

BYLAW NUMBER 32M2017

**BEING A BYLAW OF THE CITY OF CALGARY
TO AMEND BYLAW 52M2009
THE REAL PROPERTY BYLAW**

WHEREAS Council has considered Report UCS2017-0606 and deems it necessary to amend Bylaw 52M2009, the Real Property Bylaw.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 52M2009, the Real Property Bylaw is hereby amended.
2. In the title, the words "TO REPEAL BYLAWS 12M2005 AND 10M98 BEING BYLAWS OF THE CITY OF CALGARY" are deleted.
3. In section 2, the words "*Corporate Properties & Buildings and the Office of Land Servicing & Housing*" are deleted and replaced with the words "*Real Estate & Development Services*".
4. In section 3(1):
 - (1) in subsection 3(1)(a), the words " or any moveable building or structure," are added following the words "the acquisition of *real property*";
 - (2) subsection 3(1)(f) is deleted;
 - (3) in subsection 3(1)(g), the words "Land and Asset Strategy Committee" are deleted and replaced with the words "Standing Policy Committee on Utilities and Corporate Services";
 - (4) in subsection 3(1)(j), the words "*Land Business Operations*" are deleted and replaced with the words "*Real Estate Client Services*" wherever it appears;
 - (5) subsection 3(1)(k) is deleted;
 - (6) subsection 3(1)(l) is deleted and replaced with the following:

"(l) "*Coordinators*" means any one or more of the *City* employees appointed to the positions of Coordinator, Real Estate Acquisitions, Coordinator, Real Estate Sales, Coordinator, Real Estate Leasing & Property Management, Coordinator, Land Administration or *Coordinator, Real Estate Client Services* or that person's designate;";
 - (7) subsection 3(1)(n) is deleted and replaced with the following:

"(n) "Deputy City Manager" means the *City* employee appointed to the position of Deputy City Manager or that person's designate;";

- (8) subsection 3(1)(p) is deleted and replaced with the following:
- “(p) “*Director*” means the *City* employee appointed to the position of Director, Real Estate & Development Services, or that person’s designate;”;
- (9) in subsection 3(1)(q), the words “, or any moveable building or structure,” are added following the words “the disposition of *real property*”;
- (10) subsection 3(1)(r) is deleted and replaced with the following:
- “(r) “*document*” means any form, instrument or document to be registered in the Land Titles Office that may be required to complete a *transaction* or to maintain or administer the *City’s real property* registrations, including, but not limited to, any transfer, caveat, affidavit, declaration, certificate, plan, withdrawal, discharge, surrender, postponement, consent, order, form, notice, application or request;”;
- (11) subsection 3(1)(s) is deleted and replaced with the following:
- “(s) “*due diligence*” means any inspection or investigation of *real property* including, but not limited to, any environmental site assessment or testing, geotechnical investigation, soil testing, hydrovac excavation, survey or appraisal;”;
- (12) subsection 3(1)(t) is deleted and replaced with the following:
- “(t) “*election sign*” means any sign used to promote a candidate or party during a provincial or federal election or by-election, or any election or by-election held pursuant to the Local Authorities Election Act, R.S.A. 2000, c. L-21;”;
- (13) subsection 3(1)(v) is deleted and replaced with the following:
- “(v) “*Finance Leader*” means the *City* employee with *Real Estate & Development Services* appointed to the position of Finance Leader or that person’s designate;”;
- (14) subsection 3(1)(w) is deleted;
- (15) in subsection 3(1)(x) the words “*Corporate Properties & Buildings*” are deleted and replaced with the words “*Real Estate & Development Services*”;
- (16) subsection 3(1)(z) is deleted;
- (17) in subsection 3(1)(aa) the words “Coordinator, Land Titles Services & Encroachments” are deleted and replaced with the words “Land Titles Officer”;
- (18) subsection 3(1)(cc) is deleted and replaced with the following:

