

# THE CITY OF YELLOWKNIFE

**NORTHWEST TERRITORIES**



**LAND ADMINISTRATION BY-LAW NO. 5078**

**Adopted Month, XX, 2024**

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CITY OF YELLOWKNIFE

## BY-LAW NO. 5078

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A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories authorizing the Municipal Corporation of the City of Yellowknife to repeal and replace City of Yellowknife Land Administration By-law No. 4596.

PURSUANT TO:

- a. Sections 53, 54 and 55 of the Cities, Towns and Villages Act S.N.W.T. 2003. C.22, as amended;
- b. Due notice to the public, provision for inspection of the by-law and due opportunity for objections thereto to be heard, considered and determined;

WHEREAS the Municipal Corporation of the City of Yellowknife deems it desirable to adopt a Land Administration By-law;

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife wishes to repeal and replace Land Administration By-law No. 4596.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

### **PART 1 - GENERAL**

#### **SHORT TITLE**

1. This by-law may be cited as the "**The Land Administration By-law**".

#### **APPLICATION**

2. This By-law shall, except as otherwise expressly authorized by herein, apply to all Acquisitions, Disposals, licences, or other Land dispositions by the City.

**DEFINITIONS**

“Acquisition or Acquire”	means the purchase, lease or expropriation of land;
“Adjacent Property”	means the property, land, or lot adjoining the property in question along a lot line or separated only by an alley, easement, roadway or highway;
“Appraised Value”	means the most probable price, determined by a professional real estate appraiser, which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair disposal, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimuli.
“City”	means the Municipal Corporation of the City of Yellowknife in the Northwest Territories established pursuant to the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c22;
“City Manager”	means the Senior Administrative Officer of the City of Yellowknife or their designate appointed pursuant to the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c22 as amended from time to time;
“City Standard”	means the rules, regulations, practices and codes of the City, including but not limited to development and design standards, plans, specifications, general provisions or processes that are documented in writing or have previously been implemented;
“Council”	means the Council of a Municipal Corporation and includes the Mayor and/or Councilor (s);
“Development Cost”	means the City's direct and indirect costs incurred in developing land, which may include, but are not limited to:  (a) land acquisition and disposal costs;  (b) environmental studies and/or clean up;

- (c) planning, engineering, legal surveying, appraisal, and project management;
- (d) roadways, lanes, parking areas, curbs, sidewalks, walkways, boulevards, street names, signage, lighting, furniture and all necessary appurtenances to City Standards;
- (e) water, sanitary, drainage, fire suppression or Municipal Infrastructure services;
- (f) utilities (e.g. communication, electrical, etc.);
- (g) parks and recreational improvements;
- (h) salaries and benefits of municipal administrators; and
- (i) financing charges, including interest and legal costs for any loans incurred in developing the Land.

“Disposal or Dispose”

means the sale or lease of land;

“Easement”

means permission to use a portion of someone’s land through an agreement for a specific purpose and can be registered in the Land Titles Office;

“Encroachment”

means when an adjacent property owner builds or extends a portion of a building, structure, or architectural feature on or over or through other or City-owned property;

“Fee Simple”

means freehold ownership of real property.

“Habitat for Humanity NWT”

means the registered society under the *Society Act R.S.N.W.T.* of the Northwest Territories;

“Land”

means real property or an interest therein, other than an easement or restrictive covenant;

“Lease”

means leasehold interest of real property that provides exclusive rights of occupation and use of the land through a contract for a stated period of time;

- “Licence Agreement” means an agreement granting occupation or Encroachment to use a portion of City land in a non-exclusive possession and not creating any estate or interest;
- “Lot” means an area of land, the boundaries of which are filed on a plan registered at the Land Titles Office for the Northwest Territories;
- “Municipal Infrastructure” means those facilities or amenities normally put in place on developed or undeveloped lands to allow improvements to be built or installed and which may include all or one of the following but not limited to:
- (a) roadways, lanes, parking areas, curbs, sidewalks, walkways, boulevards and all necessary appurtenances;
  - (b) water, sanitary and storm sewer systems, including service connections and all necessary appurtenances;
  - (c) parks and recreational improvements; and
  - (d) land required for, or in connection with, any of the facilities described in the definition of this by-Law or any other facilities deemed desirable by Council.
- “Off-Site Levy” means a surcharge levied by the City against the purchaser of land from the City or against a tenant leasing land from the City. The City uses this levy to pay for all or part of the capital cost of all or any Municipal infrastructure located outside the land being purchased or leased but which is of direct, though not exclusive, benefit to the purchaser or lessee and which may include but is not limited to:
- (a) new or expanded facilities for the storage, transmission, or supply of water;
  - (b) new or expanded facilities for the treatment or disposal of sewage;

