

PURPOSE

The purpose of the Management of Real Property Policy (the “Policy”) is to establish principles which govern how the Municipality of the District of East Hants (“East Hants”) will carry out services related to Municipal Real Property.

The purpose of this Policy is to:

1. Provide commitment to best practice with respect to Real Property;
2. Ensure Real Property is planned for, acquired, used, and disposed of in a manner that supports Municipal objectives;
3. Limit East Hants’ exposure to liability by establishing standards for the management, use, and occupation of Real Property; and
4. Authorize the Chief Administrative Officer (the “CAO”) to establish and manage a corporate Real Property Management Program.

SCOPE

This Policy applies to Real Property managed and Real Property Transactions undertaken by East Hants. Real Property Transactions include Acquisition, Disposal, Easement, Encroachment, Lease, License, and other Fee Simple, Limited Interest Agreement(s) and Occupancy Agreement(s), as required.

Disposals are further subject to Council’s Disposal of Surplus Property Policy.

DEFINITIONS

For the purpose of this Policy:

Term	Definition
Acquisition	The act of purchasing or acquiring Fee Simple ownership of Real Property or entering into a Long Term Lease as lessee.
Agreement	A formal written legal contract between two (2) or more parties, with binding implications; usually conveying property rights or interests for money or other consideration.

Term	Definition
Appraisal	A written opinion of the Fair Market Value as of a specific date that evaluates the rights, conditions and limitations according to accepted appraisal practices, undertaken by a recognized professional.
Disposal	The act of selling or transferring Fee Simple ownership of Real Property or entering into a Long Term Lease as lessor.
Easement	An interest in land transferred from one party to another, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose. This includes temporary easements.
Encroachment	The placement, advancement, or extension of a structure or installation or object onto land owned by East Hants that may or may not be approved by East Hants. An Encroachment may include any type of vegetation, man-made object, or item of personal property; and shall include any aerial, surface, or subsurface Encroachments.
Fair Market Value	The price at which Real Property or property rights would change hands between willing parties when both parties have reasonable knowledge of relevant facts, or otherwise may be defined in opinion of value and/or appraisal reports.
Fee Simple	An ownership of Real Property in which the owner has the right to control, use, and transfer the property at will.
Lease	The conveyance by a property owner of exclusive possession, control, use, or enjoyment of the owner's property for a specified rent and a specified term after which the property reverts back to the owner.
License	A permission given to use Real Property for a specific purpose without transferring any interest in the Real Property. This includes consent to enter agreements.
Limited Interest	Rights to use Real Property that are less than Fee Simple in which a person has some specific rights to control and use Real Property, said rights to be conveyed by way of Leases with a term of less than 21 years, Easements, and Licenses, including any rights to extend or renew a term.
Long Term Lease	A Lease with a term of 21 years or more directly or by entitlement to extend or renew.
Municipal Real Property Inventory	A database that identifies and describes Real Property owned by East Hants.
Occupancy Agreement	An Agreement that authorizes the conveyance of Limited Interest in Real Property on specified terms and conditions with an Agreement term of 21 years or less, including any rights to extend or renew a term. An Occupancy Agreement may or may not be registered on title. An Occupancy Agreement includes, but is not limited to, the following types of Agreements: Lease, License, Management and Operation, Encroachment, Temporary Easement, consent to enter.
Real Property (Real Property Interest)	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 East Hants.
Real Property Management Program	A structured service to efficiently and effectively manage Municipal Real Property.

Term	Definition
Real Property Transactions	Activities conducted to effect the transfer of Fee Simple, Limited Interest Agreement(s) and Occupancy Agreement(s) rights resulting in an Agreement to which East Hants is a party.

