

TITLE: SALE OF REAL PROPERTY	SECTION: PROPERTY MANAGEMENT
DATE: January 23, 2003	POLICY NO.: KDSB-PRM-I-01
APPROVED BY: Resolution No. 2003-36	REVISED:

1. POLICY STATEMENT

It is the policy of the Corporation to establish procedures governing the sale and/or disposal of real property in accordance with Section 268 of the Municipal Act, R.S.O. 2001.

2. PROCEDURE

2.1 Declaration That Land Is Surplus

- (1) Prior to offering any real property for sale or entering into a lease for twenty-one (21) years or more, the Board shall, by Resolution passed at a meeting open to the public, declare the real property surplus to its needs and requirements.

2.2 Notice

- (1) The Board shall, in the Resolution declaring the real property to be surplus, direct that notice be given to the public and such other persons, authorities or bodies corporate as it deems necessary and proper in the circumstances and such Resolution shall establish the method or methods of notice to be used in each case.
- (2) The methods of notice may include:
 - (a) advertisement one or more times in a daily or weekly newspaper or newspapers;
 - (b) listing of the real property on the Board Agenda as property which has been declared surplus and which is to be disposed of;
 - (c) any other means of communication which in the opinion of the Board, acting reasonably and in good faith, is deemed appropriate in the circumstances in order to give notice to the public.
- (3) The Resolution may direct that a combination of the above mentioned be used.
- (4) In addition to the above referred to notice provisions intended to reach the general public, the Board may, if it deems it to be appropriate, in the Resolution direct that notice be communicated directly, by ordinary mail, or such other means as may be set out in the Resolution, to any of the following:
 - (a) the Government of Canada or any of its ministries or agencies;
 - (b) the Government of Ontario or any of its ministries or agencies;
 - (c) the municipalities in the District of Kenora;
 - (d) the local School Boards;
 - (e) the adjacent landowners as determined from a search of the records at the appropriate land registry or land titles office;
 - (f) such other persons, authorities and bodies corporate as the Board shall deem appropriate in the circumstances.

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2.3 Methods of Sale

- (1) The real property shall be disposed of or offers to purchase or lease solicited by any appropriate method as determined by the Board, which may include:
 - (a) public auction;
 - (b) public tender;
 - (c) direct sale by the Corporation;
 - (d) land exchange;
 - (e) call for proposals;
 - (f) listing of the real property with a real estate broker.
- (2) In the event that the sale is to be by public auction or public tender then this shall be set out in the Resolution declaring the property surplus or in a subsequent Resolution, and the Resolution shall set out the terms and conditions of sale and the reserve amount, if applicable, all as determined by the Board.

2.4 Appraisal

- (1) Except for sales or leases for twenty-one (21) years or more to those public bodies or classes thereof for which an appraisal is not required by reason of the regulations made pursuant to the Municipal Act as they may be amended from time to time, prior to the sale of any real property or entering into a lease thereof for twenty-one (21) years or more, the Board shall:
 - (a) obtain an appraisal of the fair market value of the property. For the purposes of this Section, an appraisal shall include either or both of:
 - (i) an estimate of value prepared by a licensed Realtor or property appraiser;
 - (ii) an estimate of value prepared by the employees of the Corporation based on raw land costs, development, overhead, and carrying costs, and may include an allowance for profit.

2.5 Terms of Disposition

- (1) Notwithstanding that the public notice of the intended disposition or lease for a period of twenty-one (21) years or more has been given and that one or more interested parties may present to the Board an Offer to Purchase or an Offer to Lease the real property, nothing shall restrict the absolute discretion of the Board to retain the land or to dispose of the land on such terms and conditions as may be fixed by the Board, which shall include the power to sell or lease the real property for nominal consideration and to whomever it wishes, regardless of whether the disposition is not to the party which apparently has presented the best offer.

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2.6 Public Register

- (1) The Board shall establish and maintain a public register listing and describing the real property owned or leased by the Corporation except for:
 - (a) land leased for a period of less than twenty-one (21) years;
 - (b) such other land as may be declared from time to time, by regulation, exempt from the requirement to be listed.