- “(cc) *“Manager, Land & Asset Management”* means the *City* employee appointed to the position of Manager, Land & Asset Management or that person’s designate;”;
- (19) The following are added after subsection 3(1)(cc) as subsections 3(1)(cc.1) and 3(1)(cc.2):
- “(cc.1) *“Manager, Real Estate & Expropriation”* means the *City* employee appointed to the position of Manager, Real Estate & Expropriation within the Law and Legislative Services business unit or that person’s designate;
- (cc.2) *“Manager, Sales & Acquisitions”* means the *City* employee appointed to the position of Manager, Sales & Acquisitions or that person’s designate;”;
- (20) in subsection 3(1)(dd)(ii) the words “either, a *Corporate Properties & Buildings* land agent or an *Office of Land Servicing & Housing* land agent,” are deleted and replaced with the words “a *City* employee”;
- (21) subsection 3(1)(ee) is deleted and replaced with the following:
- “(ee) *“method of disposition”* means any method for a *disposition* including:
- (i) public offering including, but not limited to, a request for proposal, an invitation to offer, tender or expression of interest;
 - (ii) listing with an independent real estate brokerage;
 - (iii) direct negotiation with one or more persons by *Real Estate & Development Services*; or
 - (iv) public marketing, targeted marketing or an offering administered by *Real Estate & Development Services*;”;
- (22) in subsection 3(1)(ii), the words “*Office of Land Servicing & Housing*” are deleted and replaced with the words “*Real Estate & Development Services*” wherever they appear;
- (23) subsection 3(1)(mm) is deleted and replaced with the following:
- “(mm) *“road”* means any public thoroughfare, street, road, trail, avenue, parkway, driveway, lane, alley, square, bridge, causeway owned by the *City*, or any portion of any of them, intended for vehicular traffic;”;
- (24) subsection 3(1)(tt) is deleted and replaced with the following:
- “(tt) *“Valuation Review Committee”* means the Valuation Review Committee that is comprised of:

- (i) one of the *Manager, Land & Asset Management* or the *Manager, Sales & Acquisitions*;
- (ii) the *Coordinator, Real Estate Client Services*; and
- (iii) any two (2) other employees of *Real Estate & Development Services, Real Estate Sales & Acquisitions Division* or *Land & Asset Management Division*;

and at least one person on the Valuation Review Committee must be an appraiser accredited by the Appraisal Institute of Canada.”.

5. In section 6:

- (1) in subsections 6(1)(a)(i), 6(1)(c)(i) and 6(1)(f)(i), the words “Two Million (\$2,000,000.00)” are deleted and replaced with the words “Five Million (\$5,000,000.00)” wherever they appear;
 - (2) subsection 6(1)(h) is deleted and replaced with the following:
 - “(h) an *acquisition* of any moveable building or structure including, but not limited to, a mobile home, a house, a commercial building or an ancillary structure, at or below *market value* if:
 - (i) the purchase price is Five Million (\$5,000,000.00) Dollars or less; and
 - (ii) funding for the *acquisition* is available in a budget approved by *Council*.”;
- and
- (3) in subsection 6(2), the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.

6. In section 7:

- (1) in subsections 7(1)(b) and 7(1)(f)(i), the words “Two Million (\$2,000,000.00)” are deleted and replaced with the words “Five Million (\$5,000,000.00)” wherever they appear;
- (2) in subsections 7(1)(b) and 7(1)(f)(i), the words “and is at or above *market value*” are added after the words “Dollars or less”;
- (3) in subsection 7(1)(f)(ii) the words “*Corporate Properties & Buildings*” are deleted and replaced with the words “*Real Estate & Development Services*”;
- (4) in subsection 7(1)(g) the word “and” is added at the end of the subsection;
- (5) the following is added after subsection 7(1)(g) as subsection 7(1)(h):

“(h) a *disposition* of any moveable building or structure including, but not limited to, a mobile home, a house, a commercial building or an ancillary structure, if the purchase price is Five Million (\$5,000,000.00) Dollars or less, without a *method of disposition* having been approved by *Council*.”;

(6) subsection 7(2) is deleted and replaced with the following:

“(2) Notwithstanding section 7(1), the *City Manager* may approve a *disposition* of the fee simple interest in a *stand alone parcel* or a *remnant parcel* if:

