

**From:** [no-reply@web-response.com](mailto:no-reply@web-response.com) on behalf of [Town of Niagara-on-the-Lake](#)  
**To:** [Clerks](#)  
**Subject:** Webform submission from: Delegation Request Form  
**Date:** June 14, 2024 3:48:16 PM

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**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Submitted on Fri, 06/14/2024 - 15:48

## Information

**Name**

John Hawley

**Organization Name**

Traditional Neighbourhood Developments Inc.

**Address**

[REDACTED]

**Email Address**

[REDACTED]

**Telephone Number**

[REDACTED]

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## Presentation

**Agenda Delegation**

Agenda Delegation

**Topic**

I have never spoken on this issue before

**For Agenda delegations please include the title of the item. In point form, provide an overview of what points you will be speaking to:**

COTW Report CAO-24-025

Background to this request.

Paragraph 4(a)(ii)D of the Town's Surplus Land Policy CS-CL-010A

## Terms

**I have read and understand the Delegation Protocol and acknowledge the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas. I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior the scheduled meeting.**

Yes

## Meeting Time

**I wish to appear before:**  
Committee of the Whole

**Date**

Tue, 06/18/2024 - 00:00

## Presentation Requirements

**Do you have a visual presentation (slideshow or photos) to accompany your delegation?**

No

**I agree**

Yes

## Delegation

**I will be appearing:**

In person

**I also understand presentation materials including speaking notes and electronic presentations must be submitted by email to [clerks@notl.com](mailto:clerks@notl.com) no later than 12:00 p.m. on the Monday prior to the scheduled meeting.**

Yes

**I acknowledge I have 10 minutes to delegate**

Yes

**I give permission to be audio and video recorded on the Town of Niagara on the Lake's livestream**

Yes

**Do you require accessible accommodation to participate:**

No

## **Privacy Disclaimer**

**I have read and understand the above Privacy Disclaimer.**

Yes

**D. J. PENWARDEN APPRAISALS LTD.**  
**APPRAISALS REAL ESTATE CONSULTING**  
SPECIALIZING IN INVESTMENT, COMMERCIAL, INDUSTRIAL & AGRICULTURAL  
P. O. Box 141, Fonthill, Ontario

May 27<sup>th</sup>, 2024

Newark Niagara Arts Centre Inc.  
C/o 111A Garrison Village Drive  
Unit #205  
Niagara On The Lake  
L0S 1J0

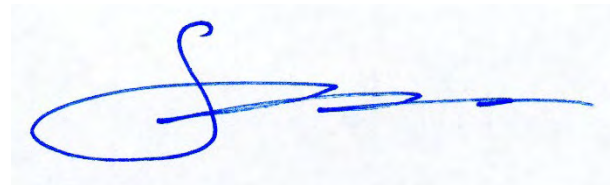
Attention: Mr. John Hawley, President, Mr. Adam Hawley Vice President

Re: Letter Regarding the Inherent Difficulties in the Valuation of Open Space Lands

Dear Sirs:

As per your request, this letter has been transcribed to outline the difficulties in evaluating Open Space zoned lands from an appraisal perspective. These types of valuations tend to be very challenging at the best of times. Open Space lands do not transact in the marketplace very often and generally are seldom marketed or sold in the open market between private enterprise parties or entrepreneurs. This situation exists as typically there is limited use potential from a development standpoint for Open Space lands. In many cases, the utility of these lands does not present much in the way of private enterprise benefits. The benefits of Open Space land tend to be in the realm of the general public use or for society as a whole. Situations can develop where the sale of Open Space lands are transactions between government or quasi-government agencies. Sometimes these types of transactions can be convoluted by other factors and considerations beyond normal market forces. When requests are made for the valuation of small or narrow strips of Open Space land which would not support any building improvements of any nature, the valuation tends to become even more challenging. Narrow strips of Open Space land in of themselves typically lack independent appeal in the open marketplace. In some cases, the valuation will be based on the strip of land's contribution to the entire parcel from which it will be severed or added, if applicable or relevant. However, each situation has its own characteristics and merits which need to be analysed on an individual basis and no specific inferences can be made in this regard. The fees associated conducting an appraisal and producing a report on Open Space land can be expensive and even more costly than for the more normal type of land valuation reports requested. This can be the case as it can be more difficult to locate market data and evidence to support the valuation for types of property that have limited transactional data. Hopefully, this letter will assist you in your deliberations.

