

## TENDERER'S CHECKLIST FOR SUBMITTING A VALID TENDER

### Have you done your homework?

The municipality makes no representation regarding the title to the property or any other matters relating to the lands to be sold. The property may be worth much more *or* much less than the minimum tender amount.

**The responsibility for researching this property to see if it is a good investment and researching the legislated requirements and provisions of the tax sale procedure is up to you.** Have you investigated title and conducted a search for executions to see what will stay on title and become your responsibility after the tax deed is registered? In most cases, if the property is subject to a crown interest at the time the tax deed is registered (such as a mortgage, lien or execution), it will continue to be subject to that crown interest when you become the owner. Is the land subject to easements, restrictions &/or adverse possession of abutting owners? Does the property condition, land use, zoning, etc. fit in with your plans for the property? Is it accessible without trespassing on someone else's property?

If your tender is accepted and you do not pay the balance of the tender amount owing on time for any reason, **your deposit will be forfeited to the municipality** as set out in the *Municipal Tax Sale Rules*.

| YES | NO | <b>Requirements for "Submitting a Tender" pursuant to the <i>Municipal Act, 2001</i> and <i>The Municipal Tax Sale Rules</i></b>   |
|-----|----|--|
|     |    | Envelope is sealed   |
|     |    | Envelope indicates it is for a Tax Sale  |
|     |    | An identifiable description of the land or municipal address is shown on the envelope  |
|     |    | Envelope is addressed to the Treasurer (or Deputy Treasurer)<br><i>NOTE: Tenders must be addressed to the person who holds the position of Treasurer, or Deputy Treasurer under Section 286(2), even if their Title is different.</i>  |
|     |    | Tender is submitted in Form 7<br><i>NOTE: Form 7 must be addressed to the person who holds the position of Treasurer, or Deputy Treasurer under Section 286(2), even if their Title is different.</i>  |
|     |    | Form 7 is typewritten or legibly written in ink  |
|     |    | Form 7 deals with one parcel only  |
|     |    | Only one Form 7 per envelope   |
|     |    | Tender includes only the terms and conditions as provided for in the <i>Municipal Tax Sales Rules</i>  |
|     |    | Your Tender Amount is equal to or greater than the Minimum Tender Amount given for the property in the ad  |
|     |    | Deposit is at least 20% of the amount you tender<br><i>NOTE: Deposit of 20% must always be rounded off to the "HIGHER" cent (ie. Example: If you tender \$5,000.01 – 20% of \$5,000.01 is \$1,000.002 – therefore \$1,000.00 would be less than 20% of the amount you tendered - \$1,000.01 would be the minimum deposit required)</i>   |
|     |    | Deposit is made by way of money order, or by way of bank draft or certified cheque drawn on a bank or trust corporation. <b>A Credit Union is not a Bank or Trust Company.</b> Legislative changes to allow for cheques to be drawn on Credit Unions are only in effect for properties on which the tax arrears certificate was registered after Jan1, 2018. <b>If your deposit is made by way of a bank draft or cheque certified by a credit union, your tender may be rejected.</b> |
|     |    | Deposit money order, bank draft or certified cheque is made out in favour of the municipality  |

**If you answered "NO" to any of the above questions,  
the Tender shall be rejected!**

## INSTRUCTIONS FOR SUBMITTING A TENDER

A tender, and the envelope that it is submitted in, must be prepared and submitted in accordance with the *Municipal Tax Sales Rules*. Here are steps to follow to ensure that your tender complies with those rules.

### 1. Determine your tender amount

The minimum tender amount in the tax sale advertisement is generally the "cancellation price" (taxes, penalty, interest, etc) as of the first day of advertising. Your tender must be this amount or more. If you are the successful tenderer, you will also be required to pay Land Transfer Tax and any applicable HST. As well, you will be required to pay "accumulated taxes", being any further taxes, interest or penalty that have accumulated since the first day of advertising.

### 2. Prepare Form 7 (TENDER TO PURCHASE)

A tender shall be in Form 7. It must be typewritten or legibly handwritten in ink. There is a Form 7 in your tender package. Please proceed as follows:

#### a. In the section of Form 7 that says "Re: Sale of: (description of land)"

Enter in the description of the land, including the roll number, file number and municipal address, if that information is available. You should use the same description that is shown on your TITLE SEARCH SUMMARY, if you purchased one, or on the tax sale ad.

#### b. Fill in the remaining information on Form 7.

**NOTE:** Double and triple check the information that you enter. Be sure there are no mistakes!

### 3. Prepare a deposit

#### a. At least 20%

Your tender must be accompanied by a deposit of at least 20 per cent of the amount you tender.

(Example: If you tender \$5,000.01 – 20% of \$5,000.01 is \$1,000.002 – therefore \$1,000.00 would be less than 20% of the amount you tendered - \$1,000.01 would be the minimum deposit required)

#### b. Not by cash or credit union

Your deposit must be made by way of money order or by way of bank draft or cheque certified by a bank or trust corporation. Legislative changes to allow for cheques to be drawn on Credit Unions are only in effect for properties on which the tax arrears certificate was registered after Jan 1, 2018. If your deposit is made by way of a bank draft or cheque certified by a credit union, your tender may be rejected.

#### c. Deposit money order, bank draft or certified cheque must be made out in favour of the municipality

#### d. Warning

If after the tender(s) have been opened, the municipality sends you a notice that your tender has been accepted, you must pay the full amount owing within 14 days of the notice being sent to you. If you do not pay the balance as required, for any reason, your deposit will be forfeited to the municipality.

### 4. Prepare a Tender envelope

Your tender must be submitted in a sealed envelope, addressed to the treasurer, indicating 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 relates.

The tender envelope in this tender package is already properly pre-addressed. All you have to do is the following:

#### a. If a municipal address has been given for the property, enter that address under the heading **Tax Sale For**.

#### b. If there is no municipal address given, or if the municipal address will not be sufficient to permit the treasurer to identify the parcel to which the envelope relates, it will be necessary to include a short description of the property. You should use the property description that is shown on your TITLE SEARCH SUMMARY, if you purchased one, or on the tax sale ad.

### 5. One parcel only

A tender shall relate to only one parcel of land. If there are two or more properties in a sale and you wish to submit tenders for two properties, you must submit two completely separate tenders. You must fill out two separate Form 7s and have two separate deposit cheques or money orders. Each Form 7, along with the deposit for that property, must be submitted in a separate envelope.

### 6. No additional terms or conditions

The treasurer will reject every tender that includes any term or condition not provided for in the *Municipal Tax Sales Rules*.

### 7. Submitting your tender

You can submit your tender in person, or by courier, or by mail. Your tender must be received by the treasurer on or before the time and date indicated in the advertisement for tax sale. If your tender is received late it will be rejected. In the event of a postal strike or other work slowdown, mail might not be delivered in a timely manner. If the mailing address includes a Post Office Box, there is no guarantee the municipality will collect their mail before 3 pm on the day of the sale. It is the tenderer's responsibility to ensure the tender is delivered to the treasurer by 3 pm on sale day.

### 8. If you wish to withdraw your tender

A tender is withdrawn if the tenderer's written request to have the tender withdrawn is received by the treasurer before 3 p.m. local time on the last date for receiving tenders. The envelope containing a withdrawn tender will be opened at the time of the opening of the sealed envelopes.

### 9. Cancellation of sale

A tax sale can be cancelled by the treasurer at any time before a tax deed or notice of vesting is registered on title.