

FAQ Property Tax Sale

Q: Please explain how the tender process works?

A: Visit our website at citywindsor.ca. The path is city hall>taxes and assessment>property tax sale. The rules of submission are there along with other points to consider prior to submission. If you have questions after reviewing the package, then contact the 311.

Q: Do you have any details with respect to the number of bedrooms, amenities or aesthetics?

A: No. The City does not own these properties and therefore, cannot perform inspections of this nature.

Q: What is the property worth?

A: According to current legislation, the City Treasurer is under no obligation to determine the value of the property and you should assess your level of due diligence to be performed. Site maps on the website will provide you with the most current MPAC assessment of that property for tax purposes and an approximation of the most current years' annual taxes.

Q: Can I go onto the property or go inside for a look?

A: Not without the owner's permission, which is unlikely given that their property is being sold for tax arrears.

Q: What if there is someone living there?

A: The City does not guarantee vacant possession. Once the deed is transferred and you are in possession of the property, you will have to deal with the tenant(s), and use your own legal means to come to an agreement or extricate them.

Q: Will I receive keys to the residence on sale closing?

A: No. The City does not own the property. We would recommend you discuss due process with legal counsel if there is a resident involved.

Q: If my tender bid is successful, do I need a lawyer to complete the transaction?

A: The City has a legal department that can transfer ownership on your behalf, although we do still require the successful purchaser to retain their own lawyer to complete the transaction. Please note that any decision that you may make, and any documents signed, in this matter will affect your legal rights and obligation. You are required to retain your own lawyer to complete this transaction and to obtain Independent Legal Advice to be advised about the meaning of the documents required to complete the transaction which you will have to sign, will be registered and to which you will be legally bound, as well as the present and future legal effects upon you by any action taken pursuant thereto or hereby. Neither the City nor its employees are permitted to provide you with any legal advice and are required to act in the best interests of The Corporation of the City of Windsor.

Q: Is there an existing structure on the property?

A: You can determine this through a number of methods. You can visit the site (walk or drive-by) and determine what structures may be included; you can examine the site maps on our website; you can use Google maps to view the property.

Q: Are there any service orders on the property?

A: Any questions you may have regarding zoning or service orders can be asked by calling 311, who will direct you to the appropriate party.

Q: What if there is a mortgage or other liens on the property?

A: The City makes no claim to whatever titles may exist on the property. As a point of reference, Section 379 (7) of the Municipal Act details the effects of conveyance relative to a tax sale. The City cannot give you legal advice, so we would recommend that you run your own title searches and seek your own legal counsel prior to submitting a bid. Title searches can be obtained, for a fee, from the virtual Land Registry Office at www.onland.ca/ui.

Q: What do “accumulated taxes” in the advertising mean?

A: For advertising purposes, the minimum tender amounts are set at least 5 weeks in advance of the tender opening. These amounts are based on taxes levied, current and near term penalties/fees due, as well as any other known pending charges that may come due in the near term. Actual amounts may vary from the minimum tender amounts at the time that the sale is closed.

Q: Is there a fee to submit a tender bid on a property?

A: Effective January 1, 2016, there is a \$25 + HST (\$28.25) non-refundable fee per property for tender packages. This fee applies for one or all documents included in the package. Tender packages can be printed off our website at www.citywindsor.ca, key word search “Property Tax Sale” and the \$25 + HST (\$28.25) non-refundable fee will apply per package per property. This \$25 + HST (\$28.25) non-refundable fee must be separate from your tender bid and not included in your sealed tender. The fee can be paid by way of personal cheque, money order or bank draft, payable to The Corporation of the City of Windsor. 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.

Q: What are my options for receiving my tender back if I am not the highest or second highest bidder? Am I able to receive it by mail or have someone other than the name stated on the bid pick up the tender?

A: The recommended option for picking up a tender bid that was not one of the successful bidders is for the individual who issued the tender and is named on the tender bid to contact 311. 311 will advise them how to schedule an appointment to come to 350 City Hall Square, 1st Floor, Windsor, Ontario with two pieces of identification to retrieve the tender at least 5 days after the Tax Sale Date. The release date of unsuccessful tender bids may vary. Call 311 for more information on this date.

If you are unable to come to City Hall to retrieve your bid, per request by the tenderer, the tender can be mailed back to you by courier collect, registered mail or regular mail. The cost for the registered mail service will be invoiced to you. A **written request** must be submitted, requesting the tender mailed

back either by regular, registered mail or courier with a statement accepting the fee for registered mail or courier and **accepting the risk of mailing the tender, as all mail registered or regular will contain some risk.** The tender will be mailed back to the same address as referenced on the tender bid/submitted envelope unless an alternate address is provided to the City of Windsor in writing.

Q: Am I able to submit a tender in one name and then close the purchase with a different name, company name or add another owner?

A: Yes, we will require that a Direction signed by the original bidder be sent in to our legal department directing us as to who will appear on the Deed.

Q: If a tax sale item had no bids on it, I was wondering if it is still available for purchase?

A: Properties that were subject to a failed property tax sale (i.e. did not sell, no bids, etc.) remain in the care, custody and control of the property owner. Sometime up to two years after the tax sale, should City Council direct Administration to vest the property and the vesting has been completed, Administration will complete further due diligence as to the appropriate means of offering the property for sale. (Vesting is transferring the ownership of a property to the City and they take possession). Once the property has been vested by the City, options then include, but are not limited to, listing the property for sale on MLS or offering the property for sale on the City's web site.

Q: How often is the web site updated when a property is cancelled?

A: The website is updated in a very timely manner as often and as quickly as possible throughout the entire Tax Sale process up to and including Tax Sale day so that bidders have the most up to date information we can provide.

Q: Can I pay the tender amount with more than one cheque?

A: Yes, the tender bid payment can be made in a single certified payment or multiple certified payments provided the total of the cheques is at least 20% of the tender amount.

Q: Are the properties redeemable?

A: Yes, so that before a tax deed is registered, the current owner might be able to redeem the property by paying the full amount of taxes and other costs to the municipality, thereby stopping the tax sale.

Q: Is this a tax lien sale or a tax deed sale?

A: The City of Windsor offers the Sale by Public Tender type of Property Tax Deed Sale.

Q: How long are listings posted on the City's website before the date that bidding begins.

A: City of Windsor Property Tax Sale listings are posted on the City of Windsor website after they have been advertised in the Windsor Star. The time frame is approximately four to five (4 to 5) weeks before the day the Tax Sale is scheduled to be held. Please note that as soon as the Tax Sale information is available publically, the Tax Sale section of the City website is updated as timely as possible.

Q: Is a property owner or next of kin of a deceased property owner able to sell a property privately even when it has been listed for a property tax sale on the City's website. If a private sale is possible in this scenario, when must it be finalized with respect to the property tax sale bidding date set out by the City?

A: The properties that are listed for Tax Sale are not owned by the City of Windsor but rather remain in the care, custody and control of the property owner until such time as a successful bidder has been determined and the legal process has been completed.