



CORPORATION OF THE TOWN OF RAINY RIVER

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Property Department

# Sale / Disposition of Land Policy

## Purpose / Application

The *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, (the Act) requires all municipalities to adopt and maintain a policy with respect to the sale / disposition of land. The purpose of this Policy is to establish the procedures governing the sale / disposition of land owned by the Town of Rainy River.

## Definition(s)

In this Policy:

**“Chief Administrative Officer (CAO)”** – shall mean the Chief Administrative Officer of the Corporation of the Town of Rainy River.

**“Council”** – shall mean the Council of the Corporation of the Town of Rainy River.

**“Newspaper”** – shall mean a printed publication in sheet form, intended for general circulation to all or part of the Town of Rainy River, published at regular intervals, consisting in part of news or articles of general interest to the public.

**“Notice”** – shall mean a written, printed, published, verbal, electronic or posted notification or announcement.

**“Opinion of Value”** – shall mean written opinion as to the amount that the land might be expected to realize if sold in the open market by a willing seller to a willing buyer, provided by:

- a. A Realtor, certified or not, acceptable to Council as an appraiser of land in the area; or
- b. Staff of the Town of Rainy River, whose knowledge of the property and current market values within the Town is acceptable to Council.

**“Public Register”** – shall mean a Register in the form set out in Schedule 1 to this Policy listing and describing the land owned and leased by the Town, save and except for those classes of land which may be exempt from listing by the Municipal Act, 2001 or the regulations made pursuant thereto and as amended from time to time.

**“Published”** – shall mean published in a newspaper that, in the opinion of the Chief Administrative Officer, has such circulation within the Town of Rainy River

as to provide reasonable notice to those affected by, or interested in the land sale, and “publication” has a corresponding meaning.

“**Sale**” – shall mean to include a lease of twenty-one (21) years or longer.

“**Surplus**” – shall mean any land of the Town of Rainy River declared surplus under the Policy.

“**Town**” – shall mean the Corporation of the Town of Rainy River.

## **Declaration of Surplus of Land**

Prior to the disposal of any land, the Council shall by resolution (passed at a Regular Meeting open to the public) declare the land to be surplus.

## **Opinion of Value**

Except for disposal of land for which there is an exemption under the Municipal Act, 2001 or the regulations made there under at least one opinion of value of the property will be obtained prior to disposal.

## **Exclusion of Valuation, Certain Classes of Land**

A valuation is not required for the following:

1. Closed highways if sold to an owner of land abutting the closed highways.
2. Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
3. Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
4. Easements granted to public utilities or to telephone companies.
5. Land sold/transferred to another municipality.
6. Land sold/transferred to a Local Board including a School Board or Conservation Authority.

7. Land sold/transferred to the Crown in Right of Ontario or Canada or their agents.

## **Notice**

Before selling any surplus land, the Town shall publish a Notice electronically on the municipal website.

The Notice shall include the following:

- A brief description of the purpose of the land sale / disposition.
- A legal description, Town address and / or key map which in the opinion of the Chief Administrative Officer is sufficient to identify the land to be sold / disposed.
- When and where information pertaining to the land sale / disposition will be available for public viewing.
- Name and contact information of the person handling the land sale / disposition.

The Notice shall be posted in the Municipal Office.

Before disposing of any Land, the CAO shall publish a notice of the intended Disposal in a newspaper or publication that is, in the CAO's opinion, of sufficient general circulation in the area of the subject Land to give the public reasonable notice of Council's intention and/or by posting notice on the Municipality's website.

This notice shall be given at least fourteen (14) days prior to the meeting which includes this item on the agenda; and shall include the following:

- A legal description of the Lands, municipal address and/or location map which the CAO deems sufficient to identify the Land.
- The notice shall specify that anyone wishing to comment on the proposed Disposal may do so by delivering such comment in writing to the CAO of the Corporation of the Town of Rainy River.
- The final date for submitting such comments shall be specified in the notice. All comments shall be submitted to Council.
- The date on which the resolution or by-law declaring the Lands to be surplus was/will be passed.

Notwithstanding the above, Council may direct the CAO to give notice of publication where it is deemed in the public interest to do so.

Where Land proposed to be disposed of falls within one of the categories listed below, notice to the public shall be deemed to be sufficiently given by including a report dealing with such Disposal as part of the agenda of the Council meeting at which the intended Disposal is to be considered by Council:

- Closed highways if sold to the owner of land abutting the closed highways.
- Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
- Land that does not have direct access to a highway if sold to the owner of land abutting that Land.
- Land repurchased by an owner in accordance with Section 42 of the Expropriations Act.
- Easements granted to public utilities or to telephone companies.
- Land sold/transferred to another municipality.
- Land sold/transferred to a Local Board including a School Board or Conservation Authority.
- Land sold/transferred to the Crown in Right of Ontario or Canada or their agents.

