



## MUNICIPALITY OF NORTH MIDDLESEX

### BY-LAW NUMBER 052 of 2025

#### BEING A BY-LAW TO REPEAL AND REPLACE BY-LAW 56 OF 2017, BEING A LAND SALE POLICY

**WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the "Municipal Act") provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority;

**AND WHEREAS** Section 8 of the Municipal Act provides that the powers of a municipality shall be interpreted broadly to enable the municipality to govern its affairs as it considers appropriate;

**AND WHEREAS** Section 270(1) of the Municipal Act requires municipalities to adopt and maintain policies with respect to the sale and disposition of land;

**NOW THEREFORE** the Council of the Corporation of the Municipality of North Middlesex enacts as follows:

#### 1. Definitions:

"Appraisal" shall mean a market valuation or "opinion of value" of any land that is satisfactory to Council;

"Corporation" means The Corporation of the Municipality of North Middlesex;

"Council" means the Mayor and Councillors of the Corporation;

"Disposition", "disposal" and "dispose" means the sale, transfer, conveyance or exchange of the fee simple interest in land or the granting of a lease for a term of twenty-one (21) years or longer, but does not include the granting of an easement or right-of-way;

"Land" or "Lands" means real property owned by the Corporation;

"Licensed Realtor" means a realtor licensed and in good standing with the laws of the Province of Ontario;

"CAO" means the person within the administration of the Corporation that has been assigned responsibility for managing disposition of Land, regardless of his or her title from time to time;

## **2. Declaration and Disposition of Land:**

The Corporation shall decide to dispose of Land at the discretion of Council. The Chief Administrative Officer (CAO) may make a recommendation to Council to dispose of Lands owned by the Corporation. Council may declare Land available for sale at its discretion and with or without conditions.

## **3. Exclusive Notice to Certain Entities:**

- a) After Lands have been declared available for disposal by Council, the CAO or Clerk shall circulate a list of the Lands available for disposal in written form to be determined by the Corporation to the following parties:
  - i) Thames Valley District School Board or the London District Catholic School Board;
  - ii) Crown in Right of Ontario;
  - iii) Crown in Right of Canada;
  - iv) Ausable Bayfield Conservation Authority;
  - v) all commissions and boards of the Corporation; and
  - vi) any other public entity deemed appropriate by the Manager or Council.
- b) If one of the entities provides notice within thirty (30) days that it has an interest in purchasing Lands from the Corporation, the Lands shall be disposed of as follows:
- c) the CAO shall consider any reasonable offer from such entity and shall make recommendations to Council to accept, reject or make any counter offer in relations to the sale of the lands;
- d) the Council may agree to dispose of the Lands on any terms acceptable to the Council in its full and absolute discretion;
- e) Council may dispense with any of the requirements in Sections a), b) and c) by resolution.

#### **4. Public Notice:**

- a) Notice to the public shall include at least two (2) of the following four (4) methods:
  - i. publication for at least one (1) week in a local newspaper;
  - ii. publication for at least one (1) week on the Corporation's website on a page dedicated for this purpose;
  - iii. posting a "For Sale" or "For Lease" sign on the Lands for at least one (1) week; and
  - iv. publication for at least one (1) week on any websites such as realtor.ca, mis.ca or other professional realty websites .
- b) Council may dispense with the requirements of Section a) herein by resolution.

#### **5. Disposal of Land:**

- a) Council may direct the CAO to utilize one or more of the following methods of sale:
  - i) public auction;
  - ii) tender process;
  - iii) direct negotiations with prospective purchasers; or
  - iv) listing agreement with a Licensed Realtor.
  - v) Where the CAO chooses or is directed to list Lands with a Licensed Realtor, the CAO will list the Lands for sale with a Licensed Realtor on terms determined by Council or, failing such determination, as reasonably determined by the CAO.
- b) Where the CAO receives an offer for Land and views the offer as reasonable, the offer shall be presented to the Chief Administrative Officer who, acting reasonably, shall:
  - i) reject the offer; or
  - ii) make a counter-offer conditional on Council's approval; or
  - iii) make a recommendation to Council to accept, reject or make any counter-offer for the sale of the Lands.
- c) The Council may, on its own initiative or on the recommendation of the Chief Administrative Officer or the Manager, agree to dispose of the Lands on any terms in its sole discretion.
- d) When disposing of surplus municipal lands, the Municipality shall consider the potential of the land to contribute to the supply of affordable or attainable housing. Where appropriate, the Municipality may include conditions of sale, covenants, or incentives that promote residential development targeted at low- to moderate-income households, consistent with the Municipality's strategic housing goals.

**6. Exempt Classes of Land:**

a) The following classes of Land are exempt from all requirements:

- i. all Lands owned by the Corporation that are zoned for industrial uses;
- ii. all cemetery plots;
- iii. any Land transferred to the Corporation for security (including security Lots) or for temporary roads or other works in connection with any agreement to which the Corporation is a party under the Planning Act (Ontario), as amended;
- iv. Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act (Ontario), as amended;
- v. Land being repurchased by an owner in accordance with Section 42 of the Expropriations Act (Ontario), as amended;
- vi. Lands acquired by the Corporation through municipal tax sale proceedings; and
- vii. any other Lands that Council determines in its discretion.

b) All classes of Land exempted under Section 13 shall be disposed of by the Corporation on any terms approved by the Chief Administrative Officer or Council.

**7. Repeal of Prior By-Law:**

By-Law No. 56 of 2017, "A By-Law of the Municipality of North Middlesex to establish a land sale policy." Is hereby repealed

This By-Law comes into full force and effect upon the final passing thereof.

READ a First, Second and Third time and finally passed this      day of      2025.

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MAYOR

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CLERK