

Municipal Act, 2001

Tax Sale by Public Tender

Points to consider

1. All payments are payable to the Township of Edwardsburgh Cardinal.
2. The current property owner can redeem their property tax arrears up until the tender commences or before the property is deeded to the successful bidder or vested to the Township if it should not sell.
3. The Township hand-delivers a letter to any occupied properties that provides the date of the tax sale by public tender. Typically, this is done at least 3-4 months in advance of the tax sale date to provide the property owner time to contact the Township to discuss the tax arrears.
4. The tax sale is advertised for 4 weeks prior to the actual tax sale date in local papers as well as on the Township's website. It is also advertised on www.OntarioTaxSales.ca.
5. A tender package can be obtained for free of the Township's website or for a small fee from Ontario Tax Sales website.
6. The Treasurer has the authority to halt any tax sale proceedings up until the transfer of title has been completed if it is not in the financial interests of the municipality or because of some neglect, error or omission as per Section 382 (6) of the Municipal Act, 2001.
7. The Township is not required to provide vacant possession of any property which may be occupied and accordingly, should the purchaser require vacant possession, a court application at their cost may be required. Further, the Township does not have a key to the property and is not in position to provide one to the purchaser.

8. Any prospective bidder entering the eligible property being offered by tax sale prior to the tax sale may be subject to charges of trespassing being laid against them by the current property owner. The current owners have complete control of the property until after the completion of the deed registration to successful bidder. Please keep this in mind when doing your research!
9. The Treasurer is under no obligation to determine the value of the land before conducting the sale. All information that the Township has knowledge of about the property is identified in the Ontario Tax Sale property information sheet included in the tender package.
10. The Township is not responsible for providing a survey or reference plan to any parcel of land being offered for tax sale or for the condition of the property at the time of sale. When a property is purchased through the municipal tax sale process it “as is where is”.
11. The Township makes no representation regarding the title or any other matters relating to the land to be sold. The potential bidder is responsible for ascertaining this information through Land Registry or other methods. The onus is on the potential bidder to conduct their own investigation into such concerns as zoning work orders, water, sewer, or local improvement charges, future development possibilities and potential building restrictions, etc.
12. When a municipality sells a property under the municipal tax sales process, and there is an outstanding mortgage/s on the property the mortgages are eliminated. This is true except when the mortgage is in favour of the “Crown” – the “Crown” meaning the Governments of Ontario and/or Canada, or one of their respective agencies. If a property is purchased with a Crown interest the purchaser is responsible to pay whatever is owing to the Crown. If the outstanding lien is not paid the Crown could seize the property at any given time.

13. The successful tenderer is determined by the highest bid that meets the following requirements:
- a. Tender shall be in Form 7
 - b. Typewritten or legibly handwritten in ink
 - c. Accompanied by a deposit of at least 20% of the tender amount, which deposit shall be made by way of money order, bank draft or certified cheque by a bank made payable to the Township of Edwardsburgh Cardinal.
 - d. Submitted in a sealed envelope which indicates on it that it is a tax sale and provides a short description or municipal address of the land sufficient to permit the Treasurer to identify the parcel of land to which the tender is related.
 - e. The sealed envelope must be delivered to the Township office at 18 Centre Street, Spencerville, ON to the attention of the Treasurer.
 - f. Each tender should relate to only one parcel of land for sale.
14. Successful purchasers must retain a lawyer to complete the purchase of any property for which their tender is accepted. The purchaser will be required to provide their lawyer's contact information upon receipt of documentation from the Township confirming that they are the successful tenderer.
15. The minimum bid listed in the tender advertisement is the amount outstanding as of the 1st day of advertising.
16. Cancellation price means an amount equal to all tax arrears owing at any time respect of land together with all current real property taxes owing, interest and penalties thereon, any legitimate additional charges and all reasonable costs incurred by the municipality.
17. If no compliant tender is received or no tender equal to or greater than the cancellation price is put forth, the Township may receive title to the land by registering a notice of vesting.
18. Information regarding Land Transfer Tax can be found at <https://www.fin.gov.on.ca/en/tax/ltr/>.

19. HST will be collected from the successful purchasers on all properties that are eligible for this tax. Should a tenderer be an HST registrant and wishes to self-assess HST, the tenderer shall include in their tender package an undertaking and indemnity to self-assess HST in a form satisfactory to the Township.
20. The second highest bidder's deposit will be retained by the Township until the highest bidder has paid the full redemption cost (incl. all outstanding taxes, penalty & taxes, tax sales cost, Land Transfer Tax, and if applicable HST). The deadline to submit payment is 14 days after receipt of the highest tenderer notice. Failure to pay the amount within the prescribed time will result in forfeit of the deposit and the second highest tenderer will be given the same 14 days to respond by payment of full redemption cost.
21. All rejected tenders will be returned by registered mail unless the tenderer advises the Township that they would like to pick up the returned bid and deposit in person. Government issued identification will need to be presented to Township staff to obtain the documentation and bid deposit.