## **Public Register**

The Public Register shall be available for inspection during regular office hours.

## **Procedure for Sale**

1. The sale of surplus properties within the municipality shall only be considered upon the execution of an agreement to construct a residence, commercial entity, or a combination residence and commercial building. All construction must conform to the existing Zoning By-law at the time of construction.
2. Offers to purchase land declared surplus by the Town may be processed on a first-come – first-serve basis provided that Council has set a minimum offer to be accepted.

3. Where the Council believes it to be in the best interests of the Town, the Council may by resolution direct that the land be sold by one of the following methods:
  - a. Public Tender
  - b. Public Auction
  - c. Land Exchange
  - d. Call for Proposals

## **Selling Price**

The Purchaser shall be responsible for all costs incurred or required to dispose of the land including legal, survey, appraisal, encumbrances, advertising, improvements, administrative fees and any other fees which apply directly to the completing of the conveyance.

Notwithstanding that a Public Notice of the intended disposition has been given and that one or more interested parties may present to Council an Offer to Purchase or an Offer to Lease the land, nothing shall fetter the absolute discretion of Council to retain or to dispose of the land on such terms and conditions as may be fixed by Council, which shall include the power to sell or lease the land for nominal consideration and to whomever it wishes, regardless of whether the disposition is to the party which apparently has presented the best offer.

## **Costs**

The municipality shall require the purchaser to be solely responsible for the municipality's costs incurred to dispose of any Property, which costs may include the following: legal, survey, appraisal, removal of encumbrances, advertising and improvements, and administration fees if not sold by registered real estate agent and/or agency.

## **Methods of Sale**

Land may be sold by public tender, by listing with a real estate firm or broker, by land exchange, by offer to adjacent landowner(s) or in such other appropriate manner as may be determined by Council.

### **Sale by Public Tender**

Except where otherwise directed by Council, the following shall apply:

- Costs incurred or anticipated to dispose of the Land such as legal fees, survey, appraisal, encumbrances, administrative fees, advertising and improvements shall be determined.
- An estimated bid amount shall be determined which shall not be less than the appraised value plus the additional costs referred to above. Notwithstanding the foregoing, Council may accept an amount less than or higher than the estimated bid.
- An advertisement shall be placed in a newspaper or a regular publication that is, in the CAO's opinion, of sufficient general circulation and/or by posting notice on the Municipality's website. The advertisement shall include a brief description of the property and shall specify the final date that offers will be accepted and shall include the following statement 'the highest or any offer may not necessarily be accepted'.
- The tender documents shall be delivered in person to the CAO's office by the date and time specified on the notice. Tenders will be opened in public at the time prescribed on the last date for receiving tenders.
- The tender documents shall be accompanied by a deposit of at least 20 per cent of the tender amount, which deposit shall be made by way of money order or by way of bank draft or cheque certified by a bank, trust corporation or Province of Ontario Savings Office. All deposits will be refunded for unsuccessful sales, less any expenses incurred by the Town.
- A proposed Sale or Disposal of Land will not proceed to Council for consideration until after twenty-one (21) days from the date on which the advertisement required above is made.

### **Disposal by Listing with a Real Estate Agent, Firm or Broker**

Should Council determine to engage a real estate firm or broker to dispose of the Land, the following shall apply:

- Costs incurred or anticipated to dispose of the Land such as legal fees, commissions, survey fees, valuation fees, encumbrances, advertising and improvements shall be determined.
- A listing price shall be determined which shall not be less than the appraised value plus the additional costs referred to in the above section.

- The Chief Administrative Officer shall be authorized to sign the listing agreement.
- The offers shall be submitted to the Chief Administrative Officer on a standard offer to purchase form or document drafted by a lawyer.
- The Municipality may in its sole and absolute discretion prepare and present counteroffer(s).
- All final offers shall be submitted to Council for approval of the Sale price.

### **Disposal Directly to an Abutting Landowner**

Should Council determine to sell the Land directly to an abutting landowner the following shall apply:

- Properties located within Plan M77 may be used to expand existing properties if a residence is located on the abutting property and the residential property is comprised of single lot.
- Costs incurred or anticipated to dispose of the Land such as legal fees, administrative fees, survey, valuation fees, encumbrances, advertising and improvements shall be determined.
- An estimated purchase amount shall be determined which shall not be less than the valued amount plus the additional costs referred to above. Notwithstanding the foregoing Council may accept an amount less than the estimated purchase amount.

