

Policy with Respect to the Sale/Disposition of Land.

Date:	June 14, 2007
To:	Government Management Committee
From:	Chief Corporate Officer
Wards:	All
Reference Number:	P:2007/Internal Services/F&re/Gm07073F&re – (AFS 3512)

SUMMARY

The purpose of this report is to fulfill the requirements of the *City of Toronto Act, 2006* (*COTA*) to have the City adopt a policy with respect to the sale and other disposition of land, and to delegate to the Chief Corporate Officer the authority to declare City land surplus.

RECOMMENDATIONS

The Chief Corporate Officer recommends that:

1. City of Toronto adopt, as the City's Policy with respect to the Sale and Other Disposition of Land as required by *COTA*, the proposed Chapter 213, Sale of Real Property of the City of Toronto Municipal Code set out in Appendix A; and repeal the current Chapter 213, Sale of Real Property.
2. City Council delegate authority to the Chief Corporate Officer to declare City land surplus and to determine the intended manner of disposition.
3. authority be granted for the introduction in Council of any bills necessary to implement the foregoing.

FINANCIAL IMPACT

There are no financial implications arising from this report.

DECISION HISTORY

In accordance with the mandatory requirements of the (then) *Municipal Act*, Council approved a report entitled “Acquisition and Disposal of Real Property”, which included the Policy governing the Sale of Real Property by the City, now embodied in the current Chapter 213, City of Toronto Municipal Code, by its adoption of Clause No. 1 as amended of Report No. 11 of The Corporate Services Committee at its meeting of July 29, 30, 31, 1998.

ISSUE BACKGROUND

Since 1994, as part of a provincial initiative promoting accountability in local government, the *Municipal Act* has required municipalities to follow certain mandatory procedures to govern the sale of real property (which, by definition, includes leases of 21 years or more). The *Municipal Act* required that a municipality pass a by-law establishing procedures governing the sale of land, including the giving of notice to the public.

Subsection 212(1) of *COTA* also now requires the City to adopt and maintain policies with respect to its sale and other disposition of land. While the current Chapter 213 of the City’s Municipal Code technically satisfies the *COTA* requirement, the enactment of *COTA* provides an opportunity to update and improve the City’s policy governing the sale and other disposition of land. Accordingly, a revised policy is being recommended.

COMMENTS

The current City of Toronto Municipal Code Chapter 213, “Sale of Real Property,” has worked well to provide both transparency of process and accountability to the public regarding the City’s sale of land. However, in order to give full effect to the provisions of the *Municipal Act*, the City’s current Disposal By-law requires that the Committee/Council process be engaged on two separate occasions. The first occasion is to provide Council with the opportunity to declare the lands surplus and to authorize the intended manner of disposal, following which notice to the public of the proposed sale is given. The second occasion is for Council to consider the advisability and terms of a particular proposed sale transaction with respect to the land in question.

The recommended policy under *COTA* will provide for a more expeditious processing of sale transactions, while at the same time, ensure the continuity of transparency and accountability by means of the giving of notice to the public of the proposed disposal.

Specifically, the proposed Disposal Policy will, abbreviate the length of the disposal process by at least one month, and will also eliminate the necessity to engage the Committee/Council process on two separate occasions. This will be accomplished by delegating to the Chief Corporate Officer the authority to declare City land surplus and to determine the intended manner of disposition. The proposed methodology expedites City processes while at the same time, gives full effect to the transparency and accountability objectives of *COTA* by ensuring that public notice is given of the intended disposition of all City-owned property.

The Property Management Committee process will continue, including notification of the local Councillor with respect to each property. Public notice of intended sales of land will continue to be given pursuant to the Real Property Disposal Policy being recommended. Ultimately, except for any matters specifically delegated by Council, the advisability and terms of all proposed transactions will then be subjected to full political scrutiny and consideration through the normal Committee/Council process.

Accordingly, it is recommended that in order to comply with both the mandatory requirement of *COTA* to adopt and maintain a policy with respect to the City's sale and other disposition of land, as well as to give effect to *COTA*'s objectives of accountability and transparency, the Policy with respect to the Sale/Disposition of Land, as set out in Appendix A, be adopted.

This report has been prepared in consultation with the City Solicitor.

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SIGNATURE

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ATTACHMENTS

Appendix A – Draft By-law