Municipality of Shelburne

Naturally Yours

136 Hammond Street, PO Box 280 Shelburne, NS BOT 1WO Phone: (902) 875-3544 - Fax: (902) 875-1278

SPECIAL COUNCIL MEETING OF THE 52nd COUNCIL
OF THE
MUNICIPALITY OF THE DISTRICT OF SHELBURNE
Monday, June 14, 2021
6:00 pm
AGENDA

1. **Call to Order:**
2. **Approval of Agenda:**
3. **Finance:** (*Resolution Prepared)
   a) Tax Sale by Tender Results May 31, 2021 Pg 1-29
4. **Adjournment:**

Trudy Payne, CAO
Trudy.Payne@municipalityofshelburne.ca

www.municipalityofshelburne.ca

Penny Smith, Warden
warden@municipalityofshelburne.ca

Municipality of the District of Shelburne

June 14, 2021 Council

MOTIONS

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Adnan Masad of $1,500.00 including HST for property identified as AAN#00896691 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Miles Grant of $13,400.00 including HST for property identified as AAN#01736078 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Brian Bent of $715.00 including HST for property identified as AAN#02986841 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Nancy Higney of $1,236.00 including HST for property identified as AAN#03088219 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Chris Bird of $7,500.00 including HST for property identified as AAN#03146863 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Timothy Dolliver of $200.00 including HST for property identified as AAN#04393376 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Miles Grant of $1,778.00 including HST for property identified as AAN#04410777 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Adnan Masad of $1,900.00 including HST for property identified as AAN#04874269 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Daniel Skeen of $5,111.00 including HST for property identified as AAN#05182484 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Tim Richardson of $5,000.00 including HST for property identified as AAN#06323138 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT Council of the Municipality of the District of Shelburne write off $27,357.92. using GL#0028211000 and GL#0045100000.

STAFF REPORT

To:	Council
From:	Michelle Williams, Director of Finance
Approved by:	Trudy Payne, Chief Administrative Officer
Date:	June 14,2021
Subject:	Tax Sale by Tender Results May 31, 2021

ORIGIN

Per section 134 of the Municipal Government Act, if a property has outstanding taxes for the preceding three fiscal years, it shall be put up for tax sale. As per the Municipality of the District of Shelburne Tax Sale Policy when the tender tax sale list was produced in the 2020/2021 fiscal year, a "property shall be sold for tax sale if taxes are in arrears for the proceeding one fiscal year."

The Public Tax Sale for March 2, 2021 was canceled on the advice of our solicitor due to COVID-19 restrictions at the time; Council approved proceeding to Tax Sale by tender with a closing date of May 31, 2021; this report reviews the bids from the tender.

BACKGROUND

Tax Sale
Public auction

MGA Section 141 (1) Unless the arrears of taxes, interest and expenses are paid, the treasurer shall proceed to sell land liable to be sold for taxes at public auction.

(2) The treasurer may, with the consent of the council, call tenders for property rather than put the property up for sale at public auction.

(3) The council may direct the treasurer as to what constitutes an acceptable minimum tender or bid, if the treasurer is of the opinion

-1-

that the property might not realize sufficient to cover the outstanding taxes, interest and expenses.

Municipal purchase of tax sale property

MGA Section 143 (4) Where no bid is received for any land sufficient to satisfy the full amount of the taxes, interest and expenses due in respect of the land and the municipality does not purchase the land, the municipality may, without further notice to the owner and encumbrancers, again advertise the property and

(a) sell it at auction for the best price that may be obtained; or

(b) call tenders for the property and sell it for the highest tender, and the council may direct the treasurer as to what constitutes an acceptable minimum bid or tender price.

(5) Subsections 142(2) and (3) apply to the advertising referred to in subsection (4). 1998, c. 18, s. 143; 2003, c. 9, s. 55.

