OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to repeal By-law 95-109, as amended, and to establish policies for the sale and disposition of land by the Corporation of the Town of Caledon, being By-law 2017-81 as amended by By-law 2025-083. The following consolidation is an electronic reproduction made available for information purposes only and is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2017-81 and By-law 2025-083 the by-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. BL-2017-81

A by-law to repeal By-law 95-109, as amended, and to establish policies for the sale and disposition of land by the Corporation of the Town of Caledon

WHEREAS Section 9 of the Municipal Act, 2001, S.O. 2001, ch. 25, as amended (Municipal Act, 2001), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act;

WHEREAS Section 270(1) of the Municipal Act, 2001 requires the Council of a municipality to adopt and maintain policies with respect to the sale and disposition of land;

NOW THEREFORE the Council of the Town of Caledon enacts the following by-law containing policies with respect to the sale and other disposition of land.

Repealing Prior By-laws

1. By-law 95-109 and all amendments thereto are hereby repealed.

Short Title

2. This By-law shall be known as the "Land Sale By-law".

Definitions and Interpretation

3. Headings are inserted for ease of reference only and are not to be used as interpretation aids.

4. In this By-law and the **Procedures:**

   (1) "**Act**" means the Municipal Act, 2001, S.O. 2001, ch. 25, as amended;

   (2) **"Applicant"** means a person requesting to purchase **Land,** including, where applicable, the closure and conveyance of a **Road;**

   (3) **"Appraisal**" means a written opinion as to the **Fair Market Value** of the **Land·** prepared by a registered member of the Appraisal Institute of Canada, the assessed value as determined by the Municipal Property Assessment Corporation (MPAC), or other person(s) deemed by the **Town Solicitor** to be qualified for this purpose;

   (4) **"Chief Administrative Officer"** means the Chief Administrative Officer of The Corporation of the Town of Caledon;

   (5) **"Council"** means the municipal council of The Corporation of the Town of Caledon;

(6) **"Disposition"** and **"Dispose"** mean the sale, transfer, conveyance or exchange of the fee simple interest in land, but does not include the granting of a lease, licence, easement or right-of-way;

(7) **"Fair Market Value"** means the most probable price which the **Land** should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently, knowledgeably and in their own best interests and assuming the price is not affected by undue stimulus;

(8) **"Fees By-law"** means the **Town** Fees By-law in effect at the time when a complete application to purchase **Land**, including, where applicable, the closure and conveyance of a **Road**, is submitted to the **Town;**

(9) **"Land"** means real property owned by the **Town** and includes a **Road;**

(10) **"Letter of Opinion"** means a written opinion as to the **Fair Market Value** of the **Land** prepared by a **Licensed Realtor** or an individual with training and/or experience in valuing real property deemed by the **Town Solicitor** to be qualified for this purpose;

(11) **"Licensed Realtor"** means a realtor licensed and in good standing with the Real Estate Council of Ontario and who normally conducts business in the geographic area within the jurisdiction of the **Town;**

(12) **"Procedures"** means procedures adopted and amended from time to time by the **Town Solicitor** pursuant to this By-law;

[Definition "Public Notice By-law" added and remaining definitions renumbered, By-law 2025-083, effective October 28/25]

(13) "**Public Notice By-law"** means the by-law to provide for the circumstances in which the Town of Caledon shall provide notice to the public.

(14) **"Reference Plan"** means a plan deposited in the local Land Registry Office under Section 150 of the Land Titles Act, R.S.O. 1990, c. L.5 or Section 80 or 81 of the Registry Act, R.S.O. 1990, c. R.20, which plan shall indicate graphical representations of descriptions of land, representations of divisions of land under the Planning Act, R.S.O. 1990, c. P. 13 and show the surveyed boundaries and dimensions as well as any physical or documentary evidence that affects the title to the property;

(15) **"Road"** means an original road allowance, street, highway, laneway, access roads, colonization road or any other road or highway as defined by the **Act** or other relevant legislation that is owned by the **Town;**

(16) **"Town"** means The Corporation of the Town of Caledon;

(17) **"Town Clerk"** means the Clerk of The Corporation of the Town of Caledon; and

(18) **"Town Solicitor"** means the Town Solicitor appointed by **Council** or his/her designate.

Disposition of Land

5. Where **Land** is not needed by the **Town,** if the **Fair Market Value** of the **Land**, as identified in the **Letter of Opinion**:

(1) equals or exceeds $50,000, **Council** may authorize the proposed **Disposition** of **Land** on any terms it deems appropriate; or

(2) is less than $50,000, the **Chief Administrative Officer** and applicable General Manager may authorize the proposed **Disposition** of **Land** on any terms they deem appropriate.

6. If the **Land** subject to the proposed **Disposition** is a **Road,** the **Town Solicitor** shall bring a by-law to **Council** to stop up and close the **Road** and register the by-law authorizing the stopping up and closure of the **Road** in the proper land registry office.

Notice

[Section 7 replaced, By-law 2025-083, effective October 28/25]

7. Notice of disposing Town of Caledon owned land shall be provided in accordance with the **Public Notice By-law.**

Methods of Disposition

8. The **Town** may use one or more of the following methods of **Disposition:**

(1) public auction,
(2) tender process,
(3) direct negotiation with the purchaser(s),
(4) listing with a **Licensed Realtor**; or
(5) land exchange.

