



Kitchener FormsPak

Tax Sale Date: July 9, 2025

BEFORE YOU SUBMIT A TENDER...

- **How do tax sales work?**
- **Why ordering an up-to-date title search and execution search could benefit you?**
- **What will happen if the Crown has an interest in a property that you would like to buy?**
- **If the treasurer of the municipality notifies you that you have 14 days to pay the balance of the amount that you tendered, plus HST, land transfer tax and accumulated taxes, and you do not pay this amount within 14 days, would you like to no what will happen?**

You can learn the answers to all of the above questions by visiting www.OntarioTaxSales.ca or by clicking on the links below:

- **What is a tax sale?**
- **Definitions**
- **FAQ**
- **How to buy a tax sale property**

Sale of Land by Public Tender
Municipal Act, 2001
Ontario Regulation 181/03 Municipal Tax Sales Rules

The Corporation of the City of Kitchener

Take Notice that tenders are invited for the purchase of the land(s) described below and will be received until 3:00 p.m. local time on Wednesday, July 9, 2025 at City of Kitchener, City Hall, Information Desk – Main Floor, 200 King Street West, Kitchener, Ontario N2G 4G7. The tenders will then be opened in public on the same day at 4:00 p.m. local time at City of Kitchener, City Hall, Grand River Room – Main Floor, 200 King Street West, Kitchener, ON N2G 4G7.

Description of Land(s):

135 Hayward Avenue, Kitchener, Ontario

PT LT 16 PL 791 KITCHENER AS IN 919902; KITCHENER (PIN NO. 22599-0064 (LT))

Minimum Tender Amount: \$4,292,323.62

Tenders must be submitted in the prescribed form and must be accompanied by a deposit of at least 20 per cent of the tender amount, which deposit shall be made by way of a certified cheque/bank draft/money order payable to the municipality.

Except as follows, the municipality makes no representation regarding the title to or any other matters relating to the land(s) 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. The municipality does not provide an opportunity for potential purchasers to view this property.

According to the last returned assessment roll, the assessed value of the land is \$1,010,000.00.

A copy of the prescribed form of tender is available on the website of the Government of Ontario Central Forms Repository under the listing for the Ministry of Municipal Affairs or may be found on the City's website.

For further information regarding this sale please see the City's website at www.kitchener.ca/TaxSale or contact Lesley MacDonald, Director Legal Services and City Solicitor; 200 King Street West, 4th Floor, P.O. Box 1118, Kitchener, ON N2G 4G7; Phone: 519-783-8800; Email: Lesley.MacDonald@kitchener.ca.

TENDER TO PURCHASE

THE CORPORATION OF THE CITY OF KITCHENER

To: Name: **Treasurer**

Address: **200 King Street West, 4th Floor
P.O. Box 1118
Kitchener, ON N2G 4G7**

Telephone: **519-783-8800 or email: Lesley.MacDonald@kitchener.ca**

Re: Sale of:

**135 Hayward Avenue, Kitchener, Ontario
PT LT 16 PL 791 Kitchener as in 919902; Kitchener (PIN NO. 22599-0064 (LT))**

1. 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.
2. I/we understand that this tender must be received by the treasurer's office not later than **3:00 p.m.** local time on **July 9, 2025**, and that in the event of this tender being accepted, I/we shall be notified of its acceptance.
3. 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 City of Kitchener** 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 taxes that may be applicable, such as a land transfer tax and HST and any accumulated taxes within 14 days of the mailing of the notice by 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 _____, 2025.

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.

Tax Sale For

**135 Hayward Avenue, Kitchener, Ontario
PT LT 16 PL 791 Kitchener as in 919902; Kitchener (PIN NO.
22599-0064 (LT))**

**Date and time received by
The Corporation of the City of Kitchener**

To: **Treasurer
City of Kitchener
200 King Street West, 4th Floor
P.O. Box 1118
Kitchener, ON N2G 4G7**

Tape, glue or staple this form to outside of the sealed envelope containing your bid

135 HAYWARD AVENUE, KITCHENER (the “Property”)

The Corporation of the City of Kitchener (the “City”) will be advertising the Property for Public Sale by Tender under the Sale of Land for Tax Arrears provisions of the Municipal Act. The advertisement will be placed in The Record on Saturday, June 7, 2025 and then again on June 14, 21 and 28, 2025. The Tender will close Wednesday, July 9, 2025 at 3:00 p.m.

The sale of the Property under the Tax Sale Provisions of the Municipal Act is not a typical real estate transaction. Although the City is under no obligation to provide interested parties or potential purchasers with any information, the City is providing the following information as a courtesy only. The City makes no representations or warranties with respect to the Property, or any information provided in this Information Package. All interest parties and potential purchasers are required to complete their own due diligence and satisfy themselves.