Tax sale advertisement

MGA Section 142 (2) Notice of the sale at public auction or the call for tenders shall be published

(a) at least twice prior to the sale or when tenders close in a newspaper circulating in the municipality;

(b) with the first advertisement appearing at least thirty days prior to the sale or when tenders close; and

(c) setting out each lot of land to be sold and the date, time and place of the sale or when tenders close.

(3) It is sufficient to state in the advertisements the street and number of a property advertised or to include any other such short reference by which the property may be identified, together with a statement that a full description can be seen at the office of the treasurer. 1998, c. 18, s. 142.

DISCUSSION

For the week of April 14, 2021 and May 12, 2021, a tender ad was posted in the local newspaper, as well as on Municipality of the District of Shelburne website and Facebook. Ten properties were available, and all ten received bids. This ad is included in the attachments to show you what the minimum bids are for the property and if they are redeemable.

The attachment "Tender Bid Summary May 31, 2021" shows the 43 bid envelopes we received; some envelopes contained multiple bids. Please note that the Municipality of the District of Shelburne has withdrawn their bid on AAN04874269 for $25,583.66 by exercising its capacity per the MGA, specifically section 143 and 149, which provide the Municipality the discretion to purchase or choose to withdraw its bid .

Below is a summary of the highest bid received for each property. All arrears are listed in the column below, this does not include the current 2021 2022 Tax Bill as it is not due until June 30, 2021 and is therefore not in arrears. A fee of $575 will be charged per successful bid to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed. The successful purchaser will be notified and will have three business days to pay in full as per MGA Section 149(2). There was two AAN's where Council requested minimum bids, per ad, those conditions have been met. All properties but two are eligible for the 6-month redemption period which would end December 13, 2021; at that time, the property would then be deeded to the new owner. The two properties that are non-redeemable are AAN04393376 and AAN04874269. Date on the Certificate of Sale would be June 14, 2021, bidders have until June 18,2021 to pay in full.

AAN	Bid Amount Including HST	Bid Amount No HST	Arrears Amount Owing	Excess	Write Off
00896691	$1,500.00	$1,304.35	$2,645.28	0	$1,340.93
01736078	$13,400.00	$11,652.17	$3,320.45	$8,331.72	0
02986841	$715.00	$621.74	$4,494.44	0	$3,872.70
03088219	$1,236.00	$1,074.78	$1,108.43	0	$33.65
03146863	$7,500.00	$6,521.74	$867.42	$5,654.32	0
04393376 Non-Redeemable	$200.00	$173.91	$2,339.67	0	$2,165.76
04410777	$1,778.00	$1,546.09	$1,414.06	$132.03	0
04874269 Non-Redeemable	$1,900.00	$1,652.17	$21,597.06	0	$19,944.89
05182484	$5,111.00	$4,444.35	$2,427.95	$2,016.40	0
06323138	$5,000.00	$4,347.83	$1,211.87	$3,135.96	0

TOTAL	**$38,340.00**	**$33,339.13**	**$41,426.63**	**$19,270.42**	**$27,357.92**

BUDGET IMPLICAITON

If bid amounts are accepted as presented, total write off would be $27,357.92. Currently, the Municipality of Shelburne has $58,972.89 (0045100000) + $5,000.00 (0028211000) = **$63,972.89** available for write offs.

RECOMMENDATION

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Adnan Masad of $1,500.00 including HST for property identified as AAN#00896691 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Miles Grant of $13,400.00 including HST for property identified as AAN#01736078 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

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THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Miles Grant of $1,778.00 including HST for property identified as AAN#04410777 with the

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THAT the Council of the Municipality of the District of Shelburne accept the tender bid from Tim Richardson of $5,000.00 including HST for property identified as AAN#06323138 with the purchaser being required to pay a fee of $575.00 to cover legal costs associated with preparation and registration of the Certificate of Sale and Tax Deed.

THAT Council of the Municipality of the District of Shelburne write off $27,357.92. using GL#0028211000 and GL#0045100000.

