

To: Corporate and Finance Services Committee

From: Stephanie Sinnott, Commissioner,  
Corporate and Finance Services Department

Report Number: CF-25-10

Date of Report: January 29, 2025

Date of Meeting: February 3, 2025

Subject: Sale of Land for Tax Arrears and Notice of Vesting

Ward: All Wards

File: 03-05

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## **1.0 Purpose**

The purpose of this report is to present the results of the Sale of Land for Tax Arrears that took place on October 22, 2024, and obtain direction regarding the disposition of the unsold property.

Attachment 1 is a Map of Roll Number 1813 060 008 00898, known as 0 Barbados Street.

Attachment 2 is a Map of Roll Number 1813 040 032 02110, known as 719 Keates Avenue.

## **2.0 Recommendation**

That the Corporate and Finance Services Committee recommend to City Council:

That based on Report CF-25-10 dated January 29, 2025 concerning the sale of land for tax arrears:

1. That in accordance with the requirements under the Municipal Act, 2001, S.O. 2001, c. 25 ("Municipal Act, 2001"), the City register a notice of vesting for the property located on 0 Barbados Street and update the City Holdings Inventory accordingly, and,
2. That following the vesting of the property to the City, the property located on 0 Barbados Street as illustrated on Attachment 1 to said Report, be declared surplus to municipal requirements and that the requirements to declare a City-owned property first as potentially surplus and all notice requirements in accordance with By-law 178-2022, as amended, be waived given the localized nature of the matter.

### **3.0 Input From Other Sources**

- City Solicitor
- Planning Services
- Legislative Services
- Corporate Real Estate Strategy Team (C. R. E. S. T.) Committee

### **4.0 Analysis**

#### **4.1 Tax Sale**

A tax sale public tender opening was held on October 22, 2024 involving the following two (2) properties:

(1) 1813 060 008 00898 – 0 Barbados Street – Attachment 1

The above-property is located between 821 Waverly Street and Barbados Street (the “Barbados Property”). Both registered and assessed owners are a corporation that has registered Articles of Dissolution on April 24, 2018.

The Treasurer has declared that there is no successful purchaser for the Barbados Property. Upon completion of the tax sale process, Section 379 (5) (b) of the Municipal Act, 2001 states that where there is no successful purchaser, the municipality may prepare and register in the name of the municipality a notice of vesting. Once the notice of vesting is completed, the lands will belong to the City free and clear of any tax arrears, liens and encumbrances. At that time, the land may be retained by the City in its land inventory or declared surplus and offered for sale.

(2) 1813 040 032 02110 – 719 Keates Avenue – Attachment 2

The successful highest bid for the property on 719 Keates Avenue was \$711,500.00. A title transfer was registered at the Land Registry Office on October 30, 2024. The proceeds of the sale, minus the cancellation price, were paid into the Superior Court of Justice on December 3, 2024, as legislated by the Municipal Act, 2001.

#### **4.2 Declaring the Barbados Property Surplus to Municipal Requirements**

The Barbados Property is a narrow sliver of land approximately 0.005 acres in size with approximately 110.34 feet of frontage, located between 821 Waverly Street and Barbados Street. The Barbados Property currently functions as a grassed side yard with a wooden privacy fence, which appears to be associated with the property at 821 Waverly Street.

City staff are recommending that the Barbados Property be declared surplus upon the lands being vested with the City for the following key reasons:

- It is not required for any identified core City purpose;
- Its disposition would reduce risk and future maintenance costs for the City;
- The disposal of the land may generate revenue for the City; and,

- It is encumbered by existing encroaching features, such as a privacy fence and grassed yard associated with 821 Waverly Street.

Before the City can dispose of any land, Council must declare the land surplus to municipal requirements in open session.

The City's Real Estate Acquisition and Disposition By-law 178-2022, as amended, ("By-law 178-2022") and best practices set out the following process for declaring any City holdings surplus to municipal requirements:

- Interested parties may approach the City from time to time with a request to purchase City land that has not been declared surplus to municipal requirements or the City may initiate the process itself.
- Requests are typically presented to the Economic and Development Services Committee for direction.
- In most cases, the Economic and Development Services Committee refers the request to staff for a report.
- City staff prepares an open session staff report to the Economic and Development Services Committee that includes a recommendation on whether the City lands should be declared potentially surplus.
- If Council determines that the City lands might not be required for municipal purposes it deems the City lands potentially surplus in open session.
- Staff will follow the Public Notice Policy process to invite the public to provide comments in response to the declaration of the City lands as potentially surplus. In this case, staff also recommend notifying all property owners within 120 metres (400 ft.) of the Site.
- The Economic and Development Services Department prepares an open session staff report outlining any public comments received in response to the ads and providing a recommendation on whether the City lands should be formally declared surplus to municipal requirements and disposed of, and Council makes a decision on whether to declare the City lands surplus and initiate a disposal process.

If Council deems it appropriate, based on site specific circumstances or the localized nature of a matter, to adjust the procedures set out above and included in By-law 178-2022, it may do so by resolution.

Given that there are site specific circumstances (i.e. sliver of land vested with the City due to no successful purchase through tax sale process), that have resulted in the City-owned land becoming redundant to the City's needs or requirements, and given the small size of the parcel and localized nature of the matter, it is recommended that both the notice requirements and the requirement to declare a property as potentially surplus in accordance with By-law 178-2022 be waived.

If Council chooses to declare the Barbados Property surplus to municipal needs and requirements, Staff will report back to the Economic and Development Services Committee with a disposal strategy.

## **5.0 Financial Implications**

Where the City vests the Barbados Property, for which there were no tender bids, the City is in a position to write off and recover \$3,844 representing the accumulated taxes paid to the Region of Durham and the Durham District School Board. The City's share of taxes to write off is \$418.

The City has collected all arrears, penalties, interest and cost of the tax sale ("redemption price") from the purchaser of the 719 Keates Avenue property, totaling \$10,959. Any funds in excess of the redemption price were paid into the Court, whereby anyone having a registered interest in the land may petition the court for the funds.

There are no financial implications related to declaring the Barbados Property surplus to municipal needs and requirements following its vesting with the City. Staff will report back to the Economic and Development Services Committee with a recommended disposal strategy, including a strategy for determining market value and identifying a prospective purchaser.

## **6.0 Relationship to the Oshawa Strategic Plan**

This report responds to the Oshawa Strategic Plan Priority Area, "Lead: Governance and Service Excellence" with the goal to provide transparent, efficient, and responsible fiscal stewardship and use of resources.

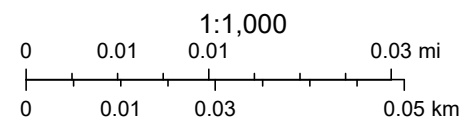


Stephanie Sinnott, Commissioner,  
Corporate and Finance Services Department

# 0 Barbados St