NO ACCESS TO THE PROPERTY IS AVAILABLE

The City is NOT the owner of the Property and as a result the City cannot provide access to the Property for the purpose of allowing interested parties or potential purchasers to conduct their due diligence.

PROPERTY LOCATION AND SIZE

The Property is located at the intersection of Hayward Avenue and Courtland Avenue East in Kitchener. The Property is approximately 5.17 acres in size.

PROPERTY TAXES

The Property is being advertised for public sale under the tax sale provisions of the Municipal Act and the Notice of Sale contains the required MINIMUM TENDER OR MINIMUM BID, which is \$4,292,323.62.

Under the tax sale provisions the MINIMUM TENDER (or MINIMUM BID) required is the amount of the tax arrears owing at any time together with all current real property taxes owing, interest and penalties, as well as all reasonable costs incurred to undertake the tax sale, collectively referred to as the “Cancellation Price”. **Any tender/bid that does not equal or exceed the Cancellation Price amount as shown in the advertisement will be rejected as per the Rules (as hereinafter defined).**

Contact person at the City for inquiries or additional information:

Lesley MacDonald – City Solicitor & Director of Legal Services

Telephone: (519) 783-8800

Email: lesley.macdonald@kitchener.ca

MINISTRY OF FINANCE LIEN

His Majesty the King in right of Ontario as represented by the Minister of Finance (the “Ministry of Finance”) has a registered Notice of Lien on the Property that will not be discharged/cleared by the Tax Sale process or registration of a Tax Deed/Transfer. The Ministry of Finance’s Lien maintains priority status and will need to be paid in full by the successful bidder in order to obtain a discharge of the Lien. The amount outstanding on the Ministry of Finance’s Lien as of June 6, 2024 was \$171,662.44, which amount continues to accrue interest. It is the successful bidder’s responsibility to confirm the amount outstanding and remit payment to the Ministry of Finance in order to have the Notice of Lien discharged from title.

CONTAMINATION

The Property is contaminated and is the subject of a Ministry of the Environment, Conservation and Parks (“MOECP”) Provincial Officer’s Order. Copies of the following documents may be requested from the MOECP or from the City (see below):

- Provincial Officer’s Order No. 6345-7Q9PSB
- Director’s Order No. 6345-7Q9PSB-1
- Provincial Officer’s Report (Order No. 6345-7Q9PSB)

As there is NO RIGHT OF ACCESS to the Property, interested parties are not able to perform any environmental testing. Interested parties are encouraged to speak with the MOECP regarding this site to determine the MOECP’s expectations pertaining to the contamination.

Contact for the Ministry of the Environment, Conservation and Parks, Guelph District Office, West Central Region:

1 Stone Road West Guelph ON N1G 4Y2

Toll Free: 1-800-265-8658

Telephone: (519) 826-4256

Fax: (519) 826-4286

BROWNFIELD INCENTIVES

The City has a [brownfield financial incentive program](#), details of which are available on the City’s website. This Property may be eligible for this program or any new programs that may be launched.

Contact person at the City for inquiries or additional information:

Scott Van Schyndel – Real Estate Specialist

Telephone: (519) 783-8950

Email: scott.vanschyndel@kitchener.ca

PUBLIC SALE

When the Property is advertised for Public Sale under the Sale of Land for Tax Arrears provisions of the Municipal Act: · All tenders must be submitted on the prescribed form ([Form 7](#)) which is available on the Government of Ontario Central Form Repository under the listing for the Ministry of Municipal Affairs and Housing. As a courtesy, the City has also posted a [partially completed Form 7 \(see below\)](#) which includes the property description on the City's website. A paper copy is also available and may be picked up at Kitchener City Hall, Information Desk – Main Floor, 200 King Street West, Kitchener, Ontario, on Monday to Friday between the hours of 9:00am and 4:00pm until July 9, 2025 at 3:00pm;

- Tenders may not contain conditions that are not permitted under the Municipal Tax Sales Rules (O. Reg. 181/03, as amended) (the “Rules”);
- Any tender containing conditions which are not permitted under the Rules shall be automatically rejected pursuant to the Rules;
- Each tender must be accompanied by a deposit in the form of a money order or bank draft or cheque certified by a bank or trust corporation payable to “The Corporation of the City of Kitchener” in the amount of at least twenty percent (20%) of the tender amount;
- Tenderers are requested to include their telephone number and email address in their tender envelope to ensure that the City is able to contact them as quickly as possible;
- The successful purchaser will be required to pay the amount tendered plus accumulated taxes and the relevant land transfer tax; and,
- The City has no obligation to provide vacant possession to the successful purchaser.