ALTERNATIVES
N/A

ATTACHMENTS
Policy 33 - Tax Sale Policy
Tender results sheet May 31, 2021
Ad in the local paper
Pictures of all ten properties that are on the Tax Sale List

Policy 33
TAX SALE

POLICY PURPOSE

33.1 It is the Policy of the Municipality of the District of Shelburne that all property taxes be collected in a timely manner. Property tax accounts that fall into arrears will be subject to collection efforts that ultimately can result in tax sale.

POLICY DETAILS

33.2 Effective April 1, 2018 until March 31, 2019, property shall be sold for tax sale if taxes are in arrears for the preceding two fiscal years. Section 134(1) of the *Municipal Government Act* states "property *may* be sold for taxes if the taxes with respect to the property are not paid in full for the taxation year immediately preceding the year in which the tax sale proceedings are commenced, but the proceedings shall not commence before June 30th in the year immediately following that taxation year." Section 134(2) of the *Municipal Government Act Section* states "property *shall* be put up for tax sale if taxes are in arrears for the preceding three fiscal years."

33.3 Effective April 1st, 2019, property shall be sold for tax sale if taxes are in arrears for the preceding one fiscal year. Section 134(1) of the *Municipal Government Act* states "property *may* be sold for taxes if the taxes with respect to the property are not paid in full for the taxation year immediately preceding the year in which the tax sale proceedings are commenced, but the proceedings shall not commence before June 30th in the year immediately following that taxation year." Section 134(2) of the *Municipal Government Act Section* states "property *shall* be put up for tax sale if taxes are in arrears for the preceding three fiscal years."

33.4 When Municipality of the District of Shelburne sends the Preliminary Tax Sale Notice, pursuant to Section 138 of the *Municipal Government Act,* it shall be policy of Municipality of the District of Shelburne that any person notified must provide payment in full to Municipality of the District of Shelburne within thirty days of the date of the preliminary notice.

REPEAL

33.5 Tax Sale Policy adopted by Council of the Municipality of the District of Shelburne on the 1st day of April, 2016, is hereby repealed.

THIS IS TO CERTIFY that the Council of the Municipality of the District of Shelburne duly passed the policy respecting Tax Sale on 26 day of March 2018.

SIGNED this 30th day of November ,2018

WARDEN

CHIEF ADMINISTRATION OFFICER

Approved by Council: March 26, 2018

Effective Date: April 1, 2018

Amended Date: November 26, 2018 (amended sections include 33.2, 33.3, 33.4)

Tender #	00896691	01736078	02986841	03088219	03146863	04393376	04410777	04874269	05182484	06323138	Tender #
1					$ 5,700.00						1
2					$ 5,222.22						2
3		$ 10,176.00									3
4										$ 1,777.00	4
5							$ 1,778.00				5
6						$ 200.00					6
7					$ 4,427.00						7
8								$ 25,583.66			8
9					$ 4,111.00						9
10									$ 5,111.00		10
11				$ 611.00							11
12								$ 1,778.00			12
13		$ 13,400.00									13
14				$ 535.00							14
15					$ 1,225.00						15
16									$ 1,625.00		16
17	$ 1,500.00	$ 1,950.00					$ 1,500.00	$1500 & $1900			17
18					$ 2,500.00						18
19										$ 5,000.00	19
20										$ 500.00	20
21						$ 100.00					21
22				$ 339.00							22
23									$ 2,024.00		23
24				$ 1,236.00							24
25	$ 127.65		$ 127.65						$ 1,162.65		25
26					$ 3,005.00						26
27							$ 1,651.00				27
28					$ 1,002.00						28
29		$ 3,799.00									29
30		$ 3,300.00									30
31					$ 6,650.00						31
32					$ 4,005.00						32
33	$ 1,000.00		$ 700.00	$ 500.00	$ 6,000.00						33
34		$ 2,000.00					$ 500.00		$ 1,500.00		34
35				$ 1,000.00							35
36		$ 100.00									36
37					$ 7,500.00						37
38					$ 2,021.00						38
39										$ 1,206.00	39
40		$ 115.00	$ 715.00	$ 115.00	$ 1,115.00	$ 115.00	$ 1,515.00	$ 115.00			40
41								$ 200.00			41
42										$ 555.00	42
43					$ 3,100.00						43

