXAMPLES

1. **Abutting Landowner** means any owner whose Real Property touches or is perpendicular to the Township's Real Property.
2. **Acquisition** means a transaction that adds new Real Property to the Township's ownership portfolio, whether by purchase, exchange, donation, trust or any other means not including permanent easements and rights-of-way.
3. **Appraisal** means a written opinion as to the Fair Market Value of Real Property, provided by an independent qualified appraiser who shall be a registered member/entity in good standing of the Appraisal Institute of Canada, or agency deemed fit by the Township of Muskoka Lakes to be qualified for this purpose.
4. **Chief Administrative Officer/CAO** means the Chief Administrative Officer of the Corporation of the Township of Muskoka Lakes.
5. **Clerk** means the Clerk of the Corporation of the Township of Muskoka Lakes.
6. **Committee** means a Committee of Council of the Corporation of the Township of Muskoka Lakes.
7. **Council** means the Council of the Corporation of the Township of Muskoka Lakes.
8. **Disposition** means the sale, transfer, conveyance or exchange of the Fee Simple Interest in Real Property from the Township's ownership, but does include the granting of a Lease or a License of Occupation or the release of easement or right of way by the Township. The words Dispose, Disposed and Disposal shall have a similar meaning.
9. **Donation** means a voluntary gift of Real Property, given/received without compensation or consideration.
10. **Easement** means the right to cross or utilize property for a specified purpose.
11. **Emergency Situation** means any unanticipated event involving actual or potential damage or danger to property or personal injury whether caused by natural events or otherwise.

12. **Fair Market Value** means the highest amount Real Property might be expected to realize, if sold in the open market by a willing seller to a willing buyer as determined by an Opinion of Value or Appraisal.
13. **Fee Simple Interest** means an ownership of Real Property in which the owner has the right to control, use or dispose of the land at will.
14. **Highway** means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway and any lands which constitute a highway as defined in the *Municipal Act, R.S.O 2001*.
15. **Infrastructure** means a capital asset identified in the Township's Municipal Asset Management Program including but not limited to buildings, roads and bridges.
16. **Municipal Act** means The Municipal Act, 2001, S.O. 2001, Chapter 25, as amended.
17. **Notice/Public Notice** means a written, printed, published or posted notification or announcement in accordance with the Township's Public Notice Policy C-LS-06 as amended from time to time, or any replacement policy.
18. **Opinion of Value** means a written opinion as to the Fair Market Value of Real Property, provided by an independent Real Estate Agent any other person or agency deemed fit by the Township of Muskoka Lakes to be qualified for this purpose.
19. **Planning Act** means the Planning Act, R.S.O. 1990, C. P.13.
20. **Real Property** means lands, buildings and any interests, estate, or right on lands.
21. **Realtor of Record/Real Estate Sales Representative** means a licensed agent in good standing in the Province of Ontario who arranges property transactions, connects buyers and sellers and represents them in negotiations.



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22. **Registry** means a list identifying and describing Real Property owned by the Township which are no longer required for the delivery of municipal needs or services and has been declared surplus by Township Council.
23. **Staff** means employees of the Township who are authorized by the Chief Administrative Officer to act on their behalf or at the Direction of Council.
24. **Surplus Real Property** means Fee Simple Interest Real Property that the Township no longer requires to meet its current or future needs and has been declared surplus by Council by passage of a by-law.
25. **Temporary Easement** means a grant in the manner of a permission to enter, easements of a limited duration or time or other similar written permission for the purposes of temporary access, construction, repair or maintenance.
26. **Township** means The Corporation of the Township of Muskoka Lakes.

RESPONSIBILITIES

Unless specifically exempted herein, this policy applies to all Acquisitions and Dispositions of Real Property by the Township of Muskoka Lakes.

Section 1 sets out the exemptions to this policy and Section 2 outlines the general principles and provisions which apply to all Acquisition and Dispositions. Sections 3. (Acquisition) and 4. (Disposition), set out specific procedures for each of these processes.