- (a) the *disposition* is directly negotiated with Calgary Municipal Land Corporation, Attainable Homes Calgary Corporation, Calgary Housing Company, Calhome Properties Ltd., the provincial government or the federal government; and
- (b) the purchase price is Five Million (\$5,000,000.00) Dollars or less and is at or above book value.

without a *method of disposition* having been approved by *Council*.”;

and

(7) the following is added after subsection 7(2) as subsections 7(3) and 7(4):

“(3) Notwithstanding Section 7(1), the *City Manager* may approve a *disposition* of the fee simple interest in a *stand alone parcel* or a *remnant parcel* if:

(a) the *disposition*:

- (i) is directly negotiated with the owner of the adjoining lands;
- (ii) meets the *City*'s triple bottom line objectives;
- (iii) satisfies or meets the objectives of the Area Redevelopment Plan or the Area Structure Plan; and
- (iv) allows for the owner of the adjoining lands to assemble multiple parcels for a larger scale, comprehensive development;

(b) the *disposition* of the *stand alone parcel* or the *remnant parcel* cannot meet its desired highest and best use without being consolidated with an adjoining parcel; and

(c) the purchase price is Five Million (\$5,000,000.00) Dollars or less, without a *method of disposition* having been approved by *Council*.

- (4) Any *disposition* described in Subsections 7(1), (2) or (3) must meet all applicable policies, procedures, standards and guidelines approved by Council and/or Real Estate & Development Services.”.

7. In section 8:

- (1) in subsections 8(1)(a)(iv) the words “if the *City* is the tenant,” are added at the beginning of the subsection;

- (2) the following is added after subsection 8(1)(a) as subsection 8(1)(a.1):

“(a.1) an *occupation* by lease or license, for a food service establishment on lands which are under either Parks or Recreation’s stewardship, if;

- (i) the annual base rent or fee is Five Hundred Thousand (\$500,000.00) Dollars or less; and
- (ii) the *occupation* is for a fixed term of fifteen (15) years or less, with no options to renew;”;

- (3) in subsection 8(1)(b) the word “*agreement*” is deleted;

- (4) in subsection 8(1)(c) the words “or extend” are added following the words “the right to renew” and the word “*agreement*” is deleted;

- (5) in subsection 8(1)(c) a comma is added following the word “*occupation*”;

- (6) in subsection 8(1)(c)(ii) the words “or extension” are added following the words “the renewal”;

- (7) in subsection 8(1)(d) the word “*despite*” is deleted and replaced with the word “*notwithstanding*” and the words “and for a term of any length” are added at the end of the subsection;

- (8) subsection 8(1)(e)(i) is deleted and replaced with the following:

“(i) the base rent or fee is at or above *market value* or is included in the total consideration payable for the *acquisition*;”;

- (9) in subsection 8(1)(e)(ii) the word “tenant(s)” is deleted and replaced with the word “occupant(s)”;

- (10) in subsection 8(1)(e)(iii) the word “and” is added at the end of the subsection; and

- (11) in subsection 8(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.

8. In subsection 9(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.
9. In section 10:
 - (1) subsection 10(1)(d) is deleted;
 - (2) in subsection 10(1)(e) the words “Development & Buildings Approval” are deleted and replaced with the words “Planning and Development”;
 - (3) in subsection 10(1)(e) the word “and” is added at the end of the subsection;
 - (4) subsection 10(1)(f) is deleted; and
 - (5) in subsection 10(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.
10. In subsection 11:
 - (1) subsection 11(1)(a)(iii) is deleted and replaced with the following:

“(iii) for a fixed term license for *third party signs*, there are no more than two (2) options to renew, with each renewal term being a period of five (5) years or less;”;
 - (2) subsection 11(1)(b)(iii) is deleted and replaced with the following:

“(iii) the *community identification sign* is located on *road* and the license is satisfactory to the person appointed to the position of Director, Roads or that person’s designate;”;
 - (3) the following is added after subsection 11(1)(b)(iii) as subsection 11(1)(b)(iv):

“(iv) any *community identification sign* for which a license has been granted under this *bylaw* is exempt from the application of the Temporary Signs on Highways Bylaw;”;
 - (4) in subsection 11(1)(c):
 - (a) in subsection 11(1)(c)(iii) the word “and” is deleted;
 - (b) subsection 11(1)(c)(iv) is deleted and replaced with the following:

“(iv) the *community identification sign* is not located on *road*;”;

and
 - (c) the following is added after subsection 11(1)(c)(iv) as subsection 11(1)(c)(v):

“(iv) any *community identification sign* for which a license has been granted under this *bylaw* is exempt from the application of the Temporary Signs on Highways Bylaw;”;

and

(5) In subsection 11(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.