- (c) new or expanded storm sewer drainage facilities;
- (d) new or expanded roadways and sidewalks;
- (e) new or expanded facilities for the upgraded electrical or cable systems; and
- (f) new or expanded facilities for community or protective services; and required for, or in connection with any of the facilities described in the points above.

“Parcel” means unsurveyed land with specific boundaries and corners, which can be leased;

“Planning Administrator” means the City employee holding the Director of Planning & Development position, or their designate, for the City of Yellowknife as amended from time to time;

“Quarry” means any work or undertaking in which granular materials are removed from the ground or the land by any method and includes all ways, works, stockpiles, machinery, plant, buildings and premises belonging to or used in connection with the site;

“Substandard Sized Lands” Those lots or parcels that do not meet the minimum requirements defined by the City’s Zoning By-law, as amended or are landlocked and not required for municipal purposes;

## **PART 2 – LAND ACQUISITION & DISPOSAL**

### **1 REQUEST FOR LAND WITHIN THE MUNICIPAL BOUNDARY**

- 1) A request to acquire City land shall be a complete application that may include all or some of the following:
  - a. be made using the form specified by the Planning Administrator, as amended, from time to time;
  - b. include such information as the Planning Administrator may deem necessary or appropriate to consider the request, including but not limited to a sketch delineating the area to be acquired and a detailed development proposal; and
  - c. include the application fee, if any, pursuant to the City’s Fees and Charges By-law, as

amended.

- 2) Any request to acquire Territorial or Commissioner's land shall be completed by the City following the Government of the Northwest Territories Municipal Lands [Policy](#).
- 3) The Government of the Northwest Territories shall not dispose of Territorial or Commissioner's land within the City of Yellowknife Municipal boundaries to the public without the agreement of the City. Public requests to acquire Territorial or Commissioner's land will be transferred through the City of Yellowknife, not directly to a third party.
- 4) Upon receipt of an application to acquire land, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and may:
  - a. approve a lease without a by-law if the term is less than three years less a day or a month-to-month tenancy;
  - b. refer any disposals, including all waterfront land requests, to Council, or if the Planning Administrator otherwise deems the approval of Council to be desirable; or
  - c. refuse the land application if the proposed use is prohibited and contradicts relevant policies and regulations.

## 2 ACQUISITION BY THE CITY

- 1) The City shall acquire fee simple or leasehold interest, as applicable, on all Commissioner's or Territorial Land required for municipal purposes.
- 2) The City shall obtain a non-possessory right or easement to use or enter onto real property without a by-law, to permit the passage of people or vehicles and to construct, maintain, operate, generate, transmit and supply utilities, including, but not limited to fire suppression, horizontal infrastructure and other related Municipal infrastructure.
- 3) The City shall acquire land for municipal purposes or for disposal.
- 4) The City shall acquire real property by expropriation pursuant to the provision of the *Expropriation Act* and *Community Planning and Development Act* and through the tax recovery process by the *Property Assessment and Taxation Act*.
- 5) The acquisition of land shall be by by-law in accordance with this by-law and the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c22.

## 3 DISPOSAL BY THE CITY

- 1) The City may dispose of land where the land is not required for municipal purposes and where the



intended land use conforms to and is not prohibited by the City's Community Plan, Area Development Plan (where applicable); Zoning By-law, and/or any other relevant by-laws, plans and studies.