1. General Exemptions

This policy shall not apply to the following:

- (a) Acquisition or Disposition of any Real Property transaction which was initiated prior to this policy coming into effect;
- (b) Acquisition of Real Property such as parkland dedications, Highway widenings or easements obtained pursuant to approvals under the *Planning Act* including but not limited to subdivisions, condominiums, community planning permit by-laws, site plans and consent;

- (c) Disposition of Real Property 0.3 metres or less in width acquired in connection with an approval of decision under the Planning Act (One Foot Reserve);
- (d) Disposition of Real Property through the tax arrears process;
- (e) Acquisition of Real Property through vesting by reason of tax arrears pursuant to the *Municipal Act*;
- (f) Acquisition or Disposition of Real Property which is the subject of an agreement entered into for the provision of municipal capital facilities pursuant to Section 110 of the *Municipal Act*;
- (g) Acquisition or Disposition of Real Property by the Township as part of the settlement of litigation proceedings;
- (h) Acquisition of Real Property pursuant to the Funeral, Burial and Cremation Services Act, 2002;
- (i) Disposition of Real Property repurchased by an owner in accordance with the *Expropriation Act, R.S.C., 1985, c E-21*;
- (j) A short or long term lease;
- (k) A License of Occupation to occupy Township Real Property (see Policy C-LS-07 License Agreements, as amended from time to time, or any replacement policy);
- (l) Disposition of Original Shore Road Allowances or Original Road Allowances (see Policy C-LS-08 Sales of Original Shore Road and Road Allowances as amended from time to time, or any replacement policy);
- (m) Disposition of Flooded Lands (see Policy C-LS-09 Sales of Flooded Lands, as amended from time to time, or any replacement policy)
- (n) Acquisition of a Temporary easement in favour of the Township over private property; and

- (o) Granting of a Temporary Easement in favour of an owner of private property over Township lands.

2. Principles and Objectives

The Township shall base its decisions on all transactions related to Real Property with consideration on the following principles:

2.1 Fiscal Accountability

The principle of fiscal accountability means that the Township will acquire, administer and dispose of Real Property to the maximum long-term benefit of the Township.

The Township will acquire, retain and maintain Real Property, when the Real Property interest meets any one of the following criteria:

- (a) can be maintained or operated within Council Approved Tax Supported Operating Budget parameters;
- (b) adequately fulfills a needed function/purpose for which the Township desires; and
- (c) has been identified as having strategic value for future use that is in the public interest.

The Township may undertake to minimize costs and reduce liability while realizing revenue from the disposal of properties which do not meet the criteria of Section 1.

The Township will obtain the best value when acquiring or disposing of Real Property, giving due consideration to Fair Market Value.

2.2. Consistency With Council's Strategic and Other Plans

The principle of consistency with Council's Strategic Plan means that the Township will acquire and retain properties when those properties clearly align with the goals and objectives of the Township's Strategic Plan, the Capital Budget and Forecast, as well as its asset management plans, and

other plans or strategies related to the provision of provincially mandated or Council approved programs or services.

2.3. Sustainability

The principle of sustainability means that the Township will retain Real Property when:

- (a) Service needs or purpose is constant or growing; and
- (b) The condition of the Real Property is such that it can be used and maintained on a low-maintenance and low-risk basis; and/or
- (c) It is in the best interest of the Township to retain for environmental reasons or future municipal use reasons.

2.4. Transparency

The principle of transparency means that the Township is committed to following the consistent, transparent, and equitable processes outlined in this policy respecting the Acquisition and Disposition of Real Property.

The Township's Real Property shall be managed responsibly along clearly defined lines of delegated authorities and levels of accountability, with a register of Real Property, being maintained.

In order to avoid any conflicts of interest, in the event any member of Staff has an interest in lands to be either acquired or disposed of, the individual must recuse themselves from the process entirely and designate an individual or agent to act on their behalf.

2.5. Scope of Responsibilities

Except where so delegated to Staff by by-law, Council shall determine whether Real Property shall be acquired, or Township owned Real Property is deemed surplus, including any limited interest therein. If such a determination is made, Council shall make a declaration to that effect through the passage of a by-law.



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The Chief Administrative Officer or designate, has the authority to negotiate the terms and conditions of transactions, and finalization of the transaction related to the Acquisition of Real Property and the Disposition of Surplus Real Property. Notwithstanding, Staff is not obligated to exercise its delegated authority and may refer any matter to Council for consideration.

Once a transaction has been approved by Council or a delegated authority, the Mayor and Clerk are authorized to execute any and all documents related to the Acquisition of Real Property and the Disposition of any surplus Real Property. Said documents must be in a form satisfactory to the Clerk and Township Solicitor.

