



## Municipality of the District of Shelburne Disposal of Surplus Property Policy

### **1. Purpose**

The purpose of this policy is to establish a transparent, accountable, and consistent process for the disposal of surplus property owned by the Municipality of the District of Shelburne, in accordance with the Municipal Government Act (MGA) and associated regulations. This policy ensures surplus property disposal maximizes value and community benefit for the municipality and its residents while maintaining compliance with legal requirements and fostering public trust.

### **2. Definitions**

- **Surplus Property:** Any municipal property (real or personal) that is no longer required for municipal purposes, is obsolete, or is beyond economical repair.
- **Real Property:** Land and anything permanently affixed to it (e.g., buildings).
- **Movable Municipal Assets:** Movable property such as vehicles, equipment, furniture, and tools.
- **Market Value:** The price a property would be expected to sell for on a given date in a competitive, open market with a willing buyer and a willing seller.

### **3. Guiding Principles**

The Municipality shall adhere to the following principles in the disposal of surplus property:

- **Transparency:** Ensure open and public processes for disposal.
- **Accountability:** Maintain clear records and documentation of all disposals.
- **Compliance:** Adhere to all applicable laws, regulations, and municipal policies.
- **Maximization of Value:** Seek to obtain fair market value for surplus property.
- **Community Benefit:** Consider community needs and interests in the disposal process.

### **4. Authority**

Under the **Municipal Government Act**, the Council has the authority to dispose of municipal property.

## **5. General Disposal:**

- a) In cases where the Municipality receives an unsolicited offer to buy a piece of municipal property or a request from another government to acquire municipal property, Council may waive the requirements of Section 7 (Applicable Sale Method) of this policy. In certain situations, authorized by law, Council may dispose of property at less than fair market value.
- b) In cases where a person or business wishes to acquire a piece of municipal property, or the Municipality requires a specific piece of land, Council may consider a land exchange with the proponent.
- c) For real property Council approval is required to declare the property as surplus, after which the CAO or Deputy CAO is authorized to sell the land in accordance with this policy. The policy also empowers the CAO or Deputy CAO, and designates, to market the property to sectors that aligned with the Municipality's strategic development goals.

## **6. Declaration of Surplus Property**

1. **Identification:** Department heads shall identify property that is no longer required for municipal purposes.
2. **Assessment:** The Chief Administrative Officer (CAO) or designate shall assess the identified property to determine if it qualifies as surplus.
3. **Categorize:** The Economic Growth Committee (made up of community members, Council and staff) will determine the categories for the surplus properties and make recommendations to Council for approval.
4. **Resolution:** Staff will prepare a staff report for Council with a recommendation to approve, by motion, the declaration of surplus properties.

## **7. Methods of Disposal:**

### **a) Economic Development**

Properties categorized under Economic Development are intended to drive initiatives that support local economic activity. This may include attracting new businesses, supporting existing ones, or enabling projects that create jobs and increase the municipality's tax base.

#### **Applicable Sale Method(s):**

- Public Tender or Auction – highest market value.
- Direct Sale – to a specific developer.
- Request for Proposal –to attract specific types of development or community benefit, not just the highest price.

## **b) Housing**

These properties are designated for residential development, particularly to address housing needs such as affordable housing, mixed-income developments, or other community housing priorities. Land disposal for housing will require a minimum of 20% of total proposed units be maintained at an acceptable affordability level (to be determined by the Municipality), for a minimum of 20 years commitment.

Applicable Sale Method(s):

- Request for Proposal – especially when working with non-profits or developers focused on affordable housing.
- Direct Sale – to a specific housing provider or developer, subject to Council approval.

*\*Developers and Non-profits must have been incorporated for a minimum of one year and demonstrate both project readiness and financial sustainability. Additional evaluation criteria include the anticipated benefit to the community and the developer's capacity to successfully implement the proposed development. CAO or designate will determine through the Request for Proposal process the required documentation to demonstrate eligibility.*

## **c) Adjacent Landowners**

This category includes small or irregularly shaped parcels that are not suitable for independent development but may be useful to neighboring property owners for expansion, access, or consolidation.

Applicable Sale Method(s):

- Sale to Adjacent Landowner – as per Section 51A of the Municipal Government Act. These may be sold below market value, with Council approval.

## **d) Regular Sale**

Properties that do not fall into the other categories and are suitable for general sale to the public without specific development or community use requirements.

Applicable Sale Method(s):

- Public Tender or Auction – to ensure a fair and open process.
- Direct Sale – in cases where a specific buyer is identified and Council approves.

## **e) Movable Municipal Assets**

Referring to physical, non-permanent items owned by a municipality that are not affixed to land or buildings and can be relocated without causing damage. Examples include:

Office furniture and equipment, vehicles, tools and machinery, technology hardware, fixtures and portable infrastructure.

**Applicable Sale Method(s):**

- Public Auction or Tender - ensures competitive bidding and transparency.
- Trade-In - Assets, especially vehicles or equipment, can be traded in when purchasing replacements.
- Donation - assets in usable condition but no longer required for municipal purposes may be donated to non-profit organizations, schools, or community groups.
- Recycling or Scrapping - items that are broken, obsolete, or unsafe are disposed of through environmentally appropriate recycling or scrapping processes.
- Sale to the Public (Lower-Value Items) - low-value surplus items can be sold directly to citizens or organizations, at fair market value or through a public sale process.

**8. Municipal Conflict of Interest:**

All provisions of the Municipal Conflict of Interest Act shall apply to the sale of surplus property of the Municipality.

**9. Sale Costs:**

With respect to real property, the below costs shall be the sole responsibility of the purchaser:

- Preparation of Deed
- Registering the Deed
- Migration of Property

**10. Reporting**

With respect to real property the Municipality shall publish annual public reports on their website with the following information:

- Properties declared surplus
- Properties Sold
- Proceeds received

**11. Non-Binding Sale of Surplus Property**

Nothing in this policy shall bind the Municipality to sell any property should it not wish to sell a particular piece of property for an established price should Council deem it not to be in the current or future interests of the Municipality.

**12. Policy Review**

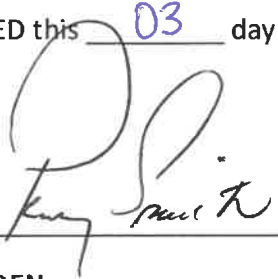
This policy shall be reviewed every five (5) years or as required to ensure its effectiveness and compliance with applicable laws and regulations.

**13. Repeal**

Policy 18 Disposal of Surplus Lands approved by Council of the Municipality of the District of Shelburne on April 24, 2017, is hereby repealed.

**THIS IS TO CERTIFY** that the Council of the Municipality of the District of Shelburne duly passed the policy respecting Disposal of Surplus Property Policy on the 11<sup>th</sup> day of June 2025.

SIGNED this 03 day of July, 2025



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WARDEN



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CHIEF ADMINISTRATIVE OFFICER

Approved by Council: June 11<sup>th</sup>, 2025

Effective Date: June 11<sup>th</sup>, 2025