

SUBMISSION OF TENDERS

*****Please note a SEPARATE \$25 +HST (\$28.25) non-refundable Tender Package Fee per property is required for all tenders submitted. If the fee has not already been paid it will be required at the time of in-person tender drop off by cheque, debit or credit. Do not include this fee with the sealed tender. See FAQs in the Tender Package for more information. At the discretion of the City Treasurer, tender packages will be rejected if the \$28.25 non-refundable fee is not paid at the time of opening on Tax Sale Day.**

Please note that Tender Deposits will not be available for return to bidders for at least three days following the tax sale. This allows for verification of all tax sale information relative to this process.

TENDER

Rule 1

Every tender submitted to the municipality must be made in prescribed Form 7. Each tender must:

- Be either typewritten or legibly handwritten in ink;
- Be accompanied by a deposit, in the form of a bank draft or money order or certified cheque by a bank or trust corporation payable to the City of Windsor for at least 20% of the tender amount;
- Be submitted in a sealed envelope addressed to the treasurer. The outside of the envelope must be marked "Tax Sale For" (short description of the municipal address of the property sufficient to identify to the treasurer the parcel of land to which the tender relates). A label is available in the tender package information and denotes all of the required information that is critical to your bid;
- No envelope can contain tenders relating to more than one property (each property must be sold individually); and
- Be addressed to the treasurer.

NOTE: A municipality or board may itself submit a tender on any property advertised for sale. The deposits must be 20% of the amount **you** are tendering, **not** 20% of the minimum tender amount.

DATE AND TIME STAMP

Rule 2

The treasurer is required upon receiving a tender envelope to identify on the outside of the envelope the time and date the envelope was received.

SAFE PLACE

Rule 3

After the treasurer has received a tender envelope and has marked on the outside of the envelope, the date and time it came into the municipality the tender must be placed unopened in a safe place. This serves to ensure security of the tenders and assists in maintaining the integrity of the tender process.

WITHDRAWAL OF TENDERS

Rule 4

Should a person who has submitted a tender to the municipality wish to withdraw the tender the tenderer must:

- Submit a written request to the treasurer requesting the withdrawal; and
- The request must be received by the treasurer before 3:00 p.m. on the last date for receiving tenders.

Upon receiving a proper request for withdrawal the treasurer should:

- Place the request in a safe place and must;
- Open the envelope containing a withdrawn tender at the time of the opening of the other tenders.

OPENING PROCEEDINGS

Rule 5

The official opening of the tenders is carried out by the treasurer in the presence of at least one other person who has not submitted a tender, who may be someone employed by the municipality.

PLACE AND TIME OF OPENING

Rule 6

The actual opening proceedings must be held in a place that is open to the public. Any member of the public may attend the opening.

The treasurer is required to open the sealed tender envelopes as soon as possible after 3:00 p.m. local time on the last date for receiving the tenders.

EXAMINATION AND REJECTION OF TENDERS

Rule 7

After opening the envelopes the treasurer must examine and scrutinize each tender and is required to reject those tenders that:

- Are not equal to or greater than the cancellation price as shown in the advertisement;
- Are not accompanied by the proper deposit (at least 20% of the amount tendered for the land);
- Are illegible or relate to more than one property;
- Are not filled out correctly;
- Are not in Form 7 as set out in the Regulation;
- Have been withdrawn in accordance with the rules;
- Include any terms and conditions not provided for in the rules;
- Are not in sealed envelopes and properly marked; and
- Are not addressed to the treasurer.

TIE TENDERS

Rule 8

Should the treasurer receive two or more tenders that are equal, the one received earliest would be considered to be the highest tender. This reinforces the need to ensure that the date and time are always stamped on the outside of the envelopes.

STATEMENT OF REJECTION

Rule 9

Every rejected tender must be sent back to the tenderer, accompanied by a statement explaining the reasons for the rejection. Any deposit that was submitted with the tender must also be returned.

REJECTION OF ALL THE TENDERS

Rule 10

If all the tenders for a specific parcel of land are rejected in accordance with the rules, the treasurer is required to declare that there is "no successful purchaser".

RETENTION OF TENDERS

Rule 11

After rejecting tenders that do not comply with Rules, the treasurer must also reject all but the two highest of the remaining tenders.

For example:

If the minimum tender amount was \$1,000 and the remaining tenders that were submitted were \$1,300, \$1,500, \$1,750 and \$2,000 the treasurer would retain the tenders in the amounts of \$1,750 and \$2,000. The other two tenders would be rejected.

TWO TENDERS REMAIN

Rule 12

Where two tenders remain for the land after all others have been rejected the treasurer must notify the highest tenderer of the two that he or she will be declared to be the successful purchaser if, within 14 calendar days of the mailing of the notice by the treasurer, if the tenderer pays the balance of the full amount tendered plus any taxes that may be applicable such as a land transfer tax and payment is made by certified funds to the treasurer.

Return of Second Highest Tender

If the highest tenderer complies with the payment requirements within the time period set out, the treasurer must:

- Declare the person to be the successful purchaser;
- Return the tender and deposit of the other tenderer; and
- Furnish the unsuccessful tenderer with a statement setting out the reasons for the return of the tender and deposit.

Where Highest Tenderer Fails to Pay

Should the higher of the two remaining tenderers fail to pay within the time set out or fail to pay the required amounts, that tenderer's deposit is forfeited to the municipality or board and the treasurer must offer the parcel of land to the next highest tenderer of the two retained. If this tenderer complies with the payment requirements, the treasurer shall declare that person to be the successful purchaser. If the payment provisions are not complied with, that person's deposit is forfeited and the tender is rejected.

Municipality Obtains Title

If both of the two highest tenderers fail to comply with the payment rules then the treasurer declares that there is no successful purchaser and the City will assess next step options.

REJECTION OF ALL BUT ONE TENDER

Rule 13

Where the treasurer has rejected all but one tender in accordance with the rules, the treasurer must inform the remaining tenderer that he or she will be declared the successful purchaser if the tenderer, within 14 calendar days of the mailing of the notice, if the tenderer pays the balance of the full amount tendered plus any taxes that may be applicable such as a land transfer tax and payment is made by certified funds to the treasurer.

Forfeiture of Deposit

If the tenderer does not comply with the payment requirements and therefore is not declared to be the successful purchaser then that tenderer's deposit is forfeited to the municipality.

Municipality Obtains Title

Should only one tender remain after all others are rejected and the tenderer fails to comply with the payment requirements and is not declared to be the successful purchaser, upon registering a notice of vesting, the municipality or board receives title to the land subject to the limitations set out in the Act.