The Township's Solicitor or designate, shall provide all Township legal services and advice with respect to all transactions, related to the Acquisition of Real Property and the Disposition of Surplus Real Property in accordance with this policy. Once approved, the Mayor and Clerk are authorized to sign all documents as required in order to register said documents in the Ontario Land Registry System or any successor thereof.

PROCEDURES/STEPS

3. Acquisition

Real Property acquisitions are restricted to those which are required for municipal purposes that support Council approved infrastructure, recreation and other programs, needs, services, projects and policies.

3.1. Methods of Acquisition

The Chief Administrative Officer or designate shall make a determination of the most appropriate method of Acquisition in alignment with this policy and adhering to existing policies and procedures, legislation and applicable Council direction, as amended, from time to time.

Real Property interests may be acquired, subject to Council approval, through any of the following methods or in the following situations:

- (a) Negotiated Agreement



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The negotiation of a fair and equitable agreement regarding Fee Simple Interest is the preferred method of obtaining Real Property. Negotiations may be conducted as a result of a direct interest in a particular property or in an Emergency Situation (Section 3.1 (f)).

Negotiations may originate from a Request for Proposal (RFP) with multiple proponents initially, until one is selected for completion of a transaction. The Chief Administrative Officer or designate may negotiate directly with any party, including other levels of government, utility companies or other agencies, for direct acquisitions.

(b) Land Exchange

When an Acquisition is contemplated and it is determined that in order to acquire land, an exchange of Township owned surplus Real Property is in the best interests of the Township, negotiation shall be initiated based on the Fair Market Value of the respective Real Properties, pursuant to the Real Property Disposition Procedures as set out in Section 3. of this policy.

(c) Charitable Donation

The Township may acquire Real Property through donations or that of its delegated authority. Before accepting a donation of Real Property, in addition to completion of any due diligence as outlined in this Section, an analysis to determine the conditions of the donation, existing restrictions or encumbrances, assumption of liabilities or any tax implications shall be undertaken by the Township. Should any associated costs be incurred, they may be at the responsibility of the Property Owner/Donator.

When a donation is accepted, the Chief Administrative Officer or designate will instruct the Township's Solicitor to prepare an appropriate agreement and conclude the transaction.

When required, tax receipts will be issued per the Township's Donation/ Tax Receipt Issuance Policy.

(d) Transfer from another level of government

The Township may acquire Real Property as the result of a transfer of

jurisdictional authority from another level of government or agency (e.g. transfer of highways). Prior to accepting lands from other levels of government or agencies (in those cases where the Township has authority to accept or to decline the transfer), the Township shall undertake a due diligence investigation of the property to be transferred in accordance with this policy. If Council, or the Chief Administrative Officer or designate, deems the risk associated with capital or operating costs; encumbrances or environmental liabilities to be too great, it may communicate concerns with the transfer or refuse acceptance when necessary.

(e) Public-Private Partnership (P3)

The Township may acquire Real Property as part of a Public-Private Partnership (P3) to provide infrastructure, municipal capital facilities or related services that would benefit the Township, the private sector and Townships residents.

(f) Emergency Situations

In an emergency situation, the Chief Administrative Officer or designate is authorized to acquire, or initiate the acquisition of Real Property in accordance within the spending limits and procedures contained in the Township's Procurement By-law. In these situations, the Chief Administrative Officer or designate shall provide an information report to Council, including source of financing, as soon as possible after the acquisition. Leasing of lands could also be considered.

3.2. Acquisition Procedure

(a) Initiating an Acquisition

Save and except preliminary background discussions, to initiate an Acquisition of Real Property by any of the foregoing methods, the Chief Administrative Officer or designate shall bring a report to a closed session meeting of Committee/ Council which:

- i. reviews the details of the Real Property (i.e. location, size and historical use etc.), as well as the justification, benefits or risks, or funding source and rationale for the acquisition;
- ii. the recommended method of the proposed Acquisition;



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- iii. identifies the municipal need or issue the Acquisition will satisfy;
- iv. identifies how the proposed acquisition complies with this and other applicable policies, plans, programs, strategies or the Strategic Plan of the Township; and
- v. identifies the due diligence matters required, as well as their funding source.

Upon confirmation of Council interest in the acquisition, the Chief Administrative Officer or designate shall initiate the due diligence process.

