

## 1. Purpose

The purpose of this policy is to establish how the municipality will dispose of its real property.

## 2. Authority

This policy derives its authority from the Municipal Government Act (MGA) of the Province of Nova Scotia including but not limited to *Sections 50(5)(b), 51, and 51A*.

## 3. Scope

This policy shall apply to real property owned by the Municipality of the District of St. Mary's. This policy shall govern disposal of Municipal Property except to the extent a particular transaction is expressly exempted from it in the text of the resolution of Council authorizing such disposal transaction.

Municipally-owned real property deemed surplus by motion of Council is to be disposed of in a fair and impartial manner, which considers the best economic return to the Municipality of the District of St. Mary's balanced with economic and community development opportunities and in accordance with disposal methods included in this policy, the MGA, and as determined by Council.

The Municipality shall offer real property for sale without warranty as to its completeness or condition, its accessibility, or its suitability for the intended use of the purchaser. All real property shall be sold as is, where is.

## 4. Definitions

- 4.1 *Abutting Property* - A parcel of land adjoining Municipal Real Property, having one or more lot lines in common.
- 4.2 *As-Is, Where-Is* - Without representation, warranty or condition respecting the condition, developability, planning approvals, zoning, intended use, existence of encroachments, location or state of repair of all buildings or structures, environmental state, risks, physical conditions, or lawful use of the Real Property in question.
- 4.3 *Disposal* - The act of selling or transferring Fee Simple ownership of Real Property or entering a long-term lease as lessor.
- 4.4 *Fee Simple* - Ownership of Real Property in which the owner has the right to control, use, and transfer the property at will.
- 4.5 *Lease* - A lease is a contract in which a lessor (owner) grants a lessee (user) the privilege of utilising an asset, e.g., property, automobiles, or machinery, over a specified period for periodic rent/remuneration.

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- 4.6 *Municipality* - the Municipality of the District of St. Mary's.
  - 4.7 *Province* - the Province of Nova Scotia.
  - 4.8 *Purchaser* - Any person or entity who enters into an Agreement with the Municipality to acquire real property.
  - 4.9 *Real Property* - Land and all improvements permanently affixed to the land, including on, above, or below the surface of the land or water. Municipal Real Property is any Real Property belonging to the Municipality of the District of St. Mary's.
  - 4.10 *Surplus Real Property* - Real Property that has been declared surplus by Council, in accordance with this policy.
  - 4.11 *Unsolicited Offer* - An offer made by a third-party to purchase Real Property that is not actively listed for sale.

## 5. Designation

Council may, by motion, designate as surplus any real property which:

- i. Is determined to be no longer required for the use or purposes of the municipality, or for use by the public or inhabitants of the municipality;
- ii. Is no longer in the best interest of the municipality to retain ownership; or
- iii. May expose the municipality to liability or risk by retaining the real property.

## 6. Preparation for Disposal

Prior to disposal of surplus real property, the municipality shall:

- i. Investigate and verify ownership and eligibility for sale (title search);
- ii. Complete migration of the property through the Nova Scotia Land Registration System;
- iii. Ensure a municipal survey of the real property has been completed within the last five years; and
- iv. Obtain a valuation of the property, which may be based on written appraisal prepared by a qualified real property appraiser.

## 7. Disposal

The disposal of municipal surplus real property will be in accordance with the MGA. The purchaser must agree to comply with all municipal by-laws and policies regarding the use of the real property.

## 8. Costs

In addition to the purchase price, the purchaser shall pay the Municipality on or before the closing date the following:

- i. the expenses of the Municipality in searching the title and migration of the property;
- ii. the expenses of the Municipality in surveying the property, when required;
- iii. the deed transfer tax on the sale;
- iv. the HST on the sale (if applicable);
- v. the expenses in the preparation of the deed;
- vi. the recording fees for the deed;
- vii. the postage expenses;
- viii. the expenses of the Municipality in arriving at the valuation of the property; and,
- ix. any other expenses involved in the sale/transfer to the purchaser.

## 9. Unsolicited Proposals

Any reasonable unsolicited offer to purchase real property owned by the Municipality of the District of St. Mary's will be evaluated, and recommendations will be presented to Council in accordance with the principles and processes set out in this policy and the MGA.

## 10. Authority of Elected Officials and Staff of the Municipality to Purchase Surplus Real Property

In addition to any other legal restrictions, no member of Council or Municipal employee and no person closely connected to a member of Council or to a Municipal employee shall acquire real property disposed of by the municipality. For the purposes of this provision:

- (i) acquisition includes direct purchase, indirect purchase, purchase through an agent or intermediary, and purchase by any corporation or entity in which the individual or their spouse holds a majority or controlling interest; and
- (ii) "closely connected" has the same meaning as it does in the Model Code of Conduct for Municipalities promulgated in the *Code of Conduct for Municipal Elected Officials Regulations*, except that the concept is applicable in this policy to Municipal employees as well as to Council members.

## 11. Policy Review

The municipality shall review this policy as required and all amendments to this policy shall be recorded in Schedule A.



**SCHEDULE A - POLICY AMENDMENTS**

Version #	Amendment Description	Approved By	Approval Date
1	Adoption of Policy	Council	