



FORM 6  
*Municipal Act, 2001*

## **SALE OF LAND BY PUBLIC TENDER**

### **THE CORPORATION OF THE VILLAGE OF POINT EDWARD**

**Take Notice** that tenders are invited for the purchase of the lands described below and will be received until 3:00 p.m. local time on August 30, 2018, at the Village of Point Edward Municipal Office, 135 Kendall St., Point Edward Ontario.

The tenders will then be opened in public on the same day as soon as possible after 3:00 p.m. at the Village of Point Edward Municipal Office, 135 Kendall St., Point Edward.

#### **Description of Lands:**

Roll No. 38 31 000 030 00500 0000; 109 Michigan Ave.; PIN 43183-0082 (LT); Part Lot 1 Block A Plan 2 & 4 Point Edward as in L430322; Description may not be acceptable in future as in L430322; S/T execution 05-0000328, if enforceable; Point Edward; File No. 16-02

**Minimum Tender Amount: \$315,850.13**

Roll No. 38 31 000 030 00600 0000; 111 ½ - 111 Michigan Ave.; PIN 43183-0083 (LT); Part Lot 1 Block A Plan 2 & 4 Point Edward as in L563883; Point Edward; File No. 17-01

**Minimum Tender Amount: \$56,995.69**

Tenders must be submitted in the prescribed form and must be accompanied by a deposit in the form of a money order or of a bank draft or cheque certified by a bank or trust corporation payable to the municipality and representing at least 20 per cent of the tender amount.

**Except as follows, the municipality makes no representation regarding the title to, crown interests or any other matters relating to the lands to be sold. Responsibility for ascertaining these matters rests with the potential purchasers.**

This sale is governed by the Municipal Act, 2001 and the Municipal Tax Sales Rules made under that Act. The successful purchaser will be required to pay the amount tendered plus accumulated taxes and any taxes that may be applicable, such as a land transfer tax.

The municipality has no obligation to provide vacant possession to the successful purchaser.

For further information regarding this sale and a copy of the prescribed form of tender, visit:

**[www.OntarioTaxSales.ca](http://www.OntarioTaxSales.ca)**

or if no internet access available, contact:

Jim Burns  
Chief Administrative Officer / Clerk / Deputy Treasurer  
The Corporation of the Village of Point Edward  
135 Kendall St.  
Point Edward ON N7V 4G6  
(519) 337-3021 Ext. 101  
[www.villageofpointedward.com](http://www.villageofpointedward.com)

# TENDER TO PURCHASE

## THE CORPORATION OF THE VILLAGE OF POINT EDWARD

To: Name: **Jim Burns**  
Chief Administrative Officer / Clerk / Deputy Treasurer

Address: **135 Kendall St., Point Edward ON N7V 4G6**

Telephone: **(519) 337-3021 Ext. 101**

Re: Sale of: (insert description of land)

- I/we hereby tender to purchase the land described above for the amount of \$.....  
(.....dollars)  
in accordance with the terms and conditions of the *Municipal Act, 2001* and the Municipal Tax Sales Rules.
- I/we understand that this tender must be received by the treasurer's office not later than 3:00 p.m. local time on August 30, 2018, and that in the event of this tender being accepted, I/we shall be notified of its acceptance.
- I/we enclose a deposit in the form of a certified cheque/bank draft/money order for the sum of \$.....  
(.....dollars)

in favour of **The Corporation of the Village of Point Edward.**

representing 20 per cent or more of the tendered amount which will be forfeited if I/we are the successful tenderer(s) and I/we do not pay the balance of the tendered amount, any land transfer tax, HST and any accumulated taxes within 14 days of the treasurer notifying me/us that I/we are the highest tenderer.

This tender is submitted pursuant to the *Municipal Act, 2001* and the Municipal Tax Sales Rules.

Dated at....., this..... day of ....., 2018.

Name of Tenderer	Name of Tenderer
Address of Tenderer	Address of Tenderer
Email &/or Phone Number of Tenderer (optional)	Email &/or Phone Number of Tenderer (optional)

**Pursuant to subrule 6(2) of the Municipal Tax Sales Rules, this tender shall relate to only one parcel of land.**

Personal Information contained on this form, collected pursuant to the *Municipal Act, 2001* and Regulations thereunder, will be used for the purposes of that Act. Inquiries should be directed to the Freedom of Information and Privacy Coordinator at the organization responsible for the procedures under that Act.