(b) Due Diligence - Environmental Site Assessment

The Township shall complete a pre-screening on all Real Property to be acquired to identify potential contamination issues associated with a Real Property. If it is deemed necessary, when an Acquisition involves the entire Fee Simple interest in a Real Property, and if determined necessary by the Chief Administrative Officer or designate when acquiring a partial interest therein, at a minimum, a Phase I Environmental Site Assessment (ESA) shall be completed by either the Township or the property owner and the associated cost responsibility may be negotiated.

At the discretion of the Chief Administrative Officer or designate, this requirement of an Environmental Site Assessment may not apply to the Acquisition of Real Property required for:

- i. Emergency Situations; and
- ii. An Infrastructure project included in a Capital Budget approved by council.

All such ESAs shall be completed in accordance with current applicable industry standards. Where remediation is required, it shall be completed in accordance with appropriate Canadian Standards Association ("CSA") if applicable, or the site remediation criteria, as set out by provincial regulations. Whenever possible or appropriate, Acquisition agreements may provide for the indemnification of the Township by the vendor for environmental conditions.



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(c) Due Diligence – Appraisal/Opinion of Value

All Real Property Acquisitions shall be supported with a Fair Market Value Appraisal or Opinion of Value. This requirement may be waived should the transfer be from another level of government, an emergency situation or donation.

An Appraisal or Opinion of Value shall be no more than twenty-four months old or some shorter time-frame at the discretion of the Chief Administrative Officer or designate. The associated cost responsibility, where applicable, of said appraisal may be negotiated. Where the estimated market value is \$1,000,000.00 or greater, a second Appraisal and/or Opinion of Value will be required. Appraisal and Opinion of Value reports will be based on the “Highest and Best Use” of the property in accordance with current standards of practice within the real estate industry and within the guidelines of the Appraisal Institute of Canada, which may be amended from time to time.

Notwithstanding the above, if it would not be practicable to obtain an appraisal as determined by staff, or a minimum sale price has been approved by Council, then an appraisal will not be required. Circumstances in which it would not be practical or economical to obtain an appraisal include but are not limited to when the estimated value of the land to be disposed of is minimal or when the cost of obtaining the appraisal would be more than 50% of the estimated value of land.

Where there is a variance greater than 10% between the appraised fair market value of land and the proposed sale price of the land, and:

- i. the proposed sale price is more than the appraised fair market value of the land, the variance shall be approved by Council.
- ii. The proposed sale price is less than the appraised fair market value of the land, the variance may be approved by the Chief Administrative Officer or designate.

Where there is a variance of 10% or less between the appraised fair market value of land and the proposed sale price of the land, and:

- i. the proposed sale price is more or less than the appraised fair market

value of the land, the variance may be approved by the Chief Administrative Officer or designate.

(d) Due Diligence – Reference Plans (Surveys)

Prior to acquiring Real Property, the Township and/or applicant shall obtain a reference plan of the subject Real Property, to the satisfaction of the Chief Administrative Officer or designate, from an Ontario Land Surveyor. This requirement is deemed to be waived if, in consultation with the Township's solicitor, an acceptable reference plan or alternative legal description exists to the satisfaction of the Township's solicitor.

(e) Consideration of Approval of Acquisition

Upon completion of the Due Diligence review, the Chief Administrative Officer or designate, in consultation with the appropriate Senior Leadership Team members, shall bring a report to Committee or Council which:

- i. provides the results of the Due Diligence review;
- ii. identifies the estimated total cost of ownership, including the impact on annualized on-going operating and estimated capital expenditures over the life cycle of the asset (if applicable);
- iii. identifies a source of funding for the Acquisition (i.e. a Council approved Capital Budget, or a Council resolution authorizing use of reserve funds); and
- iv. includes a request for the authority to negotiate the terms and conditions of the proposed Acquisition and if applicable, approves an initial deposit amount.

(f) Approval of Acquisition

Once Council has authorized the Acquisition, a resolution or by-law shall be passed to delegate authority to the Chief Administrative Officer or designate, to negotiate any terms and conditions in the Agreement of Purchase and Sale with the vendor, as well as approve the final terms and conditions in the agreement on behalf of the Township. The agreement shall incorporate the negotiated responsibility for all transaction related costs, including but not limited to appraisal, survey and legal costs.



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Once the Chief Administrative Officer or designate have negotiated the key terms and conditions of the Acquisition, a report with the recommendation for final approval of the Acquisition shall be brought forward for consideration of Council.

