District of Port Hardy

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GENERAL TAX SALE PROCEDURES

1. The tax sale is a public auction of properties within a municipality which have outstanding property taxes from 2 years prior to the current year.

2. The tax sale is held annually on the last Monday of September at 10 a.m. at the council chambers in the Municipal Hall of each municipality in BC.

3. Notice of the time and place of the tax sale and the description and street address of each property subject to tax sale must be published in at least 2 issues of a newspaper.

4. The last publication of the tax sale must be at least 3 days and not more than 10 days before the date of the tax sale.

5. The lowest amount for which a property may be sold at tax sale is the upset price.

6. The upset price is the sum of all the property taxes outstanding as at the date of the tax sale, plus all applicable penalties and interest, plus an additional 5% of all taxes, penalties and interest, plus all applicable Land Title Act fees.

7. The highest bidder above the upset price must be declared the purchaser.

8. If there is no bid, or no bid equal to the upset price, the municipality must be declared the purchaser.

9. The purchaser must immediately pay the amount of the purchase price to the collector.

10. The collector must give the purchaser a tax certificate and promptly file the notice of tax sale at the land title office.

11. With 3 months of the tax sale, the collector must give written notice of the tax sale, including the day the redemption period ends either, to the owner(s) of the property by serving the notice or by registered mail.

12. During the period allowed for redemption, a tax sale property must continue to be assessed and taxed in the owner's name.

13. A tax sale property may be redeemed from tax sale within 1 year of the date of the tax sale by the owner of the property, an owner of a registered charge against the property or another person on their behalf.

14. The amount to redeem a tax sale property is the sum of the upset price, plus all costs of which the collector has had notice that have been incurred by the purchaser in maintenance of the tax sale property and in prevention of waste, plus taxes advanced by the purchaser, plus prescribed interest to the date of redemption.

15. During the period of redemption, the owner retains the right to possession of the tax sale property.

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16. The purchaser has the right to enter on the tax sale property to maintain it in proper condition and to prevent waste.

17. On redemption of a tax sale property, the purchaser is entitled to receive all amounts paid by the purchaser, together with prescribed interest.

18. If the tax sale property is redeemed, the collector must promptly file a notice of redemption at the land title office.

19. If the tax sale property is not redeemed, the collector must file a notice of non-redemption at the land title office.

20. Upon receipt of a notice of non-redemption by the land title office, the property is conveyed to the purchaser free and clear of all mortgages, charges, liens, etc. except those imposed by a senior government (Province of British Columbia, Government of Canada).

21. In the case of non-redemption of a property subject to the Strata Property Act, the Land Title and Survey Authority will not convey the property to the tax sale purchaser until all outstanding strata fees and charges have been paid to the strata corporation.

22. The purchase of a tax sale property is subject to tax under the Property Transfer Tax Act on the fair market value of the property at the time of conveyance.

During the period of redemption, the owner may bring an action in the Supreme Court to have the tax sale set aside and declared invalid under certain specified grounds.