

In case of discrepancy, the French version shall prevail

**PROVINCE OF QUEBEC
BROME-MISSISQUOI MRC
TOWN OF BROME LAKE**

BY-LAW 2023-04

**BY-LAW RESPECTING THE RIGHT OF
FIRST REFUSAL TO IDENTIFY THE
TERRITORY SUBJECT TO THE RIGHT OF
FIRST REFUSAL AND THE MUNICIPAL
PURPOSES FOR WHICH IMMOVABLES
MAY BE ACQUIRED**

WHEREAS the Act to amend various legislative provisions principally respecting housing (Chapter 25; Bill 37) was assented to on June 10, 2022, to allow municipalities to exercise a right of first refusal on immovables;

WHEREAS subsection 32.1 of the Cities and Towns Act governs the exercise of the right of first refusal by a municipality;

WHEREAS the right of first refusal is a right that allows Town of Brome Lake to evaluate the opportunity of a transaction at the time of the sale of an immovable and to withdraw, if necessary;

WHEREAS the Town wishes to have a right of first refusal on certain lots on the territory for municipal purposes;

the owners of immovables that may be acquired by Town of Brome Lake will be individually notified of the subjection of their immovable to the right of first refusal;

WHEREAS the notice of motion and the presentation (filing) of the draft by-law were given at the regular Council meeting of March 6, 2023;

ACCORDINGLY, THE COUNCIL DECREES AS FOLLOWS:

PREAMBLE

The preamble forms an integral part of the present by-law.

ARTICLE 1

SUBJECT

The purpose of the by-law is to identify the territory on which the right of pre-emption may be exercised and the municipal purposes for which immovables may be acquired.

The objectives of the by-law are to determine the portions of territory, lots and immovables covered by a right of first refusal exercised at the discretion of the council, and to set out the terms and conditions for exercising this right, for the municipal purposes provided for.

ARTICLE 2

TERRITORY OF APPLICATION

The by-law applies to all lots and buildings on the territory of Town of Brome Lake.

ARTICLE 3

MUNICIPAL PURPOSES

An immovable referred to in article 2 may be the object of the exercise of the right of pre-emption for one or other of the following municipal purposes:

- 1 home;
- 2° environment or the preservation of its natural state;
- 3° natural space, public space, , water access and park or expansion of the outdoor network or one of the recreational trails;
- 4° collective equipment;
- 5° community activity;
- 6° local economic development accordance with chapter III of the

Municipal Powers Act (chapter 47.1);

7° public infrastructure and utilities;

8° public transport;

9° conservation or preservation of buildings of heritage interest;

10° land reserve or the creation a wildlife corridor;

ARTICLE 4

ASSESSMENT OF BUILDINGS

The Town's council identifies by resolution the immovable in respect of which a notice of pre-emption may be registered.

The notice subsection contains the designation of the immovable concerned and the purposes for which it may be specifically acquired by the Town following the exercise of the right of pre-emption. The notice of subsection is notified to the owner and entered in the Land Register.

ARTICLE 5

NOTICE OF INTENT TO DISPOSE OF THE PROPERTY

The owner of an immovable subject to the right of first refusal must, before alienating the immovable, notify the Town's Registry Office of his notice of intention to alienate the immovable.

To give notice of intent, the owner must submit the form, which can be obtained from the Town Clerk's Office.

The following documents, insofar as they exist, must be sent, at the latest, within 15 days of notification of the notice of intent:

1° promise to purchase signed;

2° a report establishing the monetary value the non-monetary consideration when the promise to purchase provides for such consideration;

3° plan of the part of the building concerned by the alienation if the alienation is partial;

4° resolution or power of attorney appointing the proxy, if applicable;

5° brokerage contract, if applicable ;

6° lease or rental agreement;

7° environmental study;

8° building valuation report;

9° certificate of location;

10° geotechnical study;

11° other studies or documents used in promise to purchase .

ARTICLE 6
ENTRY INTO FORCE

This by-law comes into force in accordance with the law.



Richard Burcombe
Mayor



M^e Owen Falguero, LL. B J.D.
Clerk

Notice of motion:	MARCH 6, 2023
Project submission :	MARCH 6, 2023
Adoption of regulations :	April 3, 2023
Public notice:	May 16, 2023
Publication date:	May 16, 2023
Effective date :	May 24, 2023