

Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	August 27, 2019
Originated By:	Leanne Walmsley, Chief Administrative Officer
Title:	New Business – Tax Recovery Property
File:	0207

BACKGROUND/PROPOSAL:

MGA Right to dispose of parcel

425(1) A municipality that becomes the owner of a parcel of land pursuant to section 424 may dispose of the parcel.

- a) by selling it at a price that is close as reasonably possible to the market value of the parcel, or
- b) by depositing in the account referred to in section 427(1) (a) an amount of money equal to the price at which the municipality would be willing to sell the parcel under clause (a).

(2) The municipality may grant a lease, licence or permit in respect of the parcel.

(3) Repealed 1995 c24 s65.

(4) If a parcel of land is disposed of under subsection (1), the municipality must request the Registrar to delete the words “Tax Forfeiture” from the certificate of title issued in the name of the municipality for the parcel.

These Parcels of Land have been taken by the Village

Roll #5.000

Lot, 7, Block 1, Plan 2727 ET

Municipal Acquisition “Tax Forfeiture” Oct 22, 2018

- Amount owing at time of Municipal Acquisition \$2,259.00
- Amount paid for property to transfer to Tax Arrears Account \$(78.00)

***Note: Since there is no money owed to previous owner we may under section 425(4) apply to the Registrar to have the “Tax Forfeiture” taken off property. Thus owning property “Free and Clear” or “Fee Simple”**

Roll #9.000

Lot 5, Block 2, Plan 2727 ET

Municipal Acquisition "Tax Forfeiture"	March 12, 2019
- Reserve bit at auction	\$58,650.00
- Remedial costs, Admin fees	
Tax Current & Arrears	
Clean up costs	\$(30,831.42)
Amount owing at Municipal Acquisition	\$30,331.50

***Note: Amount that must be transferred to Tax Arrears Account \$27,818.58 in able to have "Tax Forfeiture" taken off the property for it to become "Fee Simple" to sell.**

Roll #13.000

Lot 9, Block 2, Plan 2727 ET

Municipal Acquisition "Tax Forfeiture"	July 16, 2012.
- Reserve bid at auction	\$1,800.00
- Remedial costs, admin fees	
Tax Arrears	\$(2,903.90)
Amount owing at Municipal Acquisition	\$2,903.90

***Since there is no money owed to previous owner we may under section 425(4) apply to the Registrar to have the "Tax Forfeiture" taken off property. Thus owing property "Fee Simple".**

Roll #178.000

Lot 18, Block 13, Plan 3052 KS

Municipal Acquisition "Tax Forfeiture"	December 6, 2018.
- Reserve bid at auction	\$35,840.00
- Remedial costs, tax arrears	
Energy costs, cleaning, etc	\$(23,136.34)
- Amount owing at Municipal Acquisition	\$12,703.66

***Note: Amount that must be transferred to "Tax Arrears Account" \$12,703.66 in able to have "Tax Forfeiture" taken off the property for it to become "Fee Simple".**

Roll #239.000

Lot 1, Block 20, Plan 4019 HW

Municipal Acquisition	April 25, 2014
- Reserve bid at auction	\$2,590.00
- Remedial costs, admin fees	
Tax arrears.	\$(1,342.44)

***Note: This money was transferred in to the "Tax Arrears Account June 26, 2017 in the amount of \$1,247.23**

Roll #254.000

Lot 6, Block 14, Plan 8022037

Municipal Acquisition "Tax Forfeiture" October 22, 2018.
- Reserve bid at auction \$1,560.00
- Remedial costs, admin fees
Tax arrears \$(2,619.47)
Amount owing at Municipal Acquisition \$0.

***Since there is no money owed to previous owner we may under section 425(4) apply to the Registrar to have the "Tax Forfeiture" taken off property. Thus owning property "Fee Simple".**

Roll #257.000

Lot 4, Block 23, Plan 6061 KS

Municipal Acquisition "Tax Forfeiture" October 22, 2018
- Reserve bid at auction \$2,600.00
- Remedial costs, admin fees
Tax arrears \$(3,964.64)
Amount owing at time of Municipal Acquisition \$0.

