

**LAND ADMINISTRATION BYLAW**  
**HAMLET OF \_\_\_\_\_**  
**BYLAW NUMBER \_\_\_\_\_**

A bylaw of the Hamlet of \_\_\_\_\_ in the Northwest Territories to provide for the Acquisition and Disposition of Real Property by the Hamlet pursuant to the *Hamlets Act*, S.N.W.T 2003, C. 22, s.57.

AS the Council of the Hamlet of \_\_\_\_\_ deems it to be desirable to establish a uniform process for the Acquisition and Disposition of Real Property by the Hamlet;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF \_\_\_\_\_, at a duly assembled meeting, enacts as follows:

**Title**

1. This Bylaw may be cited as the “Land Administration Bylaw”.

**Interpretation**

2. In this Bylaw:
  - a) “Acquisition” includes a purchase, lease or expropriation;
  - b) “Council” means the council of the Hamlet;
  - c) “Disposition” includes a sale or lease;
  - d) “Hamlet” means the Hamlet of \_\_\_\_\_;
  - e) “Real Property” includes an interest in real property; and
  - f) “Senior Administrative Officer” means the senior administrative officer of the Hamlet.

**Application of the Bylaw**

3. This Bylaw shall apply to all Acquisitions and Dispositions of Real Property by the Hamlet.

{B2608261.DOCX;1}This document is for drafting purposes only. Hamlets should seek legal advice before final reading. This bylaw may be appropriate for municipalities where the acquisition, leasing or disposal of municipal lands is uncommon. For municipalities, which have established a system of land development and land sales, this bylaw is not appropriate.

## **PROCEDURE AND CONDITIONS: ACQUISITION AND DISPOSITION OF REAL PROPERTY**

4. An Acquisition or Disposition of Real Property by the Hamlet must be specifically authorized by a bylaw.
5. A bylaw authorizing an Acquisition or Disposition of Real Property by the Hamlet shall:
  - a) include the legal description of the Real Property or, if no legal description exists, a description of the Real Property and a diagram or map sufficient to accurately identify the Real Property;
  - b) state the consideration to be paid or received by the Hamlet in connection with the Acquisition or Disposition of the Real Property; and
  - c) include a description of the key terms and conditions applicable to the Acquisition or Disposition in question.
6. No bylaw authorizing the Acquisition or Disposition of Real Property shall be passed until:
  - a) it has been established through a search at the appropriate Land Registry Office, including of any encumbrances, that the Hamlet may lawfully acquire or dispose of the Real Property;
  - b) an inspection of the Real Property has been conducted to:
    - i. determine if the lands are occupied;
    - ii. determine if there are any improvements situated on the lands;
    - iii. determine if there are any easements affecting the lands; and
    - iv. obtain such other information as Council may, in its discretion, consider to be relevant;
  - c) the Senior Administrative Officer has taken reasonable steps to determine the value of the Real Property to be acquired or disposed of and has advised Council of that value; and
  - d) notice of the bylaw has been posted in five or more prominent places in the hamlet for a period of two weeks in advance of the third reading of the bylaw.

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7. All Acquisitions and Dispositions of Real Property by the Hamlet shall occur by way of a written agreement entered into between the Hamlet and the vendor or purchaser, as applicable, of the Real Property.
8. All agreements for the Acquisition or Disposition of Real Property by the Hamlet shall, at a minimum:
  - a) be expressly approved by Council before execution;
  - b) be consistent with the provisions of the bylaw passed pursuant to section 5 authorizing the Acquisition or Disposition; and
  - c) contain the key terms and conditions of the Acquisition or Disposition, including, without restriction:
    - i. the consideration payable and terms of payment;
    - ii. the effective date of the Acquisition or Disposition;
    - iii. in the case of a lease or other temporary Acquisition or Disposition, the term of the Acquisition or Disposition; and
    - iv. any terms that Council considers necessary.

Read a first time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Prior to third reading, the requirements of section 57(2) of the *Hamlets Act* were satisfied.

Read a third time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed, certified by the senior administrative officer and sealed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Mayor

I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act* and the bylaws of the Hamlet of \_\_\_\_\_.

\_\_\_\_\_  
Senior Administrative Officer

**[SEAL]**

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