## Property Information

Municipality	Village of Point Edward
File Number	16-02
Roll Number	38 31 000 030 00500 0000
Minimum Tender Amount	<b>\$315,850.13</b>
Municipal Location	109 Michigan Ave.
Property Identification Number	43183-0082 (LT)
Brief legal description	Part Lot 1 Block A Plan 2 & 4 Point Edward as in L430322; Description may not be acceptable in future as in L430322; S/T execution 05-0000328, if enforceable; Point Edward
Annual Taxes	\$3,730.69 (2017)
Assessed value	\$202,524 (2018) CX NS
Approximate property size per Assessment Roll	.52 acres, 75 foot frontage, irregular shape
Is the property on a lake or a bay or a river?	no
Is the property accessible by a public or private road or a right-of-way?	Public road
Is there a house on the property?	no
Is there some other structure on the property?	no
Zoning	Commercial
<u>With the existing zoning</u> , is it possible to obtain a building permit?	yes
Is it possible to have the property re-zoned?	Council approval required
For further information regarding Zoning, contact:	Ben Puzanov – 519-845-0801
Additional information	Lot is fully serviced with water and sewer connections



**Maps and pictures are provided as a courtesy only and the municipality makes no warranties as to the accuracy of this information. Boundaries on aerial photos may be skewed.**



## Property Information

Municipality	Village of Point Edward
File Number	17-01
Roll Number	38 31 000 030 00600 0000
Minimum Tender Amount	<b>\$56,995.69</b>
Municipal Location	111 1/2-111 Michigan Ave.
Property Identification Number	43183-0083 (LT)
Brief legal description	Part Lot 1 Block A Plan 2 & 4 Point Edward as in L563883; Point Edward
Annual Taxes	\$4,928.46 (2017)
Assessed value	\$84,647 (2018) CX NS
Approximate property size per Assessment Roll	4,627 square feet, 30.6 feet x 151 feet
Is the property on a lake or a bay or a river?	no
Is the property accessible by a public or private road or a right-of-way?	Public road
Is there a house on the property?	no
Is there some other structure on the property?	no
Zoning	Commercial
<u>With the existing zoning</u> , is it possible to obtain a building permit?	yes
Is it possible to have the property re-zoned?	Council approval required
For further information regarding Zoning, contact:	Ben Puzanov - 519-845-0801
Additional information	Lot is fully serviced with water and sewer connections



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109, 111 Michigan Ave

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**Planning & Development Services Department**

789 Broadway Street, Box 3000  
Wyoming, ON N0N 1T0

Telephone: 519-845-0801

Toll-free: 1-866-324-6912

Fax: 519-845-3817

July 11, 2018

Jim Burns, CAO/Clerk-Treasurer  
Village of Point Edward  
135 Kendall Street  
Pt. Edward, ON N7V 4G6

RE: 109 & 111 Michigan Avenue, Village of Point Edward

OFFICIAL PLAN

\* The Official Plan for the Village of Point Edward, Oct. 28, 2009 designates these lands Commercial by B/L 27 of 2009.

\* Land use does appear to conform with the Official Plan policies.

ZONING

\* These properties are zoned Commercial 1 (C1) under By-Law number 25 of 2012, as amended.

Please find attached the Official Plan and Zoning By-law provisions for this use.

Reply prepared by: Terrie Dewsbury

## **6**      **COMMERCIAL**

The policies of this section are intended to apply to lands designated in a Commercial category.

### **permitted uses**

- 6.1**      Within the Commercial Area the primary use of land will be for businesses engaged in the buying, selling, supplying, leasing and exchanging of goods and services. To enhance the identity and strengthen the function of Central Commercial Areas, various public buildings such as the local library, the post office and the municipal offices will also be encouraged.

### **secondary uses**

- 6.2**      Secondary uses shall include residential uses subordinate to commercial developments.

### **dwelling units**

- 6.3**      To enhance the diversity and vitality of the central commercial area, the establishment of new dwelling units will be encouraged in accordance with the following criteria:

- a)      In cases where a lot fronts onto a commercial main street, the dwelling units must be located above or behind ground floor commercial uses;
- b)      Dwelling units are provided with access to an open space area suitably landscaped and maintained, or alternatively are provided with a balcony; and
- c)      Access to the dwelling units is provided from an adjacent street or land and not through a commercial use.

### **studies**

- 6.4**      To strengthen and enhance the role of the downtown Commercial area centred on Michigan Avenue as the focal point of the community and as a healthy business centre, the Village may undertake detailed design/feasibility studies with respect to:

- a)      The preservation and rehabilitation of historical landmarks and buildings;
- b)      New uses for vacant or under-utilized buildings;
- c)      Street landscaping, lighting, signage and exterior building design;
- d)      The development of efficient pedestrian and vehicular circulatory systems;

- e) The re-location of non-conforming uses; and
- f) The provision of adequate and accessible off-street parking.

**compatibility**

- 6.1.5** New development in the Commercial area will only be permitted where compatibility with adjacent land use designations and the commercial structure of the Municipality can be ensured.

**form**

- 6.1.6** The Commercial area development form will typically be a grouping of retail and other commercial uses under common or individual ownership, and may take the form of a shopping centre.