- 2) The City may, where appropriate, offer the first right of refusal to lease or purchase lands to current leaseholders and/or Adjacent Property owners.
- 3) The Planning Administrator may grant a non-possessory right or easement to use or enter onto land without a by-law to permit the passage of people or vehicles, horizontal infrastructure and other related Municipal infrastructure.
- 4) In the absence of any requirements for municipal purposes, and by all relevant regulations and legislation, the City may issue leases on public lands to:
  - a. adjacent property owners in residential and non-residential zoned areas.
  - b. individuals, groups or businesses where there are no adjacent property owners.
- 5) The disposal of fee simple or leasehold interest in any real property shall be done in accordance with this By-law and the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c22.
- 6) Before the City authorizes the disposal of land to a business, corporation or society, the entity must provide proof of being in good standing by the provisions of the *Societies Act*, *Business Corporations Act*, or other relevant Act, by-law or policy.
- 7) Before the City authorizes land disposal to a business or corporation, they must obtain a City business licence.
- 8) Any individual, business, corporation or society acquiring a leasehold interest in land shall maintain public liability insurance, with a company licensed and registered to do business in the Northwest Territories, for the land and any improvements to it for not less than \$2,000,000.00, or such other amount as reasonably directed by the City from time to time. The individual, business, corporation or society shall provide the City with documentary evidence of such insurance in a form satisfactory to the City, which names the City as an insured party.
- 9) Where the City disposes of land to a tax-exempt institution, another order of government or a non-profit organization, the City may require the purchaser or lessee to enter into an agreement which gives the City the right of first refusal to reacquire the land and any improvements placed thereon should the purchaser or lessee cease to operate or no longer require the property for its intended purpose.
- 10) Land disposals by the City will be subject to the terms and conditions of a purchase or lease agreement as determined by the Planning Administrator.
- 11) Land may be leased where it is not available in fee simple title to the City or where there is benefit

to the City in retaining land for municipal purposes.

- 12) All lease agreements shall incorporate clauses relative to the remediation of potential environmental damage, including the requirements for remediation, at the lessee's expense. The lessee shall be required to deposit security with the City to the noted remediation requirements, pursuant to the Fees and Charges By-law, as amended. The security shall consist of a Bond, Certified Cheque or Irrevocable Letter of Credit issued by a Chartered Bank or Surety Company.
- 13) The disposition of land in fee simple or leasehold interest shall be made in accordance with this By-law or may be specifically authorized or approved by a By-law.
- 14) Acquisition or disposal of land shall include the legal description of the land to be acquired or, in the case of a lease of unsurveyed lands, a description of the parcel and sketch sufficient to identify the property to be leased.

#### **4 ESTABLISHING THE PRICE OF LAND – LEASE RATES**

- 1) The annual lease rate for land disposed of by the City shall be charged as defined in the City's Fees and Charges By-law, as amended, and all uses shall be categorized pursuant to the definitions therein.
- 2) For greater certainty, Goods and Services Tax or other taxes payable by a lessee, if any, shall be in addition to the total lease costs determined under this By-law.

#### **5 ESTABLISHING THE PRICE OF LAND – FEE SIMPLE DISPOSAL**

- 1) The price of the land must be equivalent to its appraised value or the development costs, whichever is higher.

#### **6 DEVELOPMENT COSTS & OFF-SITE LEVIES**

- 1) Development costs & off-site levies will be recovered in accordance to the Financial Administration by-law, as amended.

#### **7 LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION**

- 1) All revenues from the disposal of land shall be deposited in the Land Development Fund in accordance with the Financial Administration By-Law, as amended.
- 2) Off-site levy charges shall be allocated as part of the development costs in accordance with the Financial Administration By-law, as amended.

- 3) All revenues from leases, quarries, and off-site levies are to be deposited into the Land Development Fund.

### **8 COUNCIL DISCRETION TO A DEVELOPMENT CONTRIBUTION**

- 1) Notwithstanding Sections 5, 6, 7, & 8 Council may, at its sole discretion, provide residential land disposal by fee simple to the Habitat for Humanity NWT regardless of the value of the land for development.