POLICY

POLICY STATEMENTS

1. General Statements

- 1.1. Council authorizes the CAO to manage a Real Property Management Program.
- 1.2. Acquisition, use, operations and maintenance, and disposal strategies of Real Property are to be developed based on real estate and asset management industry best practices, with decisions based on risk management, data frameworks, and lifecycle strategies in alignment with the Corporate Asset Management Program and Asset Management Policy.
- 1.3. Real Property decisions are to clearly align with the goals and objectives of the East Hants Strategic Plan, capital budget, business plans, and other service area master plans.
- 1.4. The CAO, or designate, shall keep the Municipal Real Property Inventory current, accurate, and complete, as reasonably possible.

2. Real Property Transactions

- 2.1. All Real Property Transactions will be conducted in compliance with the Municipal Government Act (“MGA”) and shall comply with current Provincial and Municipal planning regulations and policies.
- 2.2. Unless authorized under the CAO Authority Policy, all Real Property Transactions require the approval of Council.
- 2.3. Real Property Transactions are to be informed, fair, and transparent.
- 2.4. Real Property Transactions are to be conducted on the basis of Fair Market Value, unless otherwise approved by Council, and as permitted under the MGA.
- 2.5. Real Property Transactions are to demonstrate title, financial and property condition due diligence appropriate to the transaction and in alignment with advice from the Municipal Solicitor and Municipal insurance provider.
- 2.6. Real Property Transactions for the Disposal of surplus Real Property shall be conducted in compliance with Council’s Disposal of Surplus Property Policy.

ROLES AND RESPONSIBILITIES

Title/Role	Responsibilities
Policy Editor	<p>The Policy Editor is a person having managerial and policy-making responsibility related to the writing, compilation and revision of content and will:</p> <ul style="list-style-type: none"> • Ensure policies in their care and control are always up-to-date and reviewed annually, or sooner if necessary • Draft new or edit existing policy content • Be able to interpret and explain policy content • Ensure policy documents are branded and any supporting documents, i.e. applications forms are also branded and content consistent with the policy • Ensure policy content is relevant and accurate • Seek and secure approval recommendation of the policy from the Policy Owner • Seek and secure approval of the policy from the appropriate Approver; and, • Provide the final approved policy document to the Assistant Municipal Clerk
Policy Owner	<p>The Policy Owner will:</p> <ul style="list-style-type: none"> • Provide oversight to ensure policies in their care and control are always up-to-date, reviewed annually or sooner if necessary by the assigned Policy Editor • Be able to interpret and explain policy content • Provide oversight to ensure policy documents are branded and any supporting documents, ie. application forms are also branded and content consistent with the policy • Provide oversight to ensure policy content is relevant and accurate • Review the policy and make recommendation for approval to the appropriate Approver; and, • Ensure that the final approved policy document has been provided to the Assistant Municipal Clerk
Approver	<p>The Approver will:</p> <ul style="list-style-type: none"> • Review Policy recommendations for approval consideration (approve, reject or edit); and, • Notify the Policy Editor, Policy Owner and Assistant Municipal Clerk of decision
Assistant Municipal Clerk	<p>The Assistant Municipal Clerk will:</p> <ul style="list-style-type: none"> • Facilitate an annual Policy Review; and, • Ensure final approved policies are maintained, stored and posted where appropriate
Directors	<p>Department Directors will:</p> <ul style="list-style-type: none"> • Be responsible for monitoring and reporting on the management of Real Property in their departments.
Employees	<p>The Employees will:</p> <ul style="list-style-type: none"> • Be responsible for managing Real Property per this policy.

RELATED DOCUMENTATION

Related forms, processes, procedures and other documents that support the policy.

Document Name	Document ID	Document Type
Asset Management Policy		Policy
Disposal of Surplus Property		Policy
CAO Authority Policy		Policy
Delegation of Signing Authority		Policy

VERSION LOG

Version Number	Amendment Description	Amendment/Policy Editor	Amendment/Policy Owner	Approver	Approval Date
1.0	New Policy	Manager, Real Estate and Corporate Projects	Director, Corporate Services	Council	<Month/Day/Year>

CERTIFICATION

I, Kim Ramsay, Municipal Clerk for the Municipality of East Hants, hereby certify that this policy was duly approved.

Kim Ramsay
Municipal Clerk