Once Council has given final approval to the Acquisition by the passage of a by-law, an Agreement of Purchase and Sale shall be finalized by the Township's Solicitor or Realtor of Record. At this point, the Chief Administrative Officer or designate and the Township's Solicitor have the authority to finalize the Acquisition.

(g) Notice of Acquisition

The Township is not required to circulate and provide Notice of Acquisition to Abutting Owners regarding any Real Property that is being acquired by the Township.

However, depending on the proposed use and its potential to impact Abutting Owners, Direct Notice may be provided, as deemed appropriate by the Chief Administrative Officer or designate.

4. Disposition

4.1. Disposition Determination

As outlined in Section 2.5, the ultimate authority for consideration and decision making respecting the Township's Real Property holding portfolio lies with Council. In considering the future of individual Real property holdings, based on this and other applicable policies, plans, programs and strategies of the Township, Council may retain Real Property and applicants may not be accepted if it serves one or more of the following purposes:

- (a) It facilitates the logical development and expansion of the Township's recreational trail system, active transportation network and associated parkland or other community development uses;



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- (b) It assists with heritage preservation, environmental conservation, or creation of affordable housing;
- (c) It ensures that the public will have continued access to the waterways in the Township;
- (d) It meets any potential public use identified by the Township or any other municipal purpose.

In making such a determination, Council shall be unfettered by any previous decisions of Council at the sole discretion of the current Council.

Notwithstanding the above, Council may ultimately retain any property for any reason, should they choose to do so.

4.2. Methods of Disposition

The Chief Administrative Officer or designate shall make a determination of the most appropriate method of disposition in alignment with this policy and adhering to existing policies and procedures, legislation and applicable Council direction, as amended, from time to time.

Real Property may be disposed of through any of the following methods:

- (a) Third Party request

A third party request is initiated through application to the Township or expression of interest/offer to proceed with acquiring Township Real Property through one of the methods noted below.

- (b) Expression of interest in a property listed on the Surplus Property Registry

A Surplus Property Registry, which lists Real Property that has been deemed surplus by Council after completion by Staff of a review process, shall be compiled utilizing Council approved review criteria, as well as other applicable policies, plans, programs and strategies. This registry



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shall be maintained and reviewed on an ongoing basis by the Chief Administrative Officer or designate.

The following classes of Real Property are not included in the registry:

- i. land 0.3 meters or less in width acquired pursuant to the Planning Act; and
- ii. all highways, road and road allowances, whether opened or not, closed or stopped up, as well as land acquired for road purposes.

(c) Land Exchange

Negotiation including a land exchange shall be initiated based on the Fair Market Value of the respective Real Properties, and the Disposition Procedures as set out in Section 4.3. of this policy.

(d) Donation

The Township may make a donation (i.e. a voluntary gift of Real Property given without compensation or consideration) if an appropriate municipal purpose has been identified for the use of the property and upon notification to the public and Council's approval. Should any associated costs be incurred, they may be at the responsibility of the Township.

(e) Transfers to Other Levels of Government

The Township may dispose of Real Property as the result of a transfer of jurisdictional authority from another level of government or agency. Prior to disposing of lands from other levels of government or agencies (in those cases where the Township has authority to accept or to decline the transfer), the Township shall undertake a due diligence investigation to determine any potential future use or interest in the Property, prior to commencing the disposition procedures.

(f) Public Private Partnerships

The Township may dispose of Real Property as part of a Public-Private Partnership (P3) to provide infrastructure, municipal capital facilities or

related services that would benefit the Township, the private sector and Townships residents.

- (g) Township initiated disposition through such process as, but not limited to, Requisition for Quotation (RFQ), Request for Tender (RFT), Request for Proposal (RFP), or the services of a realtor of record.

4.3 Disposition Procedures

4.3.1. Third Party Disposition Request

The following steps shall be followed when considering a disposition request from a third party.

- a) Application Submission

The Applicant shall submit an application, in a manner and containing such information as determined by the Chief Administrative Officer or designate, and applicable fee(s) in accordance with the Township's current Fees and Charges By-law to the Township.

- (b) Review Submission Completeness

The Chief Administrative Officer or designate shall review the request for completeness, including but not limited to:

- i. Terms and conditions;
- ii. Sub-search of title by the Township Solicitor;
- iii. Site visit of the lands (if required)
- iv. Any other relevant information deemed necessary.