### **9 METHODS AND TERMS OF LAND DISPOSITION BY THE CITY**

- 1) In disposing of land for fee simple, the Planning Administrator shall initiate one of the following methods:
  - a. ballot draw;
  - b. call for development proposals;
  - c. public advertisement;
  - d. a bidding process;
  - e. an auction; or
  - f. public tender.
- 2) If there are no acceptable offers as a result of a ballot draw, call for proposal, bidding process, auction, or public tender, the Planning Administrator may dispose of the land to a specific intended purchaser in accordance with the terms of this by-law.
- 3) The Planning Administrator may sell or market land approved for disposal either independently or through a qualified real estate agent licensed in the Northwest Territories.
- 4) The provisions of Section 9(1) shall not apply to the disposal of land to be used for the purpose of:
  - a. the Federal or the Territorial Government;
  - b. the installation of electrical power, telephone or other communication utilities if the utility company is a crown corporation or a government-regulated monopoly;
  - c. consolidation with adjoining land, when the land being disposed of is a substandard sized lands;
  - d. special and unique activities which serve the public interests of the City; or
  - e. disposing of land to a specific intended purchaser or lessee.
- 5) Substandard-sized lands that cannot be developed independently and are not required for municipal

purposes may be offered directly for disposal to adjacent property owners. Appropriate zoning and roadway closure by-laws, where required, must be adopted before any commitment is made to dispose of the lands. The criteria for determining those properties that cannot be developed on their own shall include, but are not limited to, the following factors:

- a. lot configuration;
  - b. lack of, or barriers to providing street access, water/sewer services, or other municipal services;
  - c. not meeting the minimum lot and site area requirements pursuant to the City's Zoning By-law, as amended; or
  - d. physical limitations related to the natural topography of the site.
- 6) Anyone who acquires land from the City, excluding substandard-sized lands, shall be required to develop, add a specific amount of value to, or quarry the land within a specified period of time. The specific conditions of which will be determined by the Planning Administrator. The disposition agreement shall entitle the City to reacquire the land if the purchaser fails to develop, add a specific amount of value to, or quarry the land within a specified period of time.
- 7) If the disposition of land is to a private developer who is required to build or install municipal infrastructure to develop the land, then, before the disposal, the City shall:
- a. require the developer to provide a letter from a financial institution confirming that the developer has sufficient financial resources to complete the development of the subject land;
  - b. require the developer to enter into a development agreement with the City for the provision of municipal infrastructure and supply of serviced land within a reasonable period; and
  - c. specify, by agreement with the developer, any requirements for the development of the land pursuant to Section 20 of the *Community Planning and Development Act*, including any restrictions on the use of the land.

## **10 PUBLIC NOTICE OF THE DISPOSAL OF CITY OWNED LAND**

- 1) Before disposing of land to the public by ballot draw or call for development proposals, the City shall provide public notice in at least one of the following ways:
  - a. advertising in two consecutive issues of a local newspaper;
  - b. advertising in two consecutive issues of the City's weekly newsletter; or
  - c. advertising for three weeks on the City's website and social media platforms.

- 2) Each advertisement shall include:
  - a. a map or survey/sketch, drawn to scale, identifying the size and location of the land or lot;
  - b. the legal description, if any;
  - c. the purchase price, if applicable;
  - d. the process by which the disposal of the land will occur as outlined in section 10; and
  - e. the location and time at which applicants for the land may participate in the process.
- 3) After the public notice and the first offering, the Planning Administrator may dispose of the land without further advertisement at the sole discretion of the Planning Administrator.

## 11 LICENCE AGREEMENTS

- 1) The Planning Administrator may enter into licence agreements, subject to conditions as may be necessary or appropriate, without obtaining a by-law to authorize the particular licence agreement if the encroachment is related to one of the following:
  - a. a sign, canopy, or other architectural features for an existing or proposed development in those areas of the City where there is no setback requirement, provided that:
    - i. the encroachment is 2.5 meters or more above the average ground level where the encroachment occurs;
    - ii. the encroachment is part of or attached to the principal building;
    - iii. the encroachment is not over and above a utility easement; and
    - iv. all provisions of the Zoning By-law, as amended have otherwise been met and adhered to.
  - b. any portion of the roadways closed by By-law No. 2891, as amended;
  - c. an existing or proposed wheelchair ramp or other feature intended to improve access for persons with disabilities to any building provided that, in the opinion of the Planning Administrator, such encroachment will not materially interfere with the use of the City's land by the City or the public; or
  - d. an existing or proposed encroachment, such as a sidewalk patio, which is, in the opinion of the Planning Administrator, similar to the types of encroachments referred to above.
- 2) A licence agreement to be executed without Council approval must terminate:
  - a. upon the permanent removal or destruction of the encroachment; or
  - b. upon such earlier date or event as specified in the licence agreement.

