MUNICIPALITY OF THE COUNTY OF PICTOU
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GENERAL TAX SALE INFORMATION GUIDE

Important Information for Prospective Purchasers

The Municipality of the County of Pictou conducts Tax Sales in accordance with the provisions of the Municipal Government Act for the recovery of unpaid property taxes, interest, and applicable expenses.

A Tax Sale is a statutory process and is not a conventional real estate transaction. Prospective purchasers are responsible for conducting their own investigations, understanding the risks associated with Tax Sale properties, and obtaining independent legal, financial, tax, and other professional advice as appropriate before participating.

1 - BEFORE PARTICIPATING IN A TAX SALE

Prospective purchasers must complete all necessary due diligence before submitting a bid or tender.

Prospective purchasers should investigate matters including, but not limited to:

- Property location and boundaries;
- Legal access and rights-of-way;
- Zoning and permitted uses;
- Building condition and applicable permits;
- Availability of services and utilities;
- Title information and registered interests;
- Restrictions, easements, or other matters affecting the property; and
- Any other matters that may affect the property's value, use, development, or suitability for the purchaser's intended purpose.

The Municipality of the County of Pictou does not inspect Tax Sale properties, provide surveys, determine property suitability, or provide advice regarding whether a property is appropriate for purchase.

2 - REMOVAL OF PROPERTY FROM TAX SALE

A property advertised for Tax Sale may be removed from the sale if all outstanding taxes, interest, and applicable expenses are paid in full before completion of the Tax Sale process.

The Municipality reserves the right to remove a property from the Tax Sale where permitted or required by applicable legislation or municipal policy.

3 - REDEMPTION PERIOD

Under the Municipal Government Act, land sold for non-payment of taxes may be redeemed within six (6) months after the date of the Tax Sale by the owner, a person with a mortgage, lien or other charge on the land, or a person having an interest in the land.

Where, at the time of the Tax Sale, taxes on the land were in arrears for more than six (6) years, no right of redemption exists.

Where a right of redemption applies, the purchaser's rights and responsibilities during the redemption period are governed by the Municipal Government Act.

If the property is redeemed, the purchaser's entitlement to repayment is governed by the provisions of the Municipal Government Act and the applicable Tax Sale procedures.

Prospective purchasers should be aware that a property subject to a right of redemption may not be available for unrestricted use or disposition during the redemption period.

4 - CERTIFICATE OF SALE AND PURCHASER RIGHTS

Following a Tax Sale and upon payment of the purchase money, the Treasurer will provide the purchaser with a certificate of sale in accordance with the Municipal Government Act.

Upon receipt of the certificate of sale, the purchaser has the rights and powers provided by the Municipal Government Act, including the rights and powers of an owner needed to protect the land.

The purchaser may use the land without diminishing its value but must not:

- Cut down trees on the land;
- Injure the premises; or
- Knowingly allow another person to do so.

The purchaser is also responsible for insuring any insurable buildings on the land and is deemed to have an insurable interest in the land.

Purchasers should carefully review the rights and responsibilities established by the Municipal Government Act before taking any action affecting the property.

5 - TAX SALE DEED

At the request of the purchaser and upon payment of the applicable fee, the Municipality shall deliver a Tax Sale Deed in accordance with the requirements of the Municipal Government Act.

A Tax Sale Deed may be issued:

- After the sale where, at the time of the sale, taxes on the land were unpaid for more than six (6) years before the sale; or
- After the expiration of six (6) months from the date of the sale, where the land has not been redeemed.

The Tax Sale Deed:

- Is issued pursuant to the statutory Tax Sale process;
- Fully describes the land conveyed;
- Is executed in accordance with the requirements of the Municipal Government Act; and
- Has the legal effect provided by the Municipal Government Act.

Under the Municipal Government Act, a Tax Sale Deed is conclusive evidence that the statutory requirements relating to the sale have been complied with and has the effect of vesting the land in the grantee in fee simple, free and discharged from encumbrances, subject to the exceptions provided by the Act.

Purchasers are strongly encouraged to obtain independent professional advice and conduct appropriate searches before participating in a Tax Sale.

6 - PROPERTY INFORMATION

Property descriptions provided for Tax Sale purposes are based on available municipal records and Provincial Property Assessment information.

These descriptions are not surveys and should not be relied upon as confirmation of legal boundaries.

The Municipality does not survey Tax Sale properties. Prospective purchasers requiring confirmation of legal boundaries are responsible for obtaining their own survey.

