

TENDER INSTRUCTIONS TO BIDDERS

The minimum bid amount required is noted in the advertisement. One tender form shall be completed per assessment account number.

Various properties are subject to HST charges. This charge will be collected from the successful bidder in addition to the final bid price.

All **SEALED TENDER BIDS** will be accepted by the Finance Department until 2:00 pm AST, local time, Tuesday, February 13, 2024. Sealed tenders will be dated and time stamped when received. In the event two tenders are received for the same amount and it is the highest bid amount received, the bid that was received first will be deemed the successful bid.

The successful bidder will be contacted and be given three (3) business days after awarding of Tender to pay the amount in full or the Tender will be awarded to the next highest bidder(s). **Terms of Payment:** Cash, Certified Cheque, or Bank Draft by Friday, February 16, 2024 at 4:00 pm.

The successful bidder will be responsible for all costs relating to the transfer of title.

Region of Queens Municipality reserves the right to reject any tenders that are not satisfactorily completed and/or have omissions.

By participating in this Tender you acknowledge that you are responsible to satisfy yourself as to the specifics of any property you bid on, that the process leading to your bid has been conducted properly and that you will not hold Region of Queens Municipality responsible or liable if later there proves to be an issue with title or survey or any other problem. If you are not in agreement with this, you may not bid.

PLEASE NOTE: FAXED TENDERS ARE NOT ACCEPTABLE AND WILL NOT BE CONSIDERED

ADDITIONAL INFORMATION

Region of Queens Municipality makes no representations or warranties to any purchaser regarding the fitness, geographical or environmental suitability of the land(s) offered for sale for any particular use. Region of Queens Municipality makes no representations or warranties regarding the current zoning, or if the land is suitable for any particular use. Region of Queens Municipality does not certify the legal title, legal description or boundaries. The lands offered for sale ARE BEING SOLD ON AN "AS IS" BASIS ONLY, subject to any estates or interests of the Crown in right of Canada or the Province of Nova Scotia.

Wickwire Holm has conducted a search and determined that all appropriate persons/encumbrances have been duly notified of the pending Tax Tender under the *Municipal Government Act*; however, the obligation is on the purchaser to satisfy themselves as to the property title.

Our title search pertains to the Records at the Land Registry only, and accordingly, we cannot guarantee the actual location of the property boundaries or the dimensions of the property. If you are concerned as to the actual location of the corners of the property, it is best to engage your own surveyor. The survey will also determine whether the building and/or outbuildings, if any, are fully within the bounds of the property. Please note that pre-existing surveys prepared for the previous owners or for their predecessors provide no contractual relief for you if a survey problem is later discovered. Your only recourse lies in having contracted the surveyor yourself.

Tax tenders do not in all circumstances clear defects in title. If you are intending to clear defects in title of the property by way of tax sale, you are advised to obtain legal opinion as to whether this can be done.

All properties that are proposed to be sold were advertised and posted in accordance with the *Municipal Government Act*.

Although Region of Queens Municipality has made all reasonable efforts to confirm ownership of the property, it does not guarantee title, legal description, or boundaries of the Properties subject to this tender. The Treasurer of Region of Queens Municipality has not made any determination as to whether a survey is or is not required.

Prospective Purchasers are responsible to conduct their own searches, surveys and/or investigations.



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Region of Queens Municipality may formally disqualify or suspend a person from bidding on any tax sale/tender opportunities for a period not exceeding one (1) year, on grounds that the party tendering has failed to pay the full amount of the tender price within the three (3) business days after awarding of the Tender.

Upon payment of the bid, a Certificate of Sale will be issued in accordance with section 150 of the *Municipal Government Act* which the Treasurer of the Region will register at the Registry of Deeds. A copy of the Certificate will be served on each owner and given to the purchaser of the Property. Upon the receipt of the Certificate of Sale, the purchaser is deemed to have an official interest, and may place insurance on the land and any buildings.

Region of Queens Municipality shall deliver a deed to the land to the Purchaser, or as directed by the Purchaser, at any time after the expiration of the six months from the sale, if the land has not been redeemed.

The cost of the deed transferring ownership will be the responsibility of the purchaser and is estimated to be a minimum of \$400.00.

Successful Bidders are responsible for taxes from the day of the purchase.

Subject to the Municipal Government Act and Municipal Conflict of Interest Act no:

- a. Council Member;
- b. Employee;
- c. Spouse of a Council member or employee;
- d. Company of said individuals; or
- e. Company of where the above mentioned individuals beneficially own the Majority of the issued and outstanding shares;

of a municipality that sells land for arrears or taxes shall purchase the land at the sale or have a direct or indirect interest in the purchase. A person who contravenes this section and is convicted of such, forfeits the person's office or employment, as the case may be, and is liable on summary conviction, to a penalty of five thousand dollars or imprisonment for a term not exceeding six months.

REDEEMABLE/NON-REDEEMABLE

- **Redeemable:** Any of the prior property interest holders have the right to purchase the property back within six months of the date of sale.
- On receipt of the certificate of sale, the Purchaser (a) has all the rights of action and powers of an owner needed to protect the land and may collect rents due, or to grow due, and use the land without diminishing its value, but shall not cut down any trees on the land, injure the premises or knowingly allow any other person to do so; (b) is not liable for damage done to the land without the Purchaser's knowledge; and (c) shall insure any buildings on the land, if the buildings are insurable, and is deemed to have an insurable interest in the land.
- Purchasers should be aware that properties may be redeemed within six months of the date of sale by the prior owner, a person with a mortgage, lien or other charge on the land or a person having an interest in the land by payment of the following:
 - a) The sum paid by the Purchaser;
 - b) Interest at a rate of 10% per annum of the total sum paid from the date of sale to the date of redemption;
 - c) The full amount of any outstanding taxes arising before the sale where the Purchaser paid less than the amount of outstanding taxes on the land;
 - d) Taxes levied on the land after the sale and any interest;
 - e) The fee to record the certificate of discharge;
 - f) All sums paid by the Purchaser for fire insurance; and
 - g) Any amounts paid by the Purchaser for necessary repairs made with the written approval from the Region of Queens Municipality Treasurer, to the buildings on the land,
- Any repairs made to a redeemable property must be approved in advance and in writing by the Region of Queens Municipality Treasurer
- Only at the end of the redemption period will the title pass to the successful Bidder.
- **Non Redeemable:** When more than six (6) year's property taxes remain unpaid, the property cannot be redeemed. The Purchaser owns the property from the date of sale, the prior property interest holders have no opportunity to buy the property back.

PROVINCIAL DEED TRANSFER TAX FORM

All successful bidders must complete a Provincial Deed Transfer Tax Form and Affidavit confirming whether Provincial deed transfer tax applies on the sale.

The PDTT only applies to properties assessed as residential purchased by a non-Nova Scotian resident. It is 5% of the purchase price and needs to be paid when the deed is registered.

For more information, please visit on the link below.

<https://novascotia.ca/finance/en/home/taxation/tax101/non-resident-deed-transfer-tax.html>