

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10642-2025

A By-law to regulate the sale of municipally owned real property.

WHEREAS Section 8, Subsection 1 of the Municipal Act, R.S.O. 2001 as amended, provides that "The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 270 of the Municipal Act, R.S.O. 2001 as amended, provides that a municipality shall adopt a policy for the sale and other disposition of land.

NOW THEREFORE the Council of the Corporation of the Town of Smiths Falls enacts as follows:

1. In this by-law,

"appraisal" shall mean a written estimate of fair market value obtained from a licensed appraiser or real estate broker. The sufficiency of the appraisal shall be determined by Committee of the Whole.

"sale" shall include a lease of 21 years or longer;

"zone" shall mean as designated in accordance with the current Zoning By-law of the Town of Smiths Falls.

2. Before selling any real property, Council shall:

(i) by by-law or resolution declare the real property to be surplus to the Town's needs.

- a) All vacant municipally owned real property zoned Industrial (M1, M2, M3, or any approved and specific exception thereto) is hereby declared surplus to the Town's needs.
- b) All vacant municipally owned real property zoned Highway Commercial (C3 or any approved and specific exemption thereto) is hereby declared surplus to the Town's needs.
- c) A separate resolution, declaring the real property to be surplus to the Town's needs, shall be required for all other real property to be sold by the Town of Smiths Falls.

(ii) obtain at least one appraisal of the fair market value of the real property;

- a) an appraisal obtained on a group of properties or on an individual property within the same zone and lying within 120 meters of the subject site, may be used as the basis of calculating the fair market value of the subject site provided:

- 1) such original appraisal has been obtained not more than three (3) years prior to the acceptance of an offer to purchase; and

- 2) the Committee of the Whole is satisfied the original appraisal is an appropriate base for such calculation.
- (iii) give a minimum of ten (10) days notice to the public of the proposed sale. Such notice may, as deemed appropriate by the Committee of the Whole, be met by:
 - a) the erection of a sign on the subject site or in the case of an industrial or business Park within the Park boundaries. Such sign shall be a minimum of 4' by 8' in size and places so as to be clearly visible from the nearest road; or
 - b) the publication of such notice in a newspaper or flyer having general circulation in the Town of Smiths Falls, or
 - c) on the Town's social media pages and website, or any other media that in the opinion of the Clerk, has wide coverage in the Town of Smiths Falls.

Regardless of the method of notice chosen, such notice shall contain as a minimum a general description and size of the property, frontage on a named street and a person to contact for additional information.

3. The provisions of this by-law shall not apply to:
 - (i) a sale or other disposition of land pursuant to subsection 210.1(2) regarding agreements for municipal capital facilities;
 - (ii) the disposition of land pursuant to a development agreement where the land is being returned to the developer as a return of security or in exchange for receipt of other lots in the development for the purpose of security, provided said other lots are first transferred to the Town;
 - (iii) any lease, encroachment approval or other such transaction that does not convey fee simple ownership of the municipal land to another party.
4. Section 2(ii) respecting the obtaining of an appraisal shall not apply to:
 - (i) Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act.
 - (ii) Highways, roads and road allowances.
 - (iii) Land formerly used for railway branch lines if sold to an owner of land abutting the former railway land.
 - (iv) Land that does not have direct access to a highway if sold to the owner of land abutting that land.
 - (v) Land repurchased by an owner in accordance with section 42 of the Expropriations Act.
 - (vi) Land to be used for sites for the establishment and carrying on of industries and of industrial operations and incidental uses.
 - (vii) Land sold under sections 112, 112.1, 112.2 and 113 of the Municipal Act respecting Community Economic Development or Community Development Corporations.
 - (viii) Easements granted to public utilities or to telephone companies.
 - (ix) Land sold under the Municipal Tax Sales Act.

- (x) Land where the value of the land, in the reasonable estimation of the Town, is less than \$10,000.
5. Section 2(ii), respecting the obtaining of an appraisal, shall not apply to the sale of real property to the following agencies:
 - (i) Any Municipality, including a metropolitan, regional or district municipality and the County of Oxford.
 - (ii) A local board as defined in the Municipal Affairs Act.
 - (iii) An authority under the Conservation Authorities Act.
 - (iv) The Crown in right of Ontario or of Canada and their agencies.
 6. Municipal services and road costs will be paid by the purchaser.
 7. If the sale of real property is initiated by an application or request from an individual or agency, such individual or agency shall bear the administrative costs associated with such sale including but not limited to the appraisal, notice and legal costs unless such requirement is waived in writing within the provisions of an offer to purchase.
 8. The Clerk shall issue and cause to be included in a deed or transfer of land, a certificate with respect to a sale of real property verifying that this By-law was complied with, or Council by resolution exempted the sale from this By-law.
 9. Council reserves the right to accept or reject any purchase offer of land from the potential buyer(s), if in so doing the best interests of the Corporation will be served. No liability shall accrue to the Corporation for its decision in this regard. Any purchase offer will not necessarily be accepted. The following criteria may be used by Council to award the land sale contract:
 - i. Bid price;
 - ii. Where appropriate, the inclusion of housing units, with a priority to units that are affordable;
 - iii. Type of business/intended use of the building and/or property;
 - iv. Local economic impact and potential employment opportunities that are expected to be created;
 - v. Financial ability of the company to execute the sale of land and implement the business;
 - vi. Timelines to launch the business;
 - vii. any other criteria that Council deems relevant or in the public interest.
 - 9.1 Unless the broader public good is served, Council will generally refuse to sell municipal property, including road allowances that lead to water where public access to the water is available or can be foreseeably made available in the future.
 10. The Clerk shall maintain a public register listing and describing the real property owned or leased by the municipality.

11. Section 10, respecting the establishment and maintenance of a land registry shall not apply to:

- (i) Land 0.3 metres or less in width acquired in connection with an approval of decision under the Planning Act.
- (ii) All highways, roads and roads allowances, whether or not opened, unopened, closed or stopped up.
- (iii) Land formerly used for railway branch lines.

12. Nothing in this by-law shall absolve Council's rights and obligations with respect to the requirements of any Act.

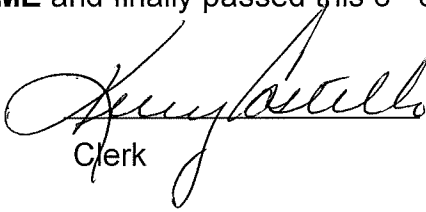
13. The provisions of this by-law shall come into force and take effect upon the passing thereof.

14. By-law 7019-95 of the Corporation of the Town of Smiths Falls and any amendments thereto are hereby repealed.

THIS By-law shall come into force and take effect on the day it is finally passed.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 6th day of October, 2025.

Mayor


Clerk