Conflict of Interest

9. Notwithstanding any provision of this By-law and any applicable **Procedures**, where the proposed **Disposition** of **Land** involves:

(1) a member of **Council,** member of a local board, or employee of the **Town;**
(2) a parent, child or spouse of any individual referred to in Subsection 9(1);
(3) a corporation or partnership in which any individual referred to in Subsections 9(1) and 9(2) hold a stake; or
(4) agent, realtor, or legal counsel acting for any individual or entity referred to Subsections 9(1), 9(2), and 9(3)

such **Disposition** shall be brought to **Council** for consideration through a report to **Council** disclosing the relationship of the person proposing to acquire the **Land.**

Exclusions

10. The following classes of Land are exempt from the requirements of this By-law:

(1) the sale of **Land** under Part XI (Sale of Land for Tax Arrears) of the **Act** and any related Ontario Regulation made by the Minister;
(2) **Land** 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act, R.S.O. 1990, c. P.13;*
(3) the sale of **Land** under Section 110 (Agreements for Municipal Capital Facilities) of the **Act;**
(4) **Land** transferred to the **Town** for security or for temporary **Roads** or other works in connection with any agreement to which the **Town** is a party under the *Planning Act, R.S.O. 1990, c. P.13;*
(5) **Land** transferred to, or vested in, the **Town** which neither the **Town** nor the true owner intended to vest or be transferred; or
(6) cemetery plots owned by the **Town**.

11. All classes of **Land** listed in Section 10 shall be **Disposed** of by the **Town** on such terms as approved by **Council**.

Applications to Purchase Town Land

12. The **Applicant** shall submit an application in a standard form prescribed by the **Town Solicitor** from time to time, including the payment of a non-refundable application fee, in accordance with the **Fees By-law**.

13. Where the application remains incomplete (including failure to provide any required documentation, information, fee or deposit) for a period of thirty (30) calendar days of the **Applicant** being notified that the application is incomplete, the **Applicant** shall

be deemed to have abandoned the application. Where the **Applicant** is deemed to have abandoned the application, the **Town Solicitor** may close the application, and the **Applicant** will be required to resubmit the application, including the payment of a non-refundable application fee, in accordance with the **Fees By-law.**

14. Following the receipt of a complete application by the **Town Solicitor**, the proposed **Disposition** shall be reviewed in accordance with this By-law and applicable **Procedures**.

15. The **Applicant** shall be responsible for paying all **Town** staff time, administrative, legal, surveying, valuation, advertising, public notice, land conveyancing and closing costs, as well as all necessary deposits associated with the proposed **Disposition** of **Land**, all in accordance with the **Fees By-law**.

General

16. **Disposition** of **Land** will be on a cash basis only. If the **Town Solicitor** determines the exceptional and specific circumstances exist that warrant consideration of a **Disposition** on something other than a cash basis, the **Town Solicitor** will present the exception and specific situation to **Council** for determination.

17. There shall be no **Disposition** of **Land** for less than ninety percent (90%) of the **Fair Market Value,** as identified in the **Letter of Opinion** or **Appraisal**, without the prior approval of Council.

18. There shall be no **Disposition** of **Land** that is subject to a development application without the approval of **Council.**

19. There shall be no **Disposition** of parkland without the approval of **Council**.

20. There shall be no **Disposition** of **Land** designated under Part IV or Part V of *Heritage Act*, R.S.O. 1990, c. 0.18 without the approval of **Council**.

21. The provisions of this By-law and any applicable **Procedures** shall only apply to Land owned by the **Town** and shall not extend to or apply to any personal property of the **Town**.

22. The manner in which the **Town** carries out the **Disposition** of **Land**, if consistent with this By-law, is not open to review by any court if the **Town** may lawfully sell the **Land**, the purchaser may lawfully buy the **Land**, and the **Town** acted in good faith.

Delegation of Authority

23. The **Chief Administrative Officer** and applicable General Manager are hereby delegated the authority to approve the **Disposition** of **Land** with a **Fair Market Value** of less than $50,000.

24. The **Town Solicitor** and the **Town Clerk** are hereby delegated the authority to adopt and amend **Procedures** for the administration of this By-law.

25. The **Town Solicitor** is hereby delegated the authority to extend or abridge the closing date or extend or abridge the· timeframes on any terms previously approved by **Council** on any **Disposition of Land**, provided such extension or abridgement does not change the original intent of the approved **Disposition**.

26. The **Town Solicitor** is hereby delegated the authority to prescribe application forms required pursuant to this By-law.

Administration

27. The Legal Services Section of the Corporate Services Department is hereby empowered to administer this By-law, including the process of applications and the collection of all fees and deposits associated with any **Disposition** of **Land** as set out in the **Fees By-law.**

Transition

28. Every **Application** who has submitted an application to purchase **Land** prior to the coming into force of this By-law, as of the effective date of this By-law shall have the option to complete the application in accordance with By-law 95-109, as amended, or in accordance with this By-law and any applicable **Procedures,** subject to paying all applicable fees and deposits.

Effective Date

29. This By-law shall come into force and take effect on February 1, 2018.

Enacted by the Town of Caledon Council this 12th day of December, 2017

THE TOWN OF CALEDON THE CORPORATION

Allan Thompson, Mayor

Carey deGorter, Clerk