Municipality of Shelburne

PROPERTY TAX SALE BY TENDER

Municipality of the District of Shelburne

NOTICE IS HEREBY GIVEN in accordance with the Municipal Government Act of Nova Scotia 1999, Part 6, that the Municipality of the District of Shelburne is inviting sealed tenders for the below stated properties that are situated in the Municipality of the District of Shelburne.

Descriptions of the above properties may be seen on our website www.municipalityofshelburne.ca or at the Finance Department located in the Court House & Administration Building, 136 Hammond Street, Shelburne, Nova Scotia, during regular business hours, up to **12:00 pm (noon) Monday, May 31, 2021**; however, we do not guarantee the accuracy of these property descriptions.

DIRECTIONS:

Tenders shall be submitted in a sealed envelope, addressed to the undersigned and shall be clearly marked on the outside of the envelope **"PROPERTY TAX SALE BY TENDER"**. Bidders shall complete the "Tender Form" for each property they wish to bid upon. The Tender Form is available at the Finance Department for the Municipality of the District of Shelburne situated at 136 Hammond Street, Shelburne, NS, by website www.municipalityofshelburne.ca, or by email tax@municipalityofshelburne.ca.

Tenders will be accepted until 12:00 pm (noon) on Monday, May 31, 2021.

TERMS OF SALE:

See property listing below for minimum bid price. Price on the tender form must be greater or equal to the minimum bid price plus applicable HST. The accepted tender price must be paid within three (3) business days after being notified of acceptance. Failure to pay the accepted tender price within three (3) business days will result in the land again being advertised and put up for sale. **In addition to the bid, the bidder must pay $575.00 to cover preparation and registration of the Certificate of Sale and Tax Deed.** Municipality of the District of Shelburne will accept cash, certified cheque, money order, bank draft, lawyer's trust cheque or debit.

FAXED AND OR ELECTRONICALLY SUBMITTED TENDERS ARE NOT ACCEPTABLE AND WILL NOT BE CONSIDERED.

The Municipality of the District of Shelburne makes no representations or warranties to any purchaser regarding the fitness, geophysical or environmental suitability of the properties offered for sale for any particular use and are being sold on an "as is" basis only.

NOTE: Properties with less than six (6) years taxes owing may be redeemed within six (6) months after the date of the sale as per the Nova Scotia Municipal Government Act, Section 152.

SECTION 144(2) of the Nova Scotia Municipal Government Act Purchase of Tax Sale Properties by Municipal Employees or their spouses is not permitted.

Although Municipality of the District of Shelburne has made all reasonable efforts to confirm ownership, it does not guarantee title or boundaries of the aforementioned properties. **Prospective purchasers are responsible to conduct their own searches and surveys or other investigations.**

TAKE NOTICE that tax sales **DO NOT** in all circumstances resolve defects in title. A Tax Deed conveys only the interest of the assessed owner, whatever that interest may be. It is advisable to consult with a lawyer before purchasing a property.

The Municipality reserves the right to reject any or all tenders, not necessarily accept the highest tender, or to accept any tender which it may consider to be in its best interest. Municipality also reserves the right to waive formality, informality or technicality in any tender.