- 3) A licence agreement shall not:
  - a. convey a fee simple interest in;
  - b. grant a fixed-term leasehold interest in; or
  - c. grant an option to purchase or right of first refusal to purchase City-owned land to a property owner.
  
- 4) A request for a licence agreement shall:
  - a. be made using the form specified by the Planning Administrator, as amended from time to time;
  - b. include such information as the Planning Administrator may deem necessary or appropriate to consider the request, including, but not limited to, a current real property report or site plan showing the location and extent of the existing or proposed encroachment; and
  - c. include a non-refundable application fee, as established (or pursuant to) in the City's Fees and Charges By-law, as amended.
  
- 5) Upon receipt of an application for a licence agreement, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and shall:
  - a. approve the use of a licence agreement, without a by-law, if the encroachment is of a type referred to in Section 11(1) of this by-law and the creation or continuation of the encroachment is necessary or desirable, in the opinion of the Planning Administrator; or
  - b. refer the request to Council if the type of encroachment or form of the agreement would require the approval of Council under this by-law or if the Planning Administrator otherwise deems the approval of Council to be desirable.

## **12 QUARRY LEASE AND ADMINISTRATIVE MANAGEMENT**

- 1) The City shall manage and regulate quarries on Commissioner's Land and Municipal Land in accordance with the applicable statutes of the Government of the Northwest Territories, the City's Zoning By-law, as amended and the Development and Design Standards.
- 2) The acquisition and disposal of land for quarry purposes shall be subject to the requirements of this by-law.
- 3) Any agreement executed by the City to sublease, lease or sell land for quarry purposes shall require the purchaser or lessee to develop, operate and restore the land in accordance with the policies and guidelines established by the Government of the Northwest Territories, e.g. the Northern Land

Use Guidelines for Pits and Quarries, in addition to any City By-laws and any other requirements of the City.

- 4) Before executing a lease agreement or transfer for quarry lands, the City shall require the purchaser or lessee to obtain an approved development permit and provide an environmental security deposit with the City to ensure proper development and restoration of the site. The terms and amount of this security shall be in accordance with the Fees and Charges By-law, as amended. In addition to the environmental security deposit, the City may require additional security deposit following the Zoning By-law, as amended, requirements. The security shall consist of a Bond, Certified Cheque or Irrevocable Letter of Credit issued by a Chartered Bank or Surety Company.
- 5) The fees for Commissioner's Land and Municipal Owned Land quarries shall be charged pursuant to the City's Fees and Charges By-law, as amended. Fees collected for a quarry on Commissioner's Land shall be remitted to the Government of the Northwest Territories, and fees collected for a quarry on Municipal Owned land shall be retained by the City and allocated to the appropriate fund.

### **13 EXECUTION OF AGREEMENTS**

- 1) All agreements shall be duly executed and sealed by the Planning Administrator upon the property Owner's payment of the fee, if required, for execution of the agreement, as set by by-law from time to time.

### **14 STANDARD FORM OF AGREEMENTS**

- 1) The Planning Administrator may approve standard forms of agreement for the acquisition or disposal of land and may authorize administration to make such minor amendments to any such standard form agreement as may be necessary to adapt the agreement to the requirements of any particular transaction.

### **15 AMENDING LAND AGREEMENTS**

- 1) Planning Administrator may amend any agreement's terms for the acquisition and disposal of land where the terms of the agreement conform to City policies and directives.

### **16 BY-LAW ADMINISTRATION**

- 1) The forms, procedures and agreements required for the administration of this by-law shall be as determined from time to time by the Planning Administrator.

**17 SEVERABILITY**

- 1) Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this by-law shall remain valid and enforceable, and the by-law shall be interpreted as such.



**PART 3 – REPEALS AND EFFECT**

**REPEALS**

- 3. By-law No. 4596, as amended, is hereby repealed.

**EFFECT**

- 4. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

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City Manager