**SECTION 10 - GENERAL COMMERCIAL ZONES**

**10.1 GENERAL COMMERCIAL (C1) ZONE**

**10.1.1 Permitted Uses**

- a) Art Gallery  
Assembly Hall  
Bakery  
Bake Shop  
Bank  
Beverage Room  
Brewing-on-site Establishment  
Existing Church  
Child Care Centre (B/L 36/2015)  
Clinic  
Commercial Club  
Commercial Use  
Convenience Store  
Community Facility  
Dry Cleaning Establishment  
Funeral Home  
Hotel  
Institutional Use  
Laundromat  
Library  
Motel  
Office  
Parking Lot  
Personal Service Shop  
Place of Entertainment  
Private Club  
Public Recreational Use  
Public Use, Non-Recreational  
Recreation, Commercial  
Recreation, Passive  
Restaurant  
Retail Store  
Tavern
- b) Buildings, structures and uses accessory to a permitted use
- c) Dwelling Unit located above or behind a permitted commercial use
- d) Existing Dwelling

**10.1.2 Zone Provisions**

- |    |                           |   |
|----|---------------------------|---|
| a) | Minimum Lot Area:         | No minimum  |
| b) | Minimum Lot Frontage:     | No minimum  |
| c) | Minimum Front Yard Depth: | 0 m   |
| d) | Maximum Front Yard Depth: | 2 m   |
| e) | Minimum Side Yard Width:  | 0 m, except where a side lot line abuts a Residential (R) Zone the minimum side yard width shall be 3 m |
| f) | Minimum Rear Yard Depth:  | 0 m, except where a rear yard abuts a Residential (R) Zone the minimum rear yard depth shall be 3 m     |

**10.1.3 Building Regulations**

- |    |   |  |
|----|---|--|
| a) | Maximum Building Height:  | 13 m   |
| b) | Minimum Floor Area for a Dwelling Unit within a Building containing a Commercial: Use | In accordance with the provisions of Section 6.1.3 a) of this By-law |

**10.1.4 Existing Residential Dwellings**

Notwithstanding any provisions of this by-law to the contrary, existing single-detached, semi-detached or duplex dwellings shall be permitted to be altered or expanded in accordance with the provisions of the R1 Zone. Accessory uses, structures or building may be permitted to an existing dwelling in accordance with the general provisions of this by-law.

## INSTRUCTIONS FOR SUBMITTING A TENDER

A tender, and the envelope that it is submitted in, must be prepared and submitted in accordance with the *Municipal Tax Sales Rules*. Here are steps to follow to ensure that your tender complies with those rules.

### 1. Determine your tender amount

The minimum tender amount in the tax sale advertisement is generally the "cancellation price" (taxes, penalty, interest, etc) as of the first day of advertising. Your tender must be this amount or more. If you are the successful tenderer, you will also be required to pay Land Transfer Tax and any applicable HST. As well, you will be required to pay "accumulated taxes", being any further taxes, interest or penalty that have accumulated since the first day of advertising.

### 2. Prepare Form 7 (TENDER TO PURCHASE)

A tender shall be in Form 7. It must be typewritten or legibly handwritten in ink. There is a Form 7 in your tender package. Please proceed as follows:

a. In the section of Form 7 that says "Re: Sale of: (description of land)"

Enter in the description of the land, including the roll number, file number and municipal address, if that information is available. You should use the same description that is shown on your TITLE SEARCH SUMMARY, if you purchased one, or on the tax sale ad.

b. Fill in the remaining information on Form 7.

**NOTE:** Double and triple check the information that you enter. Be sure there are no mistakes!

### 3. Prepare a deposit

a. **At least 20%**

Your tender must be accompanied by a deposit of at least 20 per cent of the amount you tender.

(Example: If you tender \$5,000.01 – 20% of \$5,000.01 is \$1,000.002 – therefore \$1,000.00 would be less than 20% of the amount you tendered - \$1,000.01 would be the minimum deposit required)

b. **Not by cash or credit union**

Your deposit must be made by way of money order or by way of bank draft or cheque certified by a bank or trust corporation. Legislative changes to allow for cheques to be drawn on Credit Unions are only in effect for properties on which the tax arrears certificate was registered after Jan1, 2018. **If your deposit is made by way of a bank draft or cheque certified by a credit union, your tender may be rejected.**

c. **Deposit money order, bank draft or certified cheque must be made out in favour of the municipality**

d. **Warning**

If after the tender(s) have been opened, the municipality sends you a notice that your tender has been accepted, you must pay the full amount owing within 14 days of the notice being sent to you. If you do not pay the balance as required, for any reason, **your deposit will be forfeited to the municipality.**

### 4. Prepare a Tender envelope

Your tender must be submitted in a sealed envelope, addressed to the treasurer, indicating on it that it is a tax sale and provides a short description or municipal address of the land sufficient to permit the treasurer to identify the parcel of land to which the tender relates.