11. The following is added after section 12 as section 12.1:

“Expropriations

12.1 (1) If *Council* has previously authorized the initiation of an expropriation of any estate or interest in *real property*, the *City Manager* may approve an *acquisition* of any parties’ interest in the *real property* by way of an *agreement* pursuant to Section 30 of the *Expropriation Act*, if:

(a) the proposed payment for the fee simple interest in the *real property* is:

(i) the same or less than the original proposed payment approved by *Council*; or

(ii) if there was no original proposed payment approved by *Council*, the sum of Five Million (\$5,000,000.00) Dollars or less; and

in either case, provided that the proposed payment reflects the current *market value* for the lands as approved by the *Valuation Review Committee*;

(b) the consideration for any other interest in the *real property* is:

(i) the same or less than the original proposed payment approved by *Council*; or

(ii) if there was no original proposed payment approved by *Council*, the sum of Five Million (\$5,000,000.00) Dollars or less; and

in either case, provided that the proposed payment price reflects the current *market value* for the lands as approved by the *Valuation Review Committee*; and

funding for the *acquisition* is available in a budget approved by *Council*.

(2) If *Council* has previously authorized the initiation of expropriation of any estate or interest in *real property*, the *City Manager* may approve a negotiated settlement of any compensation payable pursuant to the *Expropriation Act* if funding for the negotiated settlement is available in a budget approved by *Council*.”.

12. Section 13(1) is deleted and replaced with the following:

“13. (1) *Management Real Estate Review Committee* must have a quorum of six persons comprised of:

- (a) at least one of the following:
 - (i) the *Deputy City Manager*, or
 - (ii) the *Director*;
- (b) the *Manager, Sales & Acquisitions*;
- (c) the *Manager, Land & Asset Management*;
- (d) the *Finance Leader*;
- (e) *Manager, Real Estate & Expropriation*;
- (f) at least one or more of the *Coordinators*;

and at least four persons forming the quorum must be employees of *Real Estate & Development Services*”.

13. In section 14(1) the word “rectifications” is deleted and replaced with the words “corrections and changes”.

14. In section 15:

- (1) in subsection 15(1)(a)(ii) the words “Two Hundred and Fifty Thousand (\$250,000.00)” are deleted and replaced with the words “Five Hundred Thousand (\$500,000.00)”;
- (2) subsection 15(1)(d) is deleted;
- (3) in subsection 15(1)(g)(ii) the words “or the reduction of any rental area” are added following the words “additional rental areas”;
- (4) in subsection 15(1)(k) the word “and” is added at the end of the subsection; and
- (5) subsections 15(1)(m) and (n) are deleted; and
- (6) in subsection 15(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.

15. In section 16:

- (1) subsection 16(1)(a) is deleted and replaced with the following:
 - “(a) the increase, reduction, or waiver of any interest payable and the imposition or acceptance of alternate terms and conditions relating to payment of interest in consideration of the extension or advancement of

any *transaction date* if the increase, reduction or waiver of the interest payable is Fifty Thousand (\$50,000.00) Dollars or less;”;

- (2) subsection 16(1)(b) is deleted and replaced with the following
 - “(b) access by prospective purchasers, tenants or licensees of the *City’s real property* for the purposes of conducting *due diligence*;”;
- (3) the following is added after subsection 16(1)(b) as subsection 16(1)(b.1):
 - “(b.1) an *agreement* for the access by *City* employees or agents to lands not owned by the *City* for the purposes of conducting *due diligence* for a proposed *acquisition or occupation*;”;
- (4) in subsection 16(1)(d) the words “including the charging of or paying of fees for the assignment and assumption of any *agreement*, and” are added to the end of the subsection;
- (5) subsections 16(1)(e) and (f) are deleted; and
- (6) in subsection 16(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.