TENDER OPENING:

Tenders will be opened and livestreamed on the Municipal Facebook page (www.facebook.com/MunicipalityShelburne) on **Monday, May 31, 2021** at 12:00pm (noon).A summary report of the tender bids will be taken to Council **June 14, 2021.**

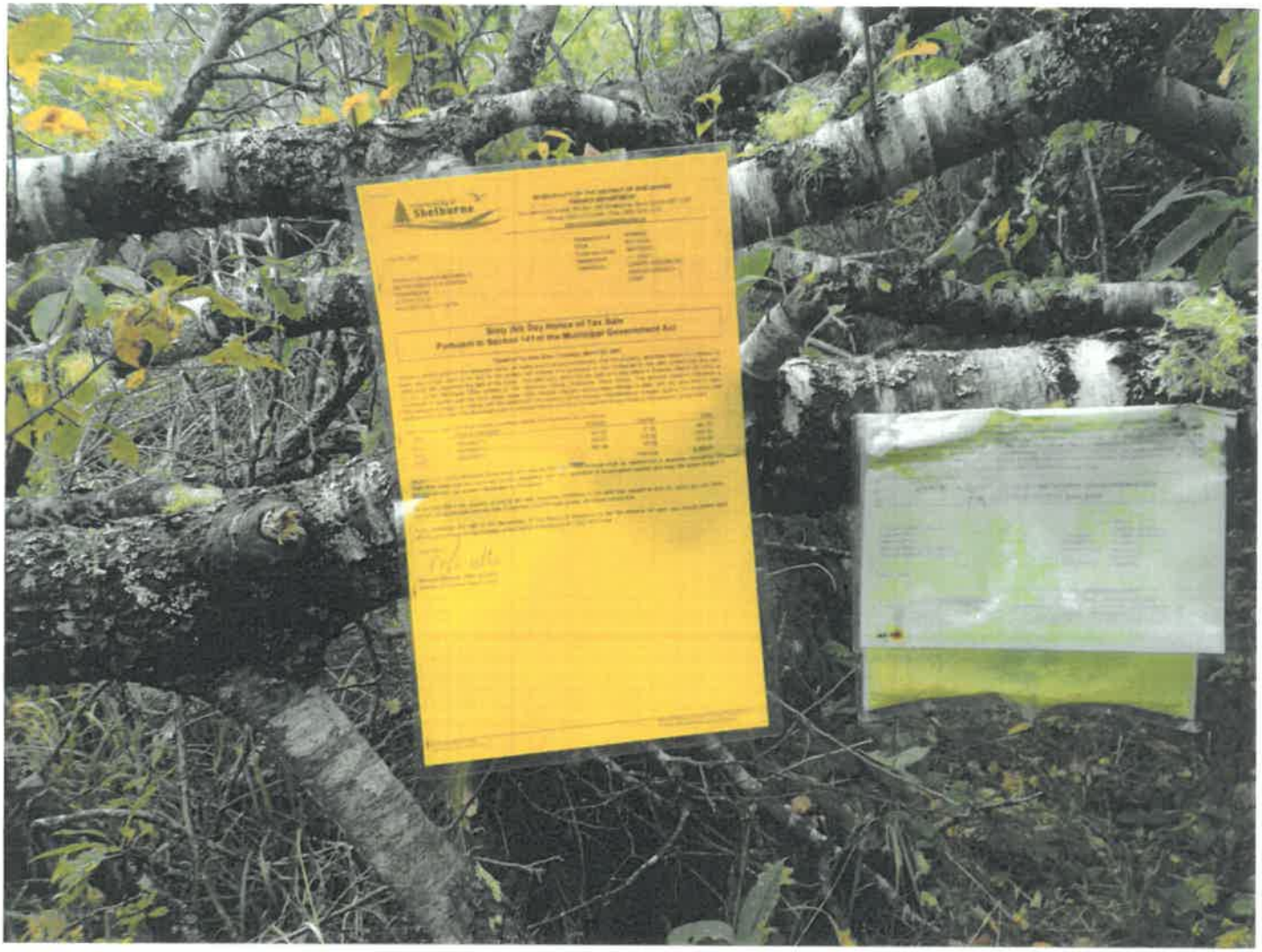
Michelle L. Williams MBA, B. COMM
Director of Finance

AAN	PID	Description	Assessed Owner	Minimum Bid Amount	Redeemable
00896691	80115298	LOWER JORDAN RD JORDAN BRANCH LAND	MATON NANCY C & CONNOR TERRANCE M	$0.00	YES
01736078	80096910	13 HEMEON LANE LOWER SANDY POINT LAND DWELLING	GOODICK ERNEST J & BERNICE	$0.00	YES
02986841	80092448	56 SHORE RD BIRCHTOWN LAND	HOPKINS GARY	$0.00	YES
03088219	80135445	ROCKLAND RD EAST RAGGED ISLAND LAND	RACE BRIAN	$0.00	YES
03146863	80095334	HIGHWAY 103 REIDS HILL LAND	GONZAGA JAIME D	$898.00	YES
04393376	80102106	SANDY POINT LAND	LIVELSBERGER HENRYETTA S	$0.00	NO
04410777	80121429	894 EAST GREEN HARBOUR RD EAST GREEN HARBOUR LAND DWELLING	PUFF AGNES LAFRANCE SHIRLEY ATT MR. ROBERT PUFF	$1,433.00	YES
04874269*	80124423	126 SHORE RD WEST GREEN HARBOUR LAND FELLOWSHIP HALL	WEST GREEN HARBOUR FIRE HALL ASSOCIATION ATT ENSLOW LAURA	$0.00	NO
05182484	80123227	WEST GREEN HARBOUR RD WEST GREEN HARBOUR LOT 2	JOHNSON CLAYTON NORMAN	$0.00	YES
06323138		1292 3 HWY BIRCHTOWN SHAMROCK, 10 X 44 (47) SER.#A6FBJJAK550 1292 HIGHWAY 3 BIRCHTOWN	ACKER DAVID ATT ESTATE OF DAVID ACKER	$0.00	YES

***Note:** **Above mentioned property AAN 04874269 - WEST GREEN HARBOUR FIRE HALL ASSOCIATION - 126 SHORE RD WEST GREEN HARBOUR LAND FELLOWSHIP HALL**
Neither the title search undertaken by the Municipal Solicitor, nor efforts to survey this property, have allowed the Municipality of the District of Shelburne to formulate a proper description of the lands being sold. As such, anyone interested in the property is encouraged to undertake their own efforts to determine the boundaries of the property and, in so doing, to consult with legal counsel or a Nova Scotia Land Surveyor. The Municipality of the District of Shelburne in no way warrants that the description that will be attached to the Tax Sale Deed that the purchaser will receive is accurate. In purchasing the property, the purchaser acknowledges that the description may be inaccurate and agrees that the Municipality of the District of Shelburne has not made any representations and/or warranties regarding the location of the property, the location of its boundaries or the amount of land contained within the parcel.

00272553
268
Jordan Branch Rd
00221848
282
289

AAN 00896691



29
2073
2065
Sandy Point Rd
00439495
03513807
03809662

AAN 01736078

04438442
00758736
01994034
Highway 3
01994042
01994069
00017019
05107873
Shore Rd
01164864
01759841
08410720
01759833
01867075

