



THE CORPORATION OF THE VILLAGE OF NEW DENVER

POLICY TITLE: LAND DISPOSAL POLICY

Effective Date: July 14, 2026

Supersedes: N/A

Approval: Council Resolution # 2026-0162

1. Purpose

This policy establishes a simple, consistent, and transparent process for the sale, exchange, transfer, or consolidation of Village-owned land and improvements, including closed roads, lanes, and rights-of-way. It helps Council decide whether land is surplus, how value is determined, whether public sale or direct disposal is appropriate, how purchaser costs are recovered, and how the public record is maintained.

This policy does not replace the Community Charter, the Local Government Act, the Land Title Act, the Freedom of Information and Protection of Privacy Act, or any other enactment. If this policy conflicts with an enactment, the enactment prevails.

2. Application

This policy applies to the disposal of Village-owned land or improvements by sale, exchange, transfer, consolidation with adjacent land, or other permanent conveyance. It also applies to land created from the closure of a road, lane, or right-of-way if the Village proposes to sell or transfer that land.

This policy does not apply to land acquisition, leases, licences, facility rentals, campground rentals, temporary permits, encroachment agreements that do not transfer land, emergency access permissions, utility repair permissions, or disposal of movable personal property.

This policy is not a road closure policy. If a road, lane, or right-of-way must be closed before disposal, the required road closure, notice, Land Title, utility, access, water-access, and approval steps must be completed under applicable legislation.

3. Definitions

CAO means the Chief Administrative Officer for the Village or the CAO's designate.

Direct Disposal means disposal to a specific person, adjacent owner, public authority, utility, non-profit organization, First Nation, or other identified party without offering the land generally to the public.

Disposal means the sale, exchange, transfer, consolidation, or other permanent conveyance of Village land or improvements.

Fair Market Value means the estimated value of the land or improvements between willing, arm's-length parties after appropriate market exposure, based on the interest being disposed of



and the assumptions approved by the Village, including whether the land is valued as a standalone parcel, remnant parcel, consolidation parcel, or land with limited access, servicing, zoning, or development potential.

Marketable Land means land that may reasonably have value to more than one purchaser, may be capable of independent use or development, or may attract broader market or community interest.

Road, Lane, or Right-of-Way means a highway, lane, unopened road, road allowance, dedicated access, or Village-owned access remnant, but does not include a statutory right of way held by the Village for utility or access purposes unless Council is disposing of the Village's interest in that statutory right of way.

Surplus Land means land that Council determines is not required for current or reasonably foreseeable municipal purposes, including roads, lanes, public access, utilities, drainage, parks, trails, waterfront access, emergency services, infrastructure, asset management, or other strategic needs.

Village means the Corporation of the Village of New Denver.

4. Principles

- Village land is a public asset held for the benefit of the community.
- Council decides whether land is surplus and whether disposal is in the public interest.
- A person does not have a right to acquire Village land because the person requested it, uses it, maintains it, occupies it, encroaches on it, owns adjacent land, or made an offer.
- The Village should receive fair market value unless Council approves a lawful below-market disposal for an identified public purpose.
- Public sale is the default for marketable land. Direct disposal must be justified in the staff report.
- The purchaser is normally responsible for survey, appraisal, legal, advertising, Land Title, road closure, subdivision, utility, environmental, tax, and other transaction costs.
- Statutory notice is a minimum legal requirement and is not the same as public consultation.
- Final disposal approval must occur in an open meeting unless legislation clearly authorizes otherwise.

5. Responsibilities

Council is responsible for declaring land surplus, approving the disposal method, approving any direct disposal or below-market disposal, authorizing required bylaws and notices where required or advisable, approving the essential transaction terms, and deciding whether broader public engagement is needed.

The CAO administers this policy, screens proposed disposals, obtains advice when required, prepares reports to Council, and negotiates non-binding terms within Council direction.

The Corporate Officer is responsible for statutory notices, bylaws, resolutions, minutes, execution records, and disposition records. The Chief Financial Officer or accounting department is responsible for deposits, cost recovery, tax, accounting, proceeds, and reserve treatment.

6. Disposal Process

6.1 Preliminary review. Before a proposed disposal is brought to Council for direction, staff must review land status, current use, public or informal use, access, utilities, drainage, servicing, zoning, OCP designation, buildability, emergency services, title restrictions, survey needs, road closure requirements, and apparent legal or financial issues. Staff must also consider whether the land may be required for current or reasonably foreseeable municipal purposes. If the land is, or may be, a road end, lane, right-of-way, or access that provides public access to Slocan Lake, Carpenter Creek, or another body of water, staff must identify the applicable Community Charter water-access requirements and may obtain legal review before the proposed disposal is brought to Council for direction.

6.2 Initial Council direction. If staff consider disposal may be possible, staff must bring the matter to Council for initial direction. Council may direct no further action, further due diligence, public sale, direct disposal exploration, public engagement, legal review, valuation, or another lawful step. Initial direction does not commit the Village to dispose of the land.

6.3 Due diligence and non-binding negotiations. Staff will proceed based on Council direction. This may include receiving and reviewing the purchaser's appraisal, confirming purchaser-paid costs, negotiating proposed terms on a non-binding basis, preparing any required notices, and identifying any required road closure, survey, subdivision, legal, environmental, utility, tax, or other transaction steps. No agreement is binding unless Council has approved the purchaser, price, disposal method, and essential terms.

