TOWN OF MASSEY DRIVE

ARREARS SALE BY-LAW

Pursuant to the authority conferred by section 7(1)(c) of the Towns and Local Service Districts Act (TLSDA) and in support of the Town of Massey Drive Tax Recovery Plan, the Town of Massey Drive has adopted, through resolution of the Town Council on the 10TH day, of mAY, 2025, this Arrears Sale By-Law.

This by-law applies to the sale of any real property for which a notice of arrears has been confirmed to be served in accordance with the Towns and Local Service Districts Act (TLSDA).

The Town of Massey Drive's Town Councillor's Code of Conduct, Conflict of Interest and Workplace Harassment policies and procedures shall apply to all members of Council, staff and the general public.

1.0 POWERS AND DUTY

1.1. The Town of Massey Drive Council, by resolution, will direct real property to be sold by arrears sale upon confirmation by the Town Manager/Clerk that a notice of arrears for the real property was served in accordance with Notice of Arrears section 146 of Towns and Local Service Districts Act (TLSDA) and the time period referred to in paragraph 146(2)(d) of the Act has expired.

2.0 NOTICE OF ARREARS SALE

2.1 The Town Manager/Clerk shall immediately upon receipt of a copy of the resolution referred to in section 1.1 serve an owner, mortgagee, judgment creditor, lienholder or other person having a charge or encumbrance upon or against the real property with written notice of the arrears sale.

2.2 A person who receives a notice under section 2.1 may, within 14 days of service of the notice, file an appeal with the town.

2.3 Where an appeal has not been filed under section 2.2, the Town Manager/Clerk may advertise the real property referred to in the resolution for sale by public auction at a time and place that shall be stated in the advertisement.

2.4 Where an appeal has been filed under section 2.2, the Town Manager/Clerk shall not advertise the real property referred to in the resolution for sale by public auction until a decision has been made with respect to the appeal.

2.5 An advertisement under section 2.0 of this by-law shall be published in accordance with section 292 of the Towns and Local Service District Act (TLSDA) at least 30 days immediately before the date of the arrears sale.

2.6 It is sufficient in the notice and the advertisement to put the street and number of the real property, or to put another short reference by which the real property may be identified, together with a statement that a full description may be seen at the Town Manager/Clerk's office.

3.0 ARREARS SALE BY PUBLIC AUCTION

3.1 At the time and place referred to in the advertisement of an arrears sale the Town Manager/Clerk shall proceed to sell at the public auction the real property or portions of the real property that the Town Manager/Clerk determines are sufficient to pay the taxes, water and sewer fees, local improvement fees and interest and the expenses incidental to those proceedings and the arrears sale are then, or have been previously, paid.

3.2 Where the real property referred to in the advertisement of the arrears sale is only a portion of real property for which taxes, water and sewer fees or local improvement fees are owed and the portion does not sell for a sufficient amount to satisfy the taxes, water and sewer fees and local improvement fees, interest and expenses due with respect to the real property of which it forms a part, the Town Manager/Clerk may immediately, and without further notice, sell the whole or a portion of the remainder of the real property to satisfy the taxes, water and sewer fees and local improvement fees, interest and expenses.

3.3 The Town, by a town employee or agent, may bid for and purchase real property being sold to satisfy taxes, water and sewer fees, local improvement fees, interest and other expenses due.

4.0 FURTHER NOTICE OF ARREARS SALE

4.1 Where, at the time set for an arrears sale, there are no bidders or the Town Manager/Clerk fails to sell the real property for the full amount of the arrears of taxes, water and sewer fees, local improvement fees, interest and expenses due, the Town Manager/Clerk shall:

4.1.1 Adjourn the arrears sale until a date set by the Town Manager/Clerk that is not earlier than one(1) week and no later than two(2) weeks after the date on which the original arrears sake was scheduled;

4.1.2 Serve notice of the date of the arrears sale set under section 4.1.1 on a person entitled to notice under section 2.1;

4.1.3 Attempt to sell the real property at public auction;

4.1.4 The Town Manager/Clerk may sell the real property at the public auction for an amount that can be realized.

5.0 ARREARS SALE SET ASIDE

5.1 Where an arrears sale is set aside for an error, irregularity or other cause, the lien on the real property shall not, as a result of the error, irregularity or other cause be discharged but shall continue for the same time as if the date of the setting aside was the date on which the arrears sale took place and the real property may again be sold unless the taxes, water and sewer fees, local improvement fees, interest and expenses against it are paid.

6.0 PROCEEDS OF ARREARS SALE

6.1 The Town Manager/Clerk shall, from money received at an arrears sale, deduct the amount of taxes, water and sewer fees, local improvement fees, interest and expenses owing to the Town, at the time of the arrears sale.

6.2 Where there is a balance remaining after making the deductions under section 5.1, the Town shall:

6.2.1 Where the balance is less than $200, pay the balance to the former property owner; or

6.2.2 Where the balance is $200 or more, pay the balance to the former property owner unless an application is made to the Supreme Court within 90 days of the auction by a person claiming entitlement to the balance and if an application is made, pay the balance to the Supreme Court.

6.3 Where section 5.2.2 applies, the Town shall immediately serve written notice on a person entitled to notice under section 2.1, setting out the amount of the balance and the requirement to apply to the Supreme Court within 90 days of the auction to claim entitlement to the balance or a portion of the balance.

6.4 Where the former owner of the real property is unknown or cannot be located and there is a balance remaining after making the deductions under section 5.1, the Town shall pay the balance to the Supreme Court.

6.5 Payment of the balance to the Supreme Court under section 5.2 and 5.4 shall have the same effect as payment to the owner, and a judge of the Supreme Court, on the application of an interested person, may order the payment out of Supreme Court of the balance or a portion of the balance to the person entitled to it.

7.0 FAILURE TO PAY

7.1 Where the purchaser of real property at an arrears sale fails to immediately:

7.1.1 Pay the Town Manager/Clerk or the Town's agent the amount of the purchase price of the real property; or

7.1.2 Deposit with the Town Manager/Clerk an amount equal to the amount of the taxes, water and sewer fees, local improvement fees, interest and expenses of the arrears sale for which the real property has been sold, the Town