The tender envelope in this tender package is already properly pre-addressed. All you have to do is the following:

a. If a municipal address has been given for the property, enter that address under the heading **Tax Sale For**.

b. If there is no municipal address given, or if the municipal address will not be sufficient to permit the treasurer to identify the parcel to which the envelope relates, it will be necessary to include a short description of the property. You should use the property description that is shown on your TITLE SEARCH SUMMARY, if you purchased one, or on the tax sale ad.

### 5. One parcel only

A tender shall relate to only one parcel of land. If there are two or more properties in a sale and you wish to submit tenders for two properties, you must submit two completely separate tenders. You must fill out two separate Form 7s and have two separate deposit cheques or money orders. Each Form 7, along with the deposit for that property, must be submitted in a separate envelope.

### 6. No additional terms or conditions

The treasurer will reject every tender that includes any term or condition not provided for in the *Municipal Tax Sales Rules*.

### 7. Submitting your tender

You can submit your tender in person, or by courier, or by mail. Your tender must be received by the treasurer on or before the time and date indicated in the advertisement for tax sale. If your tender is received late it will be rejected. If the mailing address includes a Post Office Box, there is no guarantee the municipality will collect their mail before 3 pm on the day of the sale. It is the tenderer's responsibility to ensure the tender is delivered to the treasurer by 3 pm on sale day.

### 8. If you wish to withdraw your tender

A tender is withdrawn if the tenderer's written request to have the tender withdrawn is received by the treasurer before 3 p.m. local time on the last date for receiving tenders. The envelope containing a withdrawn tender will be opened at the time of the opening of the sealed envelopes.

### 9. Cancellation of sale

A tax sale can be cancelled by the treasurer at any time before a tax deed or notice of vesting is registered on title.

# TENDERER'S CHECKLIST FOR SUBMITTING A VALID TENDER

## Have you done your homework?

The municipality makes no representation regarding the title to the property or any other matters relating to the lands to be sold. The property may be worth much more *or* much less than the minimum tender amount.

**The responsibility for researching this property to see if it is a good investment and researching the legislated requirements and provisions of the tax sale procedure is up to you.** Have you investigated title and conducted a search for executions to see what will stay on title and become your responsibility after the tax deed is registered? In most cases, if the property is subject to a crown interest at the time the tax deed is registered (such as a mortgage, lien or execution), it will continue to be subject to that crown interest when you become the owner. Is the land subject to easements, restrictions &/or adverse possession of abutting owners? Does the property condition, land use, zoning, etc. fit in with your plans for the property? Is it accessible without trespassing on someone else's property?

If your tender is accepted and you do not pay the balance of the tender amount owing on time for *any* reason, **your deposit will be forfeited to the municipality** as set out in the *Municipal Tax Sale Rules*.

YES	NO	Requirements for "Submitting a Tender" pursuant to the <i>Municipal Act, 2001</i> and <i>The Municipal Tax Sale Rules</i>
		Envelope is sealed
		Envelope indicates it is for a Tax Sale
		An identifiable description of the land or municipal address is shown on the envelope
		Envelope is addressed to the Treasurer (or Deputy Treasurer) <b>NOTE:</b> <i>Tenders must be addressed to the person who holds the position of Treasurer, or Deputy Treasurer under Section 286(2), even if their Title is different.</i>
		Tender is submitted in Form 7 <b>NOTE:</b> <i>Form 7 must be addressed to the person who holds the position of Treasurer, or Deputy Treasurer under Section 286(2), even if their Title is different.</i>
		Form 7 is typewritten or legibly written in ink
		Form 7 deals with one parcel only
		Only one Form 7 per envelope
		Tender includes only the terms and conditions as provided for in the Municipal Tax Sales Rules
		Your Tender Amount is equal to or greater than the Minimum Tender Amount given for the property in the ad
		Deposit is at least 20% of the amount you tender <b>NOTE:</b> <i>Deposit of 20% must always be rounded off to the "HIGHER" cent (ie. Example: If you tender \$5,000.01 – 20% of \$5,000.01 is \$1,000.002 – therefore \$1,000.00 would be less than 20% of the amount you tendered - \$1,000.01 would be the minimum deposit required)</i>
		Deposit is made by way of money order, or by way of bank draft or certified cheque drawn on a bank or trust corporation. <b>A Credit Union is not a Bank or Trust Company.</b> Legislative changes to allow for cheques to be drawn on Credit Unions are only in effect for properties on which the tax arrears certificate was registered after Jan1, 2018. <b>If your deposit is made by way of a bank draft or cheque certified by a credit union, your tender may be rejected.</b>
		Deposit money order, bank draft or certified cheque is made out in favour of the municipality

**If you answered "NO" to any of the above questions,  
the Tender shall be rejected!**