

**THE CORPORATION OF THE CITY OF ELLIOT LAKE**

***B*Y-LAW NO. 01-23**

Being a by-law to establish procedures for the sale of real property owned by the Municipality and to repeal By-law No. 95-12.

**WHEREAS** Section 193 of the Municipal Act requires the adoption of a by-law to govern the sale of certain real property by the municipality;

**NOW THEREFORE**, the Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1. **THAT** where made applicable by section 193 of the Municipal Act, this by-law shall apply to the sale of real property by the Corporation including a lease of 21 years or longer.
2. **THAT** prior to the disposal of property, the Council shall by resolution declare the property to be surplus.
3. **THAT** prior to the disposal of real property and where there is no exemption under the regulations, the Council shall obtain at least one appraisal of the fair market value of the real property.
4. **THAT** subject to paragraph 5, the form of appraisal shall be an 'Opinion of Value' from a Realtor.

5. **THAT** the Council may direct by resolution that the appraisal shall be conducted by an independent qualified appraiser who is a registered member in good standing of the Appraisal Institute of Canada.
6. **THAT** the Council may direct by resolution that the property to be sold be listed with a realtor situated in the City of Elliot Lake at a price equal to the appraised value of the property, plus any administrative costs incurred by the City on the property including legal, survey, appraisal, encumbrances, advertising, improvements and administrative fees.
7. **THAT** offers to purchase real property may be processed on a “first come-first served” basis.
8. **THAT** notice to the public of the intended sale of the property shall be given at least 10 days, including holidays, prior to listing the property with a realtor.  
  
Where the property is to be sold by tender pursuant to paragraph 10, notice to the public of the intended sale of the property shall be given at least 10 days, including holidays, prior to the deadline date for submission of tenders. Subject to paragraph 9, notice shall be given by posting a notice on the subject property or at a nearby location chosen by the City Clerk or his delegate.
9. **THAT** the Council may direct by resolution that the notice to the public be given by publication in a newspaper having general circulation in the municipality.

10. **THAT** notwithstanding anything set out herein, when more than one party has expressed an interest in purchasing real property or where the Council believes it to be in the best interests of the community, the Council may by resolution direct that the real property be sold by tender.
11. **THAT** when the Council directs that the real property be sold by tender the tendering policy and procedures in effect at the time shall apply with necessary modifications, and the purchaser shall be responsible for all costs incurred or required to dispose of the real property including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and so on.
12. **THAT** the fee for issuing a 'Certificate of Compliance' pursuant to the Act shall be \$50.00.

**PASSED** this 26<sup>th</sup> day of March, 2001.

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**MAYOR**

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**DEPUTY CLERK**