02986841

03088227
East Ragged Island Rd
03088219
10622816

AAN 03088219

01192892
00506222
03885853
Highway 102
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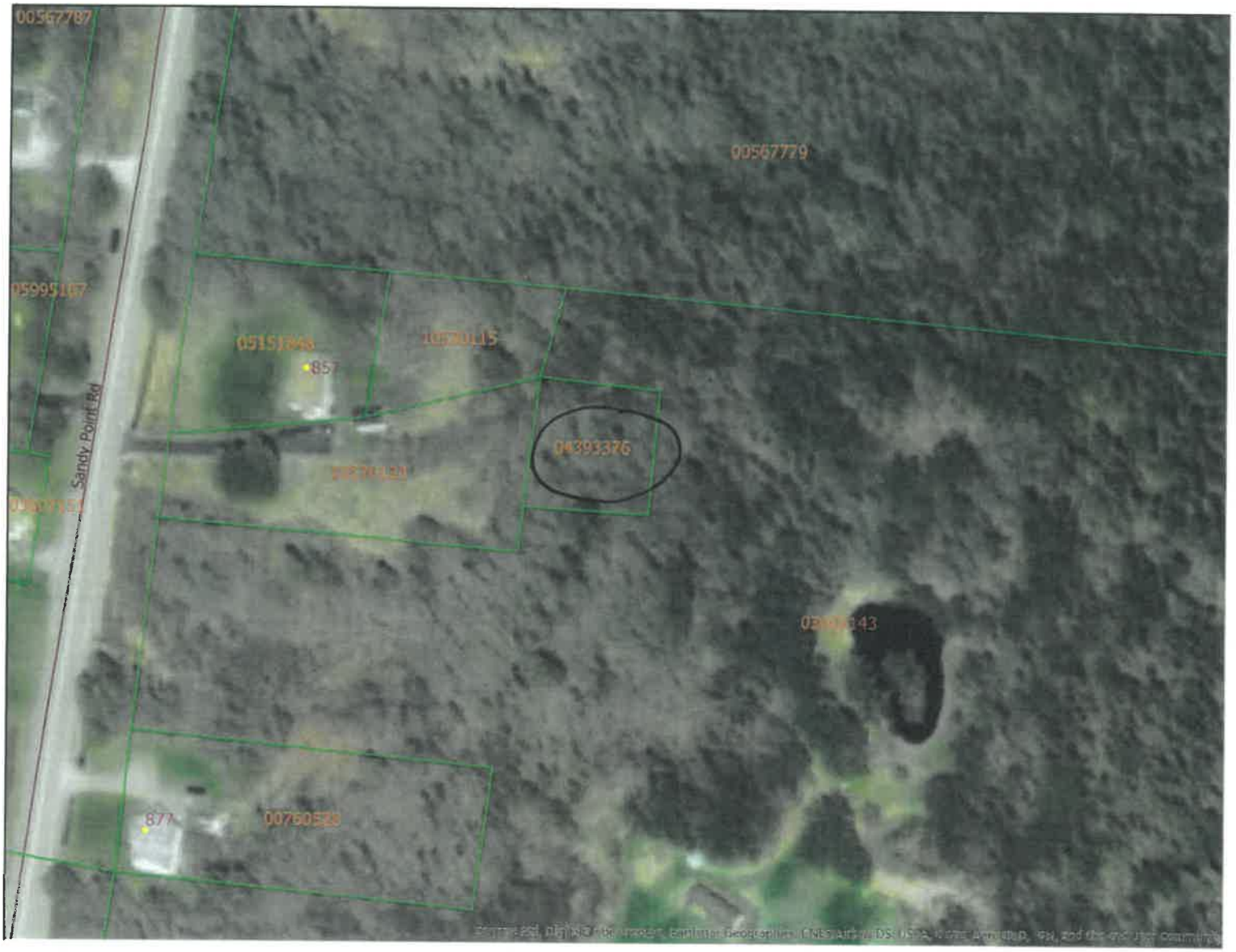
AAN 03146863


00567787
00567779
05995107
05151948
857
04393376
Sandy Point Rd
877
00760520

AAN 04393376

00956694
893
04949986
00956872
East Green Harbour Rd
848
04410777
06952472

AAN 04410777

05180309
04189965
01503987
08874269
Shore Rd
08405425

AAN 04874269

05182499
01858254
05182484
West Green Harbour Rd
02301393
02390264

05182484

03401596
04151491
1292
AAN 0632138
Mobile Only
Civic 1292
Highway 3
0374754
0409110
1285
0413665

06323138