Subject to the provisions of section 106 of the Act, Council may authorize the Sale of Land for less than the fair market value if in the opinion of the Council it is appropriate to sell the Land for less than fair market value.

## **Terms of Disposition**

Upon approval or acceptance of the terms and conditions of a Disposal by Council, the agreement of purchase and Sale and any ancillary documents shall be prepared in consultation with the Municipality's solicitor, as required.

Prior to completion of the Disposal of Lands, Council shall adopt a by-law that includes the following information:

- Date the resolution declaring the Lands surplus was passed;
- The final Sale price;

- The purchaser's name and municipal address.

## **Authorizing By-law**

Any sale / disposition of land by the Town shall be ratified by a by-law authorizing the sale / disposition.

## **Conflict with Acts & Regulations**

In the event that the provisions of this Policy are inconsistent with the provisions of the Municipal Act, 2001, its Regulations or any other Act, the provisions of the Act or Regulation shall prevail.

## **Exemptions**

This policy does not apply to the following classes of Property Disposal:

1. A Disposal of Land pursuant to Section 110 of the Municipal Act, 2001, (municipal capital facilities);
2. A Disposal of Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses;
3. Disposals as part of a municipal tax sale pursuant to Part XI of the Municipal Act, 2001 (Sale of Land for Tax Arrears);
4. Disposals conducted pursuant to a Planning Act application or approval, which Disposal is governed by a consent agreement, subdivision agreement, or site plan agreement;
5. Disposals to the Crown in the Right of Ontario or Canada, or any government agency or authority; and
6. Disposals of an easement to a public utility.
7. Land that does not have direct access to a highway if sold to the owner of land abutting that land.

