

**MUNICIPAL ACT, 2001  
CHATHAM-KENT TAX SALE BY PUBLIC AUCTION**

**POINTS TO CONSIDER:** All payments are payable to the Municipality of Chatham-Kent

- The municipality will allow the property owner to redeem their property until the auction commences.
- The municipality 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 his or her cost, may be required. *Further the municipality DOES NOT have a key to the property and is not in a position to provide one to the purchaser.*
- Any prospective purchaser entering the eligible property being offered for sale prior to the auction, **MAY BE SUBJECT TO CHARGES OF TRESPASSING BEING LAID AGAINST THEM BY THE CURRENT PROPERTY OWNER.** We have no authority at this time to enter onto their land. The current owners have complete control of the property until after the completion of the auction. Please keep this in mind when doing your research!
- The treasurer is under no obligation to determine the value of the land before conducting the sale. Tours or access to the properties being sold will not be provided.
- The municipality is not responsible to provide a survey or reference plan for any parcel of land being offered for “tax sale” or responsible for the condition of the property.
- The municipality makes no representation regarding the title to or any other matters relating to the land to be sold. Responsibility for ascertaining these matters (Registry, Sheriff’s, Corporate searches etc.) rests with the potential purchaser.
- The onus is on the potential purchaser to conduct his/her own investigation into such concerns as zoning; work orders; water, hydro, sewer, area or local improvement charges; future development possibilities; building restrictions, etc. For further enquiries regarding these issues, please advise staff in our call centre (519-360-1998) which department you wish to speak to and they will connect you to the appropriate department. Hydro and water departments may be reached at 519-352-6300. Water installation charges may be verified by contacting Jeannie Medeiros at 519-436-0119 Ext. 302.
- If you wish to have legal counsel prior to bidding on any tax sale property, this decision is entirely at your own discretion and expense.
- To determine building restrictions under the Lower Thames Conservation Authorities please call 519-354-7310.
- Any questions regarding the Land Transfer Tax may be directed to the Lambton Kent Registry office, Ministry of Consumer & Commercial Relations, 40 William St N, Chatham, Ontario, N7M 4L2. 519-352-5520.
- The highest bidder is the successful purchaser who pays the sale price which includes the accumulated tax since the date of advertisement, land transfer tax, and HST (which must be equal to or greater than the Cancellation Price).
- The minimum bid is the amount outstanding as of the 1<sup>st</sup> day of advertising.
- Accumulated taxes refer to any additional charges, taxes and/or interest and penalty charges that have been incurred beyond the first advertisement date to the date of the auction (for example further interest, additional due date charges or other miscellaneous charges such as weed cutting, property standards etc.).

- **“Cancellation price” means an amount equal to all the tax arrears owing at any time in 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.**
- **Payment must be in cash, and must be made immediately after the sale of that land has concluded. The Municipal Act defines “CASH” to be “money order, bank draft, cheque certified by a bank, trust company or Province of Ontario savings office, payable to the Municipality of Chatham-Kent, or cash”. A debit machine transaction or line of credit is not considered as “cash” according to the Municipal Act. If an overpayment is received, the purchaser may obtain a refund cheque for the difference within three working days following the sale. The purchaser will not be allowed to leave the room to obtain funds to close the sale.**
- **Municipal staff members have the right to bid on a property that is eligible for sale in the same manner as any other prospective bidder.**
- **The Municipality of Chatham-Kent has the right to purchase eligible properties and retain them for municipal purposes. Should the Municipality have a representative in the audience that will be bidding on a parcel; it will be disclosed prior to the first property being presented for a bid.**
- **If no bid is received or no bid equal to or greater than the cancellation price is put forth, the municipality may receive title to the land by registering a notice of vesting.**
- **Please note that once a property has been sold, there will be a short delay before the next parcel will be offered for auction. We apologize for the delay, however if sufficient funds are not presented, the bidding will be re-opened on that parcel.**
- **If there is no successful purchaser on the re-opening of the parcel, the treasurer may register a notice of vesting to allow the municipality to receive title to the land. Note: the bidding can only be opened twice; then the municipality has the option to vest the property into their ownership within two years as per Section 379(15) of the Municipal Act.**
- **The successful purchaser must provide their full name, birth date and the address they wish used for mailing purposes. As well, they must advise if they wish the owners to be recorded as joint tenants or tenants-in-common when registering the deed in their name. Please present birth certificates or passport/landed immigrant papers and a valid driver’s license for all parties being registered as owners on the day of the sale.**
- **If you currently remit HST and plan to self assess for HST purposes, please bring your HST number and seal to the auction.**
- **The purchaser’s title is subject to the following:**
  - **all rights, privileges, and appurtenances. e.g. right-of-way**
  - **easements and restrictive covenants that run with the land**
  - **interests of the Provincial or Federal Crown**
  - **claims of adverse possession by abutting landowners.**
- **The final parcel being auctioned will not be declared sold until such time as funds have been verified. You may not want to leave the auction area until the funds have been confirmed and the auction officially closed by the auctioneer/treasurer.**
- **Once a parcel has been sold, a deed transferring the title will be registered as soon as possible following the auction. Taxes for the current year will not be apportioned.**
- **Section 12 (6) of the Act allows the Treasurer to halt proceedings if it is not in the financial interest of the municipality to continue with proceedings under the act.**