Where the submission is deemed incomplete, the applicant shall be so advised and informed that the following steps will not be undertaken until the relevant information has been provided to the satisfaction of the Chief Administrative Officer or designate.

- (c) Internal Review/ Appraisal

- i. An internal circulation to all departments will be undertaken to determine if the Real Property can fulfill a purpose pursuant to this



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and other applicable policies, plans, programs or strategies of the Township.

- ii. The viability of the property as a buildable lot and any other land use planning considerations will also be reviewed.
- iii. Prior to Real Property being declared Surplus Real Property, the Chief Administrative Officer or designate may obtain an independent Fair Market Value Appraisal.

An Appraisal shall be current within twenty-four months or some shorter time-frame at the discretion of the Chief Administrative Officer or designate. In the event that the land is not disposed of within twenty-four months of the date of the most recent Appraisal obtained, an updated Appraisal may be required.

(d) Notification

- i. Staff will prepare and issue a Notice of Circulation to abutting property owners, including any parties who may utilize the Real Property for access even if the Real Property is not considered a highway, requiring a response within 30 days, or length determined to be appropriate in the circumstances;
- ii. If there is no identified Township interest in the Real Property, the Chief Administrative Officer or designate shall, if applicable, contact other levels of government, utilities and agencies to determine if they have any existing interest in the Real Property i.e. easement requirement. Any interest must be received by the sender or designate within 30 days of said circulation. Should any of these agencies require any extension of the 30-day timeline it shall be granted at the discretion of the Township.

If any existing interest is received from another level of government or utility, the Township solicitor shall facilitate the registration of such interest against title during closing of the transaction and prior to the land being transferred to the third party.

(e) Negotiation of Terms and Conditions



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The Chief Administrative Officer or designate shall have the authority to negotiate any terms and conditions of the Disposition with the purchaser(s). If a transaction with terms and conditions that are satisfactory to the Chief Administrative Officer or designate cannot be reached, the matter may be ceased and the Real Property be retained or referred to Council for clarification/resolution.

(f) Declaration of Surplus

Should Staff identify the Real Property to be surplus to Township needs, the Chief Administrative Officer or designate shall bring a report to Committee or Council in closed session which:

- i. Reviews details of the Real Property (i.e. location, size, historical use, relevant legislation, bylaws that apply to the land, etc.) as well as the jurisdiction, benefits or risks and rationale for the Disposition;
- ii. The recommended method of the proposed Disposition;
- iii. Identifies if there is a municipal need for the Real Property;
- iv. The proposed purchase price; and,
- v. Identifies how the proposed Disposition complies with this and other applicable policies, plans, programs or strategies of the Township.

Council shall then determine whether or not to adopt a resolution declaring the subject Real Property to be surplus to the needs of the Township.

(g) Notice

Should Council pass a resolution declaring the Real Property surplus to the needs of the Township, a Notice of Disposition advertisement of the Real Property shall be distributed as per the Township's Provision of Notice Policy, as well as placed on the Township website.

Notice of the Disposition shall include the following:

- i. the location of the land by reference to the legal description or municipal address, where available;
- ii. the name, title and telephone number of one or more Township Staff having information about the proposed Disposition;



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iii. a general description of the method of Disposition.

(h) Agreement of Purchase and Sale

The Chief Administrative Officer or designate, and as necessary, in consultation with the Realtor, Realtor of Record if applicable and/or Township Solicitor, shall have the authority to negotiate any terms and conditions in the Agreement of Purchase and Sale with the purchaser, as well as approve the final terms and conditions in the Agreement on behalf of the Township. Such agreement shall incorporate the negotiated responsibility for all transaction related costs, including but not limited to Appraisal, survey, legal and other fees.

(i) By-law

The Clerk or designate will place a by-law to dispose of the subject lands on the next appropriate Council agenda for Council's consideration, which shall adhere to the Townships Public Notice Policy.

(j) Statement of Compliance

The Clerk or designate may issue a written Certificate with respect to a sale of land by the Township verifying that to the best of their knowledge the requirements of this policy and the Municipal Act have been complied with.

4.3.2 Surplus Property Registry Procedure

The following steps shall be followed when considering a Disposition request from the Township's Surplus Property Registry.

(a) Appraisal

Prior to disposal of any land, the Township's Realtor of Record shall provide an appraisal/opinion of value of the fair market value of the land. The Realtor of Record or the Chief Administrative Officer may, from time to time, recommend an additional appraisal/opinion of value if it is deemed



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necessary by staff. The following steps shall be followed when considering an expression of interest to purchase a piece of property identified on the Township's Surplus Property Registry.