***Since there is no money owed to previous owner we may under section 425(4) apply Registrar to have the "Tax Forfeiture" taken off property. Thus owing "Fee Simple"**

Roll #259.000

Lot 6, Block 23, Plan 6061 KS

Municipal Acquisition "Tax Forfeiture" May 25, 1983
Amount owing at time of Municipal Acquisition 2000-12-31 taxes were cancelled. \$1,781.63

***Since there is no money owed to previous owner we may under section 425(4) apply to Registrar to have "Tax Forfeiture" taken off property. Thus owning property "Fee Simple"**

Roll #270.000

Lot 3, Block 24, Plan 6061 KS

Municipal Acquisition "Tax Forfeiture" February 14, 2012.

- Reserve bid \$ 660.00
- Remedial Admin fees \$(1,328.41)
- Amount owing at the time of Municipal Acquisition \$0.
-

***Since there is no money owed to previous owner we may under section 425(4) apply to the Registrar to have "Tax Forfeiture" taken off property. Thus owning property "Fee Simple".**

Roll # 270.001

Lot 4, Block 24, Plan 6061 KS

Municipal Acquisition "Tax Forfeiture" February 14, 2012.

- Reserve bid \$660.00
- Remedial, admin fees \$(1,325.09)
- Amount owing at the time of Municipal Acquisition \$0.
-

Since there is no money owed to previous owner we may under section 425(4) apply to Registrar to have "Tax Forfeiture" taken off property. Thus owning property "Fee Simple"

Distribution of surplus sale proceeds

428(1) A person may apply to the Court of Queen's Bench for an order declaring that the person is entitled to a part of the money in the account referred to in section 427(1).

- (2) An application under this section must be made within 10 years after
 - a) the date of the public auction, if the parcel was sold at a public auction, or
 - b) the date of a sale under section 425, if the parcel was sold at a sale under that section.
- (3) The Court must decide if notice must be given to any person other than the applicant and in that event the hearing must be adjourned to allow notice to be given.
- (4) In making an order, the Court must have regard to the priorities in which sale proceeds are distributed in a foreclosure action.

Payment of undistributed money to municipality

428.1 If no application is made under section 428 within the 10-year period referred to in section 428(2), the municipality may, for any purpose, use the money deposited in accordance with section 427 that remains undistributed.

Transfer to municipality after 15 years.

428.2 (1) Despite anything in this Division, where a parcel of land has been offered for sale but not sold at a public auction and the certificate of title for the parcel has been marked "Tax Forfeiture" by the Registrar, the municipality may request the Registrar to cancel the existing certificate of title for the parcel of land and issue a certificate of title

in the name of the municipality on the expiry of 15 years following the date of the public auction.

(1.1) This section does not apply to land respecting which the Minister responsible for the Unclaimed Personal Property and Vested Property Act has notified the municipality that the land has vested in the Crown.

(2) On the issuance of a certificate of title in the name of the municipality, all responsibilities of the municipality under this Division to the previous owner of the parcel of land cease.

(3) Where a certificate of title is issued to a municipality under subsection (1) and there are remedial costs owing in respect of the parcel of land, the municipality must deposit in the Environmental Protection and Enhancement Fund established under the Environmental Protection and Enhancement Act the lesser of

- a) the fair market value of the parcel of land, and
- b) the amount of the remedial costs.

(4) A municipality that becomes the owner of a parcel of land pursuant to subsection (1) acquires the land free of all encumbrances, except

- a) encumbrances arising from claims of the Crown in right of Canada,
- b) irrigation or drainage debentures,
- c) registered easements and instruments registered pursuant to section 69 of the Land Titles Act.
- d) right of entry orders as defined in the Surface Rights Act registered under the Land Titles Act.
- e) a notice of lien filed pursuant to section 38 of the Rural Utilities Act.
- f) a notice of lien filed pursuant to section 20 of the Rural Electrification Loan Act, and
- g) liens registered pursuant to section 21 of the Rural Electrification Long-term Financing Act.

RECOMMENDED ACTION:

Total amount to own above properties \$40,522.24 which would need to be transferred to the Tax Arrears Account in order for the municipality to become the "Fee Simple" owners of the properties as discussed.

Initials show support- Reviewed by:	Manager:	C.A.O. <i>dxw</i>
-------------------------------------	----------	-------------------