16. The following is added after section 16 as section 16.1:

“General Administrative Authority

- 16.1 (1) The *City Manager* may, in order to facilitate the management of the *City’s real property*:
 - (a) include the *City’s real property* in applications for land use, subdivision or development approvals under Part 17 of the *Municipal Government Act* if such inclusion will not restrict the *City’s* ability to negotiate, approve and complete related *transactions*;
 - (b) enter into and complete any agreements or documents required for the subdivision and development of the *City’s real property* under Part 17 of the *Municipal Government Act*;
 - (c) withdraw, discharge, surrender or postpone any instrument registered at the Land Titles Office by or on behalf of the *City*;
 - (d) request to include the estate or interest in mines or minerals in an *acquisition* pursuant to the *Municipal Government Act*;
 - (e) enter into an *acquisition* or a *disposition* of a restrictive covenant, utility right of way or an easement that limits or restricts the use of land owned by the *City* for the benefit of other land owned by the *City*.”.

17. In subsection 17(2) the words “, *Corporate Properties & Buildings*, and the *Office of Land Servicing & Housing*” are deleted and replaced with the words “and/or *Real Estate & Development Services*”.
18. In section 18:
 - (1) subsection 18(1)(a) is deleted and replaced with the following:

“(a) an *acquisition* or *disposition* of an easement or utility right of way or a restrictive covenant;”;
 - (2) subsection 18(1)(b) is deleted and replaced with the following:

“(b) an *occupation* for the purpose of landscaping, crop and pasture use, a residential tenancy, shoring, a telecommunication installation or a *sign*;”;
 - (3) subsection 18(1)(c) is deleted and replaced with the following:

“(c) an *occupation* having a term of one (1) year or less;”;
 - (4) subsection 18(1)(e) is deleted and replaced with the following:

“(e) an exercise of an option or a right to renew or extend an *occupation* or a right to renew or extend an *occupation* pursuant to Section 8(1)(b) or (c);”;
 - (5) in subsection 18(2) the words “*Coordinator, Land Business Operations*” are deleted and replaced with the words “*Manager, Land & Asset Management*”; and
 - (6) in section 18(3) the word “approved” is deleted and replaced with the word “considered”.
19. In section 19:
 - (1) the words “No. 43M99” are deleted;
 - (2) subsection 19(1)(a) is deleted and replaced with the following:

“(a) the *Deputy City Manager*, the *Director*, the *Manager*, *Sales & Acquisitions*, the *Manager, Land & Asset Management* or the *Land Titles Officer* may execute any *agreement* relating to the *City’s real property* or a *transaction*;”;
 - (3) in subsection 19(1)(b)(i) the subsection number “16(1)(e)” is deleted and replaced with the following subsection number “16.1(1)(c)”; and
 - (4) subsection 19(1)(b)(iii) is deleted and replaced with the following:

“(iii) any *occupation* for the purpose of landscaping, crop and pasture use, a residential tenancy, a mobile home tenancy, shoring, a telecommunication installation, a *sign*, or for an *occupation* having a term of less than one (1) year, inclusive of any renewals or extensions.”.

20. Subsection 20(1) is deleted and replaced with the following:

“20.(1) The authority delegated to the *City Manager* as described in the *bylaw*, may only be further delegated by the *City Manager* to:

- (a) the *Deputy City Manager*,
- (b) the *Director*,
- (c) the *Manager, Sales & Acquisitions*;
- (d) the *Manager, Land & Asset Management*;
- (e) the *Manager, Real Estate & Expropriation* and any of lawyers or solicitors in the Real Estate & Expropriation section of the Law business unit;
- (f) any General Manager of any *City* department; or
- (g) the *Land Titles Officer*.”.

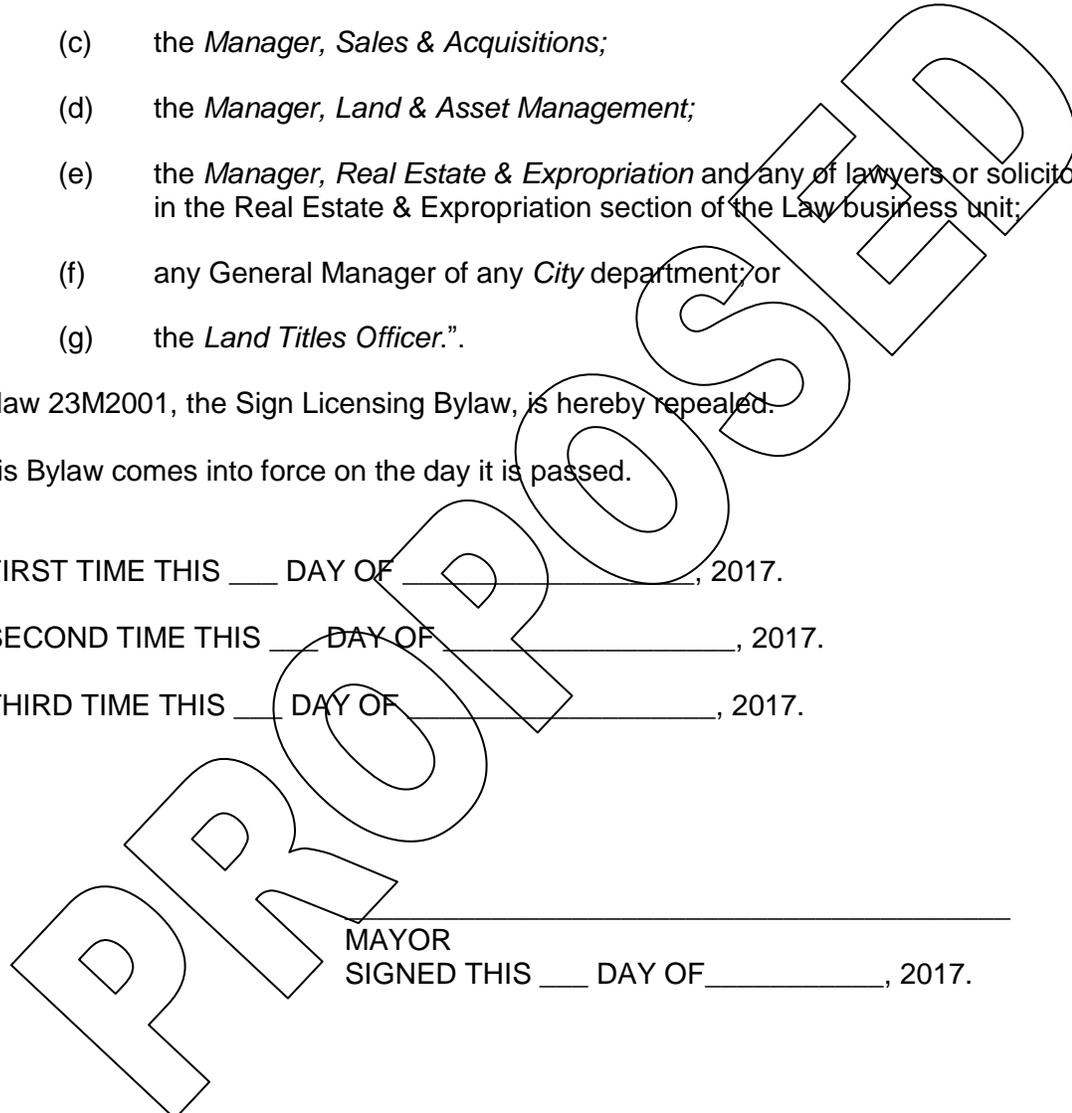
21. Bylaw 23M2001, the Sign Licensing Bylaw, is hereby repealed.

22. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS ___ DAY OF _____, 2017.

READ A SECOND TIME THIS ___ DAY OF _____, 2017.

READ A THIRD TIME THIS ___ DAY OF _____, 2017.



 MAYOR
 SIGNED THIS ___ DAY OF _____, 2017.

 CITY CLERK
 SIGNED THIS ___ DAY OF _____, 2017.