Yours Truly



John Penwarden BA, AACI, P.App.

TOWN OF NIAGARA-ON-THE-LAKE

**POLICY**

*POLICY NO. CS-CL-010A  
SUPERSEDES NO. CS-CL-010*

**TITLE:**     *Sale and other disposition of town-owned land*

**APPROVAL DATE:** February 1, 2010

**EFFECTIVE DATE:** February 1, 2010

**PURPOSE:**

The *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") requires that the Town adopt and maintain a policy to govern the sale and other disposition of land. The purpose of this policy is to set out the principles governing these transactions and the procedures to be followed.

**POLICY STATEMENT:**

**1. APPLICATION**

This policy applies to the sale or other disposition of land by the Corporation of the Town of Niagara-on-the-Lake (the "Town").

**2. DEFINITIONS**

In this policy, the terms shall have the meaning ascribed to them:

**"Act"** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

**"Appraisal"** means the estimated fair market value of the land prepared by an accredited property appraiser in accordance with the current standards and requirements of the Appraisal Institute of Canada (Ontario Association);

**"Council"** means the Council of the Corporation of the Town of Niagara-on-the-Lake;

**"Land"** means real property owned by the Corporation of the Town of Niagara-on-the-Lake;

**"Nominal consideration"** means any price paid or any item exchanged in return for title to land which bears no reasonable resemblance to the fair market value of the real property;

**“Other disposition”** means a conveyance for nominal consideration, a quit claim to release any interest in land, a conveyance to effect a boundary adjustment, the granting of a licence, the granting of a lease for less than twenty-one (21) years, the granting or transfer of an easement or right of way, an exchange of land, or a conveyance of land as may be expected from time to time under the provisions of the Act, as amended;

**“Sale”** means the sale, transfer or conveyance of the fee simple interest in land or the granting of a lease for a term of twenty-one (21) years or longer;

**“Town”** means the Corporation of the Town of Niagara-on-the-Lake.

#### 4. **PROCEDURE**

The following procedures shall apply to the sale and other disposition of real property by the Town.

##### a. **Sale Appraisal**

- i. Before entering into a sale of land, Council shall obtain at least one appraisal of the land.
- ii. Notwithstanding the foregoing, the following are exempt from the requirement to obtain an appraisal prior to a sale:
  - A. land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
  - B. closed highways if sold to an abutting land owner [or more broadly: closed highways, road and road allowances];
  - C. land formerly used for railway lines if sold to an owner of land abutting the former railway land;
  - D. land that does not have direct access to a highway if sold to the owner of land abutting that land;
  - E. land repurchased by an owner in accordance with the *Expropriations Act*, R.S.O. 1990, c. E. 26, as amended;
  - F. disposal of land to a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended;
  - G. disposal to an authority under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;
  - H. disposal to the Crown in Right of Ontario or of Canada and their agencies;
  - I. Land sold pursuant to the sale of land for tax arrears provisions under Part XI, of the Act; and
  - J. cemetery plots;

##### b. **Notice of Sale**

- i. Before proceeding with the sale of land, the Director of Corporate Services shall prepare an information circular which shall describe the land, and indicate that the land may be sold by the Town;

- ii. The information circular shall be sent to the Regional Municipality of Niagara ("Region"), the District School Board of Niagara ("DSBN") and the Niagara Catholic District School Board ("NCDSB"), requesting that they notify the Director of Corporate Services within the specified number of days set out in the information circular, if they have any interest in acquiring the property.
- iii. If an expression of interest is received from the Region, DSBN and/or NCDSB within the time stipulated in the notice, the Director of Corporate Services shall commence negotiations with the interested parties and shall make a recommendation to Council in respect of accepting an offer.
- iv. Should no agreement be concluded with the Region, DSBN or NCDSB, the property may be offered for sale to the public, and Council shall give notice to the public of the intention of the Town to sell the land in question.

**c. Methods of Sale or Other Disposition**

Council may enter into a sale or other disposition of land by any of the following methods:

- i. Direct negotiations;
- ii. Direct advertising;
- iii. Public tender;
- iv. Public auction;
- v. Land exchange;
- vi. Call for proposal;
- vii. Listing with a real estate agent; or
- viii. Any combination of the above.

**5. DISCRETION OF COUNCIL**

Notwithstanding any procedural irregularities, nothing shall fetter the discretion of Council to retain, sell or dispose of the land on such terms and conditions as may be considered desirable by Council.