A property may or may not be migrated under the Land Registration System.

Prospective purchasers are responsible for confirming any information that is material to their decision to participate in the Tax Sale.

7 - METHOD OF SALE: AUCTION OR TENDER

Tax Sale properties offered by the Municipality of the County of Pictou may be sold by public auction or by tender, as identified in the official Tax Sale advertisement and instructions.

7.1 Public Auction

Where a property is offered by public auction:

- Interested bidders must register as required;
- Bidding occurs openly;
- The property may be sold to the highest eligible bidder, subject to the applicable Tax Sale terms and acceptance by the Municipality; and
- The successful bidder must comply with the payment requirements established under the Municipal Government Act and the applicable Tax Sale instructions.

7.2 Tender Process (Closed Bid)

Where a property is offered by tender:

- Interested bidders must submit a written tender in accordance with the published instructions;
- Tenders must be received by the stated deadline;
- Late or incomplete tenders will be rejected;
- Bidders are responsible for ensuring that their tenders comply with all applicable requirements; and
- The successful bidder will be determined in accordance with the published tender requirements and applicable legislation, subject to acceptance by the Municipality.

A closed bid process is not a public auction. Bids are submitted privately and are not subject to open competitive bidding.

The Municipality reserves the right, in its sole discretion and subject to applicable legislation, to reject any or all tenders or to accept any tender that it determines to be in the Municipality's best interests.

8 - IMPORTANT: BIDDER RESPONSIBILITY AND PAYMENT COMMITMENT

Bidders must complete all necessary due diligence before submitting a bid or tender. By submitting a bid or tender, the bidder acknowledges that they have reviewed the available information, understand the risks associated with Tax Sale properties, and are prepared and able to complete the purchase if successful.

Payment must be made within the timeframe and in the manner required by the Municipal Government Act and the official Tax Sale advertisement and instructions. Bidders are responsible for ensuring that sufficient funds and appropriate payment arrangements are available before participating.

Failure to complete the purchase within the required timeframe will constitute default and may result in the property being offered for sale again.

A bidder who defaults in payment of their bid may be prohibited from participating in any Tax Sale conducted by the Municipality for a period as determined by the Municipality. Any decision to prohibit a bidder from participating in subsequent Tax Sale shall be conveyed to the bidder in writing.

This restriction is in addition to any other remedies or actions available to the Municipality under the Municipal Government Act, the applicable Tax Sale terms, or municipal policy.

9 - PAYMENT REQUIREMENTS

Payment requirements are governed by the Municipal Government Act and will be identified in the official Tax Sale advertisement and instructions.

At a Tax Sale, payment must be made in accordance with the requirements of the Municipal Government Act. The purchaser must immediately pay the purchase price or deposit the required amount. Where the balance of the purchase money is not paid within three (3) business days, the land may be required to be advertised and offered for sale again in accordance with the Act.

Acceptable payment methods may include:

- Cash;
- Debit;
- Certified cheque;
- Money order; or
- Bank draft;

The Municipality may specify payment procedures and requirements in the official Tax Sale advertisement and instructions, provided they are consistent with applicable legislation.

Bidders are responsible for ensuring that sufficient funds and appropriate payment arrangements are available before participating in a Tax Sale.

10 - HST AND OTHER APPLICABLE CHARGES

Certain Tax Sale properties may be subject to HST or other applicable charges.

Purchasers are responsible for obtaining their own professional advice regarding any tax obligations arising from the purchase.

The Municipality does not provide tax advice regarding the application of HST or other taxes or charges to a particular Tax Sale transaction.

11 - IMPORTANT NOTICE TO PROSPECTIVE PURCHASERS

Tax Sale properties are purchased at the purchaser's own risk.

Before participating, prospective purchasers should:

- Review all Tax Sale information, advertisements, and terms carefully;
- Complete all necessary investigations before submitting a bid or tender;
- Confirm financing and payment arrangements;
- Confirm the property's location, access, zoning, services, and other matters material to the intended use;
- Obtain independent legal, financial, tax, surveying, or other professional advice where appropriate; and
- Ensure that they are prepared and able to complete the purchase if their bid or tender is accepted.

The Municipality of the County of Pictou does not provide advice regarding the value, condition, suitability, development potential, zoning, access, servicing, or intended use of a Tax Sale property.

Except as expressly provided by applicable legislation, the Municipality makes no warranties or representations regarding Tax Sale properties.

12 - CONTACT AND INQUIRIES

Municipality of the County of Pictou
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