## Schedule 1 – updated November 18<sup>th</sup> 2025

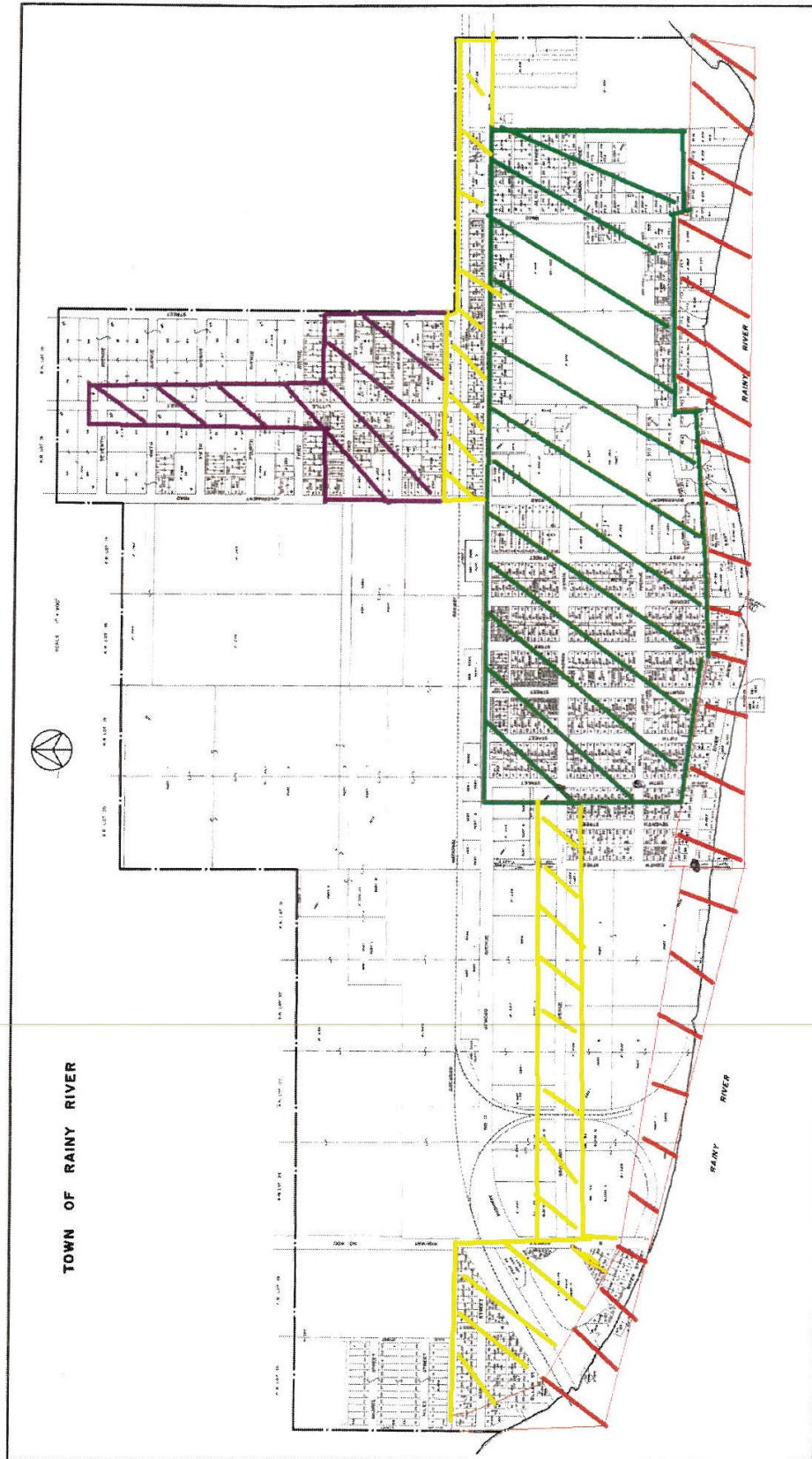
Municipal Properties - For sale

Colour	Map #	Roll Number	Municipal Address	Price	Square Footage	Site Area	Frontage (feet)	Depth (feet)
Y	3A	59420000001701	ATWOOD AVE	\$ 9,375	7500	0.17	50	150
Y	5	59420000001800	ATWOOD AVE	\$ 31,125	24900	0.19	166	150
Y	5A	59420000001810	ATWOOD AVE	\$ 18,750	15000	0.34	100	150
Y	6	59420000002309	ATWOOD AVE	\$ 9,375	7500	0.17	50	150
Y	1	59420000003700	BROADWAY AVE	\$ 710,314	568251	13.05	1226	464
W	14	59420000005702	214 SEVENTH ST	\$ 5,280	5280	0.12	50	106
W	13	59420000006310	202-212 EIGHTH ST	\$ 31,680	31680	0.73	300	106
W	17	59420000008200	120 EIGHTH ST	\$ 5,280	5280	0.12	50	106
G	2	594200000020700	310 FOURTH ST	\$ 5,250	3000	0.07	25	120
G	20A	594200000021000	316 FOURTH ST	\$ 5,250	3000	0.07	25	120
G	20B	594200000021300	322-328 FOURTH ST	\$ 21,000	12000	0.28	100	120
G	20C	594200000022400	204 FOURTH ST	\$ 10,500	6000	0.14	50	120
G	3	594200000028900	303 FOURTH ST	\$ 5,250	3000	0.07	25	120
G	22A	594200000029200	308 FIFTH ST	\$ 10,500	6000	0.14	50	120
G	10	594200000035408	306 FIRST ST	\$ 21,525	12300	0.28	75	164
G	11	594200000035610	GOVERNMENT RD	\$ 113,050	64600	2.16	340	190
G	26E	594200000035800	GOVERNMENT RD	\$ -	0	25.65		
G	26E	594200000035800	Mill Forest PT 1	\$ 27,248	15570			
G	26E	594200000035800	Mill Forest PT 7	\$ 20,615	11780			
G	26E	594200000035800	Mill Forest PT 17	\$ 17,500	10000			
G	26E	594200000035800	Mill Forest PT 18	\$ 17,500	10000			
G	26E	594200000035800	Mill Forest PT 19	\$ 17,500	10000			
G	26E	594200000035800	Mill Forest PT 24	\$ 104,442	59681	1.37		
Y	32	594200000041700	633 ATWOOD AVE	\$ 4,928	3942	0.09	37	108
Y	34	594200000042900	415 ATWOOD AVE	\$ 7,625	6100	0.14	50	122
Y	34A	594200000043900	509 ATWOOD AVE	\$ 11,250	9000	0.21	75	120
P	12	594200000044600		\$ 29,970	19980	0.46	133	150
P	47	594200000045200	GOVERNMENT RD	\$ 34,088	22725	0.52	75	303
P	48	594200000045701	405 SECOND AVE	\$ 8,820	5880	0.14	42	140
P	48	594200000045800	407 SECOND AVE	\$ 8,820	5880	0.13	42	140
W	49	594200000046000	608 GOVERNMENT RD	\$ 6,000	6000	0.14	50	120
W	50	594200000046100	402-404 THIRD AVE	\$ 11,760	11760	0.27	84	140
W	50	594200000046200	406-408 THIRD AVE	\$ 11,760	11760	0.27	84	140
W	37	594200000047000	1102 GOVERNMENT RD	\$ 45,450	45450	3.13	150	303
W	38	594200000047025	GOVERNMENT RD	\$ 45,450	45450	1.04	150	303
P	50A	594200000047200		\$ 68,175	45450	1.04	150	303
W	50	594200000047700	410-416 THIRD AVE	\$ 25,066	25065.6	0.58	168	149

