

Type of Decision									
Meeting Date	Friday, July 15, 2011				Report Date	Wednesday, July 13, 2011			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	x	Information Only			Type of Meeting	X	Open		Closed
REPORT TITLE									
Tax Sale Funds Report 15/07/11/1203									

Subject: Request for Council direction concerning funds paid into court following successful tax sales.

RECOMMENDATION: That this resolution is adopted approving staff applying to the Divisional Court to have the proceeds of the tax sales completed in 2010 paid out to the municipality.

WHEREAS under legislation any funds in excess of expenses and taxes owing after a successful tax sale are paid into the Divisional Court to await claim from a rightful heir;

AND WHEREAS if the funds are not claimed within 12 months of being paid into the court the municipality can make application to the court to have those funds paid to the municipality;

AND WHEREAS the two tax sales completed in 2010 in HCM resulted in moneys being paid into the Divisional Court, which have not been claimed after the legislated time frame;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby authorize staff to contract with Realtax to prepare two Payment Out of Court Applications and file them with the court requesting that the funds from the two tax sales be paid to the Municipality of the United Townships of Head, Clara & Maria.

BACKGROUND/EXECUTIVE SUMMARY: The two tax sales completed in 2010 resulted in excess funds which were paid into court. The amounts are \$2,273.12 and \$2,602.19. The costs of completing each application process is \$975 plus HST of \$126.75 (some of the HST which will be reimbursed to the municipality). The catch is that there is no guarantee that the judge will decide to pay the money into the court. If he/she decides that the funds would better be absorbed by the province the municipality would be out approximately \$2,203.50 in expenses. At best, we would be ahead \$2,671.81.

Failure to apply for the funds will result in the province absorbing the money.

Others Consulted: Ruth Morin, Treasurer; Sam Jones, Realtax;

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith