

Village of Canwood

Organization: Village of Canwood	Policy Name: Selling of Tax Enforcement Property	Doc No: Procedure PR – 1
Controller: Administrator	Resolution No. 235-21	Date approved: November 15, 2021
		Review Date: January 30, 2024

1. Definitions

“**Administrator**” means the administrator of a municipality appointed pursuant to *section 110, of The Municipalities Act*.

“**Act**” means all statute section references in this policy, unless otherwise stated, are to *The Tax Enforcement Act*.

“**Village**” means Village of Canwood.

“**Council**” means the council of a municipality.

2. Purpose

This policy will enable the Council for the Village to regulate selling of property obtained by way of the Act.

3. Scope

This Policy applies to all property obtained by way of Tax Enforcement. If the property is not successfully sold within the first year, subsequent attempts to sell will need to follow the same policy and procedures as detailed in this policy or the Act (with the Act prevailing).

4. Policy

Once the title is in the name of the municipality, the land must be offered for sale within one (1) year by public auction or tender unless the Provincial Mediation Board orders something different.

A municipality may lease or use tax title property prior to the sale during the one-year period in which the sale must take place. Council must distribute the proceeds of any sale as provided in *subsection 33(1)* of the Act. If the property is leased, the proceeds of the lease are to be distributed in accordance with *Section 33(1)* of the Act as well as shared with the school division (*subsection 291(2) of The Education Act, 1995*).

Municipal officials (Council) is prohibited from purchasing tax enforcement property other than at a public auction unless the property purchased is intended as a site for the official's home. If the property is not intended for the official's home and, is not sold by public auction but rather by tender, then all bids that are tendered must be submitted to the Villages appointed Auditor to open and inspect the tendered bids.

5. Procedures

The opening of the tenders or the public auction may only take place three weeks after advertising a notice in the following manner:

- (i) in one issue of a newspaper published in or near the municipality in which the land is located;
- (ii) by giving notice, by ordinary mail, to all school divisions in which the land is located; and
- (iii) by posting one copy of the notice in the treasurer's office and on the Village's website.

As per (*subsection 31(1.1)*) of the Act if the land is not sold within the one-year period, the municipality is no longer bound by a condition precedent imposed by the Provincial Mediation Board pursuant to *clause 8(1)(b) of The Provincial Mediation Board Act*.

5. Responsibility

Council will determine if sale process will be by way of public auction or tender.

If by tender, the Village Administrator will be responsible for determining if officials expect be bid on property and, based on response, proceed with appropriate tender process and post appropriate notice.

Administrator must also provide clear directions for the bidding process by way of tender documents.

Council will be responsible for awarding tender. Council may reject any bid that is not sufficient to cover arrears, penalties and costs.