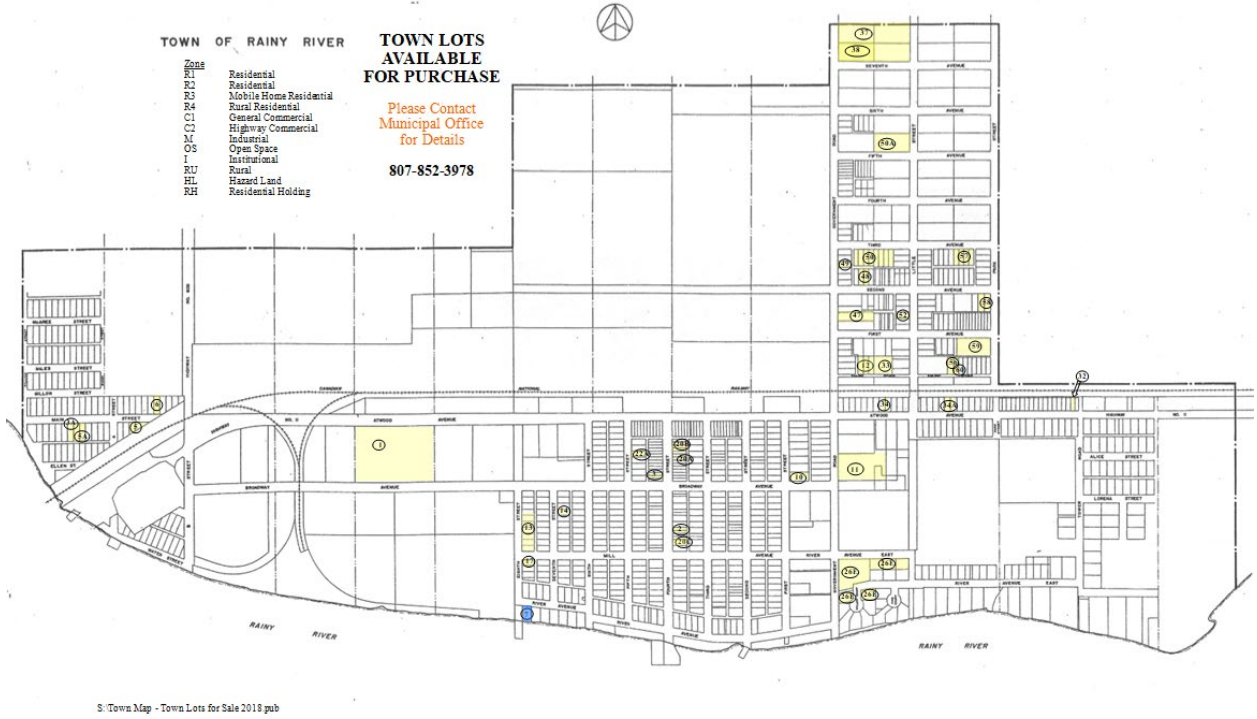
**P - 1: SALE / DISPOSITION OF LAND POLICY**

P	52	594200000048700	505 LITTLE ST	\$ 9,000	6000	0.14	50	120
P	33	594200000049500	401 LITTLE ST	\$ 34,425	22950	0.53	153	150
W	56	594200000050100	519 RAILWAY AVE	\$ 7,000	7000	0.16	50	140
W	57	594200000052000	514-520 THIRD AVE	\$ 23,520	23520	0.54	168	140
P	58	594200000052600	526 SECOND AVE	\$ 22,500	15000	0.33	100	150
P	59	594200000053000	516 FIRST AVE	\$ 62,550	41700	0.96	278	150
W	60	594200000053100	521 RAILWAY AVE	\$ 5,302	5301.8	0.14	38	140
Price per square foot								
Red	R	\$	2.50					
Green	G	\$	1.75					
Yellow	Y	\$	1.25					
Purple	P	\$	1.50					
White	W	\$	1.00					

P-1: SALE / DISPOSITION OF LAND POLICY



**P-1: SALE / DISPOSITION OF LAND POLICY**



**ADOPTION & REVIEW GUIDELINES**

Approved by Motion #16-073 on June 13, 2016  
 Reviewed/Revised by Property Committee August 25, 2025

Approximate date of next review: once per council term

<b>REFERENCES:</b>	<b>POLICY AREA</b>	<b>POLICY NUMBER</b>
	Property	Section P-1