6.4 Disposal of land. Council must approve the purchaser, price, disposal method, and essential terms before the Village enters into a binding agreement or disposes of the land. Council may reject any offer, cancel a process, require more information, or decide not to dispose of the land at any time before the disposal is approved. Where the land proposed for disposal is a road, lane, or right-of-way that has not already been closed and had its highway dedication removed, the required road closure and removal of dedication bylaw must be completed before the Village disposes of the land.

7. Valuation

An independent real estate appraisal is required before approval. The purchaser or proponent must pay the appraisal cost.

The appraisal must be prepared by an independent appraiser acceptable to the Village who is qualified to provide real property appraisal services in British Columbia and is a member in good

standing of the Appraisal Institute of Canada - British Columbia. The appraisal must identify the interest being valued and the assumptions used, including whether the land is valued as a standalone parcel, road/lane/right-of-way remnant, consolidation parcel, landlocked parcel, or land with limited access, servicing, zoning, or development potential.

BC Assessment values, book values, historical costs, comparable sales, broker opinions, land-rate analysis, or other valuation information may be provided to Council for context, but they do not replace the independent appraisal.

Council may require a second appraisal or additional valuation information before final approval.

8. Method of Disposal

Marketable land should normally be disposed of through a public process such as listing, tender, sealed bid, auction, request for proposals, or another transparent method approved by Council. The process must state the land available, submission requirements, deadline, evaluation basis, deposit requirements if any, and that Council may reject any or all submissions.

Council may approve direct disposal where the land can reasonably be used only by one or more adjacent owners, the disposal resolves a boundary or encroachment issue, the land is a road/lane/right-of-way remnant intended for consolidation, the recipient is a public or quasi-public body, the disposal implements a Council-approved project or settlement, or Council records other public-interest reasons.

Where direct disposal to an adjacent owner is proposed, staff must consider whether other adjacent owners could reasonably use, acquire, or be affected by the land. If more than one adjacent owner could reasonably benefit, staff should recommend a limited opportunity to those adjacent owners or record reasons for proceeding with one identified purchaser.

For direct disposal, the staff report must explain why public sale is not recommended, how value is protected, whether affected owners or users should be notified, whether the land could reasonably support another municipal purpose, and whether the disposal may provide assistance to a business or other party.

9. Notice, Public Record, and Closed Meetings

The Village must publish notice of proposed property disposition where required by the Community Charter. The Corporate Officer must confirm the required publication and posting method under the Community Charter and any applicable Village public notice bylaw before notice is issued.

If the land is available to the public for acquisition, the notice must describe the land, the nature and term of the proposed disposition if applicable, and the acquisition process. If the land is not available to the public, the notice must also identify the proposed acquirer and the consideration to be received by the Village.

Where a proposed disposal is for less than fair market value, staff must assess whether notice of assistance is required and whether the assistance is lawful. The Village must not provide assistance to a business unless expressly authorized by legislation.

Statutory notice is not public consultation unless Council establishes a consultation process. Council may require broader communication or engagement where the land has community use, public access value, neighbourhood impacts, disputed valuation, or significant public interest.

A land disposal matter must not be considered in a closed meeting merely because it involves land. A closed meeting may be used only where the Community Charter permits, including where Council considers that public disclosure of acquisition, disposition, or negotiation information could reasonably be expected to harm the interests of the Village. Closed meeting authority must not be used to avoid statutory notice, public accountability, or open-meeting decisions. Once confidentiality is no longer required, records may be released proactively or in response to access requests, subject to the Freedom of Information and Protection of Privacy Act, solicitor-client privilege, and other lawful limits.

10. Agreements, Costs, and Conditions

Every disposal must be documented in a written agreement. The agreement must remain subject to all required statutory notices, Council approvals, bylaws, road closure steps, subdivision approvals, surveys, Land Title filings, legal review, and other required conditions.

The purchaser must pay the purchaser's own legal costs and all non-legal transaction costs associated with the disposal, including survey, appraisal, advertising, road closure, subdivision, environmental, utility, tax, and administrative costs. In the event that an additional appraisal or independent appraisal review is required by Council, the cost will be borne by the Village of New Denver. The Village is responsible for its own legal costs unless Council requires otherwise. The Village may require a deposit before incurring costs.

The Village may require consolidation with adjacent land, covenants, statutory rights of way, access protections, utility protections, indemnities, insurance, deadlines, termination rights, or other conditions needed to protect the public interest.

11. Proceeds and Records

Disposal proceeds must be allocated in accordance with all statutory, grant, trust, debt, reserve, covenant, reverter, donor, funding, and contractual restrictions. Money received from the sale of land and improvements, except tax sale proceeds, must be placed to the credit of a reserve fund as required by the Community Charter. Proceeds from disposal of a highway or road end that provides access to a body of water must be dealt with in accordance with the Community Charter water-access requirements.

The Village must maintain a file that includes Council resolutions, staff reports, surplus rationale, valuation material, statutory notices and proof of publication, public submissions, agreements,



surveys, title documents, cost recovery records, proceeds and reserve treatment, and any conflict-of-interest disclosures.

12. Exceptions and Review

Council may approve an exception to this policy by resolution if the exception is lawful, reasons are recorded, and the exception does not waive a statutory requirement. The CAO may establish administrative templates or checklists to support consistent staff review of proposed land disposals. This policy should be reviewed at least once every five years or sooner if Council directs, legislation changes, or a significant land disposal issue identifies a need for amendment.