(b) Submission

Applications shall be received for the disposition of Township owned Real Property on the surplus property registry by the Clerk.

(c) Internal Review and Declaration of Surplus

Real Property identified in the Surplus Property Listing has already undergone an internal review process, utilizing an approved review criteria and has been declared surplus.

(d) Negotiation of Terms and Conditions

The Chief Administrative Officer or designate shall have the authority to negotiate any terms and conditions of the disposition with the purchaser. If a transaction with terms and conditions that are satisfactory to the Chief Administrative Officer or designate cannot be reached, the matter may be ceased and the Real Property be retained or referred to Council for clarification/resolution.

(e) Notice

A Notice of Disposition advertisement of the Real Property shall be distributed as per the Township's Provision of Notice Policy, as well as placed on the Township website.

Notice of the Disposition shall include the following:

- i. the location of the land by reference to the legal description or municipal address, where available;
- ii. the name, title and telephone number of one or more Township Staff having information about the proposed Disposition;
- iii. a general description of the method of Disposition.



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(f) Agreement of Purchase and Sale

The Chief Administrative Officer or designate, and as necessary, in consultation with the Realtor, Realtor of Record if applicable and/or Township Solicitor, shall have the authority to negotiate any terms and conditions in the Agreement of Purchase and Sale with the purchaser, as well as approve the final terms and conditions in the Agreement of Purchase and Sale on behalf of the Township. Each agreement shall incorporate the negotiated responsibility for all transaction related costs, including but not limited to Appraisal, survey, legal and other fees.

(g) By-law

The Clerk or designate will place a by-law to dispose of the subject lands on the next appropriate Council agenda for Council's consideration which shall adhere to the Township's Public Notice Policy.

(h) Statement of Compliance

The Clerk or designate may issue a written Certificate with respect to a sale of land by the Township verifying that to the best of their knowledge the requirements of this policy and the Municipal Act have been complied with.

4.3.3 Township Initiated Disposition

(a) Internal Review

The Chief Administrative Officer or designate shall make a determination of the most appropriate method of Disposal to ensure Real Property rights are disposed of in a timely and fiscally responsible manner, taking into account the Township's Strategic Plan, the best interests of the Township, and adhering to existing policies and procedures, legislation and applicable Council direction, as amended from time to time.

(b) Utility Easement



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If there is no identified Township interest in the Real Property, the Chief Administrative Officer or designate shall, if applicable, contact other levels of government and utilities to determine if they have any existing interest in the Real Property i.e. easement requirement. Any interest must be received by the sender or designate within 30 days of said circulation. Should any of these agencies require any extension of the 30 day timeline it shall be granted at the discretion of the Township. If any existing interest is received from another level of government or utility, the Township Solicitor shall facilitate the registration of such interest against title during the closing of the transaction and prior to the land being transferred to a third party.

(c) Declaration of Surplus

To realize revenue from the disposal of nonessential, underutilized properties, the Township may initiate the Disposition of Real Property. The Chief Administrative Officer or designate shall bring a report to Committee or Council identifying the details of the Real Property (i.e. location, size, reason for Acquisition and historical use etc.), documenting relevant legislation, regulations, policies or by-laws that apply to the land. The report shall also contain a recommendation of whether or not to proceed with the Disposition as well as the method of Disposition.

Prior to the advertisement of any Real Property for sale, an Appraisal or Opinion of Value shall be undertaken.

If the Surplus Real Property is marketed through public tender or an open procurement process, the Chief Administrative Officer or designate and the Realtor of Record shall determine a reserve bid amount based on the appraised value of the Real Property plus the estimated costs incurred to dispose of the surplus land including Appraisal, public notice, survey, legal fees, realty fees, encumbrances, improvements or such other costs associated with the land sale.

(d) Notice



Corporate Policy

A Notice of Disposition advertisement of the Real Property shall be placed on the Township website as well as any other appropriate venue as determined by the Chief Administrative Officer or designate.

Where applicable, the Notice of Disposition shall be delivered by ordinary mail to the immediate abutting landowners. Offers on land disposed of by the Realtor of Record shall be received by the Realtor of Record; otherwise, the Chief Administrative Officer or designate shall receive offers until the deadline specified in the advertisement.

Notice of the Disposition shall include the following:

- i. the location of the land by reference to the legal description or municipal address, where available;
- ii. the name, title, and telephone number of one or more Township Staff having information about the proposed Disposition;
- iii. a general description of the method of Disposition.

All offers shall be opened in public and a written record of all offers received shall be prepared. If the surplus land is marketed through the services of an accredited Real Estate Broker, the Chief Administrative Officer or designate shall receive the offer(s) as they are submitted for consideration.

(e) Negotiation of Terms and Conditions

Despite the method of sale used, the Chief Administrative Officer or designate shall evaluate all the offers submitted and negotiate any terms and conditions. The Chief Administrative Officer or designate shall then present the final offer(s) to Council for consideration and acceptance.

If a transaction with terms and conditions that are satisfactory to the Chief Administrative Officer or designate cannot be reached, the matter may be ceased or referred to Committee or Council for clarification/resolution. In



Corporate Policy

the event that no offers are acceptable, the Surplus Real Property shall be retained.

Council reserves the right to accept any procurement quotation submission (i.e. RFP) including a bid amount less than the reserve price where, in the opinion of Council, it is in the best interests of the Township to do so.

(f) Agreement of Purchase and Sale

The Chief Administrative Officer or designate, and as necessary, in consultation with the Realtor of Record and/or Township Solicitor, shall have the authority to negotiate any terms and conditions in the Agreement of Purchase and Sale with the purchaser, as well as approve the final terms and conditions in the Agreement on behalf of the Township. Such agreement shall incorporate the negotiated responsibility for all transaction related costs, including but not limited to Appraisal, survey, legal and other fees.

(g) By-law

The Clerk or designate will place a by-law to dispose of the subject lands on the next appropriate Council agenda for Council's consideration which shall adhere to the Township's Public Notice Policy.

(h) Statement of Compliance

The Clerk or designate may issue a written Certificate with respect to a sale of land by the Township verifying that to the best of their knowledge the requirements of this policy and the Municipal Act have been complied with.

5. Delegated Authority

The Chief Administrative Officer or designate, has the authority to make minor amendments or updates to this policy.



Corporate Policy

RECORDS MANAGEMENT AND PRIVACY

All records relating to any issue pursuant to this policy shall be maintained in accordance with the Township's record retention schedule. Throughout all processes outlined in this policy, all Members of Council and municipal employees shall adhere to all applicable legislation regarding privacy in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). Individuals should be aware that certain circumstances may identify them during an investigation.

CHANGE HISTORY

Policy Number & Name	Effective Date	Significant Changes	By-law/Resolution No.



P.O. Box 129, 1 Bailey Street,
 Port Carling, Ontario, P0B 1J0
 Website: www.muskokalakes.ca
 Phone: 705-765-3156

ACQUISITION AND DISPOSITION OF REAL PROPERTY APPLICATION

DATE: _____ ROLL # _____

PLEASE INDICATE THE TRANSACTION: ___ ACQUISITION OR ___ DISPOSITION

APPLICANT NAME(S): _____

SUBJECT PROPERTY ADDRESS: _____
 (IF APPLICABLE)

CON: _____ LOT: _____ PLAN: _____ PART: _____ FORMER MUNICIPALITY: _____

APPLICANT(S) MAILING ADDRESS: _____

POSTAL CODE: _____ PHONE: _____

E MAIL: _____

I/We confirm that I/We have read and understand the Acquisition and Disposition of Real Property Policy C-LS-01 and acknowledge that I/We hereby apply to the Township of Muskoka Lakes for the acquisition or disposition of the above noted land and may be responsible to pay all legal, surveying and administrative costs involved in the process and will be obligated to pay to the Township the land costs as determined by Council pursuant to the current municipal policy C-LS-01.

Submitted herewith is the following:

- (1) Required application fee of \$1,200.00.
- (2) A sketch or site plan which shows the land requested for acquisition or disposition.

Applicant(s):

 Signature Signature

I/We hereby appoint the following agent/solicitor to act on our behalf and are aware that the Township Solicitor must be used for any transaction. Any other solicitor or agent acting on my/our behalf is at my/our expense and is in addition to any fees required by the Township Solicitor.

Name of Agent/Solicitor: _____

Address: _____

Phone: _____ Email: _____

The personal information on this form is being collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and the Municipal Act, for the principle purpose of processing this application.