

The Municipal Act, 2001, S.O. 2001

Sale by Public Tender

Information Bulletin - *Please read carefully*

The Municipal Act provides important definitions including the following summaries:

"Cancellation Price" means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties, and reasonable costs incurred by the City

"Tax Deed" is a tax deed as prescribed by section 379 of the Act provided to the successful purchaser of the property after payment of the balance of the Purchase Price.

"Notice of Vesting" means a notice of vesting prepared under subsection 379 of the Act conferring title to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

A Tax Sale of any property is subject to cancellation up to the time of the tender opening without any further notice.

The minimum bid is the Cancellation Price.

A separate tender must be provided for each parcel bid on and must be in the form provided. No substitutes can be accepted.

The tender must be accompanied by a deposit of at least 20% of the tender/bid amount by way of money order, bank draft, or certified cheque payable to the City of Peterborough.

The City is not obliged to provide a survey or reference plan for any parcel of land being sold under tax sale.

The City Treasurer is not obliged to inquire into the value of land prior to conducting a sale.

Further, there is no obligation to obtain fair market value for the land or to ensure that land being sold under tax sale may obtain fair market value at the time of the sale or in the future.

Prior to submitting a tender, the onus is on the potential bidder to conduct his/her own inquiries into such matters as zoning, access, work orders, water/hydro and other arrears, building restrictions, title problems. The City makes no representations whatsoever as to the quality and/or quantity of the land being purchased.

The following departments/agencies may be in a position to provide assistance in respect of the tax sale property :

- Zoning Information: 705-742-7777 Ext. 1892
- The Registry Office (Ministry of Consumer & Commercial Relations) for the City of Peterborough is located at 300 Water Street, Peterborough, ON (2nd Floor of the Ministry of Natural Resources Building) 705-755-1342
- Municipal Property Assessment Corporation (MPAC) - Regional Assessment Office is located at 1477 Lansdowne Street West, Peterborough (Telephone: 1-866-296-6722) or www.mpac.ca
- Fire Department - Fire Prevention Division is located at 210 Sherbrooke Street, Peterborough, ON 705-745-3284 Ext 2755

Potential bidders are further advised that a lawyer should be retained in order to ensure that his/her interests are protected prior to the submission of a bid/tender.

The City does not conduct tours or provide access to properties being sold under tax sale.

The City does not provide legal opinions to potential bidders in respect of issues which may arise in the context of a public sale. If two bids of equal amount are tendered, then the person who submitted the earlier bid will be deemed to be the higher bid.

The successful tender is the highest bidder who has submitted a properly completed tender and who makes payment within fourteen calendar days of being notified by mail of the balance of the amount tendered, the appropriate land transfer tax, and accumulated taxes to the City.

Land Transfer Tax is an amount payable to the Minister of Finance by certified cheque, cash or money order. Any questions in respect of Land Transfer Tax may be directed to the Registry Office, 300 Water Street, Peterborough, ON (2nd Floor of the Ministry of Natural Resources Building) 705-755-1342.

If the highest bidder does not submit the remaining funds as described, then the highest bidder's deposit is forfeited and the land is offered in the same manner to the second highest bidder who then has fourteen calendar days from date of notification to remit the monies owing to the City. A Tax Deed, which is provided to the successful purchaser at the time when the balance of the Purchase Price is paid, transfers title of the land in "fee simple" subject generally to:

- easements and restrictive covenants; and
- estates and interest of the Crown in right of Canada or the Province of Ontario - (eg: execution in favour of the Ministry of Finance); and
- adverse possession interests by abutting owners, if any.

The City is not required to provide vacant possession of any properties which may be occupied and accordingly, should the purchaser require vacant possession, a court application, at his or her cost, may be required. **Further the City DOES NOT have a key to the property and is not in a position to provide one to the purchaser.**