Contact person at the City for inquiries or additional information:

Lesley MacDonald – City Solicitor & Director of Legal Services

Telephone: (519) 783-8800

Email: lesley.macdonald@kitchener.ca

QUESTIONS OR CLARIFICATIONS

Any request for additional information or clarification from the City regarding this Information Package is to be submitted in writing directly to the contact person that is provided herein for the specific matter to which each request pertains. Where information is available or appropriate for release, a response may be provided.

Any request related to the environmental condition of the Property must be directed to the MOECP. The City will not respond to any legal or environmental questions.

DISCLAIMER

This information is being provided as a courtesy only. Any interested parties or potential purchasers must complete their own due diligence and satisfy themselves with respect to all matters pertaining to the Property.

Interested parties and potential purchasers are encouraged to secure their own expert advice regarding all matters, including environmental and legal advice.



Instructions for Submitting a Tender

Tenders must be prepared and submitted in accordance with the *Municipal Tax Sales Rules*

1. **Determine your tender amount:** Your tender must be equal to the Minimum Tender Amount advertised or more. The successful tenderer will be required to pay Land Transfer Tax, any applicable HST, and accumulated taxes, which are any further taxes, interests or penalties that have accumulated since the first day of advertising.
2. **Prepare Form 7 (TENDER TO PURCHASE) – Copy of Form 7 is in the InfoPak:**
 - a. Form 7 must be typed or legibly handwritten in ink.
 - b. 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. This can be found on your Title Search Summary or on the Form 6 Tax Sale Ad included in your InfoPak.
 - c. Fill in the remaining information on Form 7 (Tender to Purchase Amount, Deposit amount (20% of your Tender to Purchase Amount), Date, Name and Address of tenderer)
3. **Prepare a deposit:**
 - a. **At least 20%:** The deposit must be at least 20 per cent of the amount of your tender.
(Example: If you tender \$5,000.01 – 20% of \$5,000.01 is \$1,000.002 – \$1,000.00 would be less than 20% of the amount you tendered - \$1,000.01 would be the minimum deposit required)
 - b. **Form of Deposit:** Money order, bank draft or cheque certified by a bank or authorized foreign bank within the meaning of section 2 of the Bank Act (Canada), a trust corporation registered under the Loan and Trust Corporations Act or a credit union within the meaning of the Credit Unions and Caisses Populaires Act, 1994.
 - c. **Deposit money order, bank draft or certified cheque must be made out in favour of the municipality.**
4. **Prepare a Tender envelope:**
 - a. Submit a sealed envelope, addressed to the treasurer, indicating on it that it is a tax sale. The tender envelope in this InfoPak is already properly pre-addressed and can be attached to your sealed envelope.
 - b. If a municipal address has been given for the property, enter that address under the heading “**Tax Sale For**”. If there is no municipal address, it will be necessary to include a short description of the property shown on your Title Search Summary or on the Form 6 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 and 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. In the event of a postal strike or other work slowdown, mail might not be delivered in a timely manner. **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

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.

A Title Search Summary includes an execution search and will outline what will stay on title and become your responsibility after the tax deed is registered, such as crown interests, easements, restrictions, etc. It could be helpful to obtain a Title Search.

It is important to **investigate** to find out the property condition, landuse, zoning, building permits, etc. You would want to make sure it fits in with your plans for the property.

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

Requirements for "Submitting a Tender" pursuant to <i>Municipal Act, 2001 and Municipal Tax Sale Rules</i>	
<input type="checkbox"/>	Tender is submitted using Form 7 (Included in InfoPak/FormsPak/Tender Package) <i>NOTE: 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>
<input type="checkbox"/>	Form 7 must be typewritten or legibly written in ink (Description of property can be found on Form 6 Advertisement)
<input type="checkbox"/>	Form 7 describes/relates to one property only (each property requires separate Form 7s and separate envelopes)
<input type="checkbox"/>	Tender Amount is equal to or greater than the Minimum Tender Amount given for the property
<input type="checkbox"/>	Deposit is a least 20% of the amount you have chosen to tender (always round up when determining deposit amount)
<input type="checkbox"/>	Deposit is made by way of money order, or by way of bank draft or cheque certified by a bank or authorized foreign bank (within the meaning of section 2 of the <i>Bank Act</i> (Canada), a trust corporation registered under the <i>Loan and Trust Corporations Act</i> or a credit union within the meaning of the <i>Credit Unions and Caisses Populaires Act, 1994</i>)
<input type="checkbox"/>	Ensure deposit money order, bank draft or certified cheque is made out in favour of the Municipality (The Corporation of the...)
<input type="checkbox"/>	Envelope cover indicates it is for a Tax Sale with an identifiable description of land and/or municipal address - <i>Tape, glue or staple this form to outside of the sealed envelope containing your bid</i>
<input type="checkbox"/>	Envelope must be addressed to the Treasurer (or Deputy Treasurer) <i>NOTE: 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>

If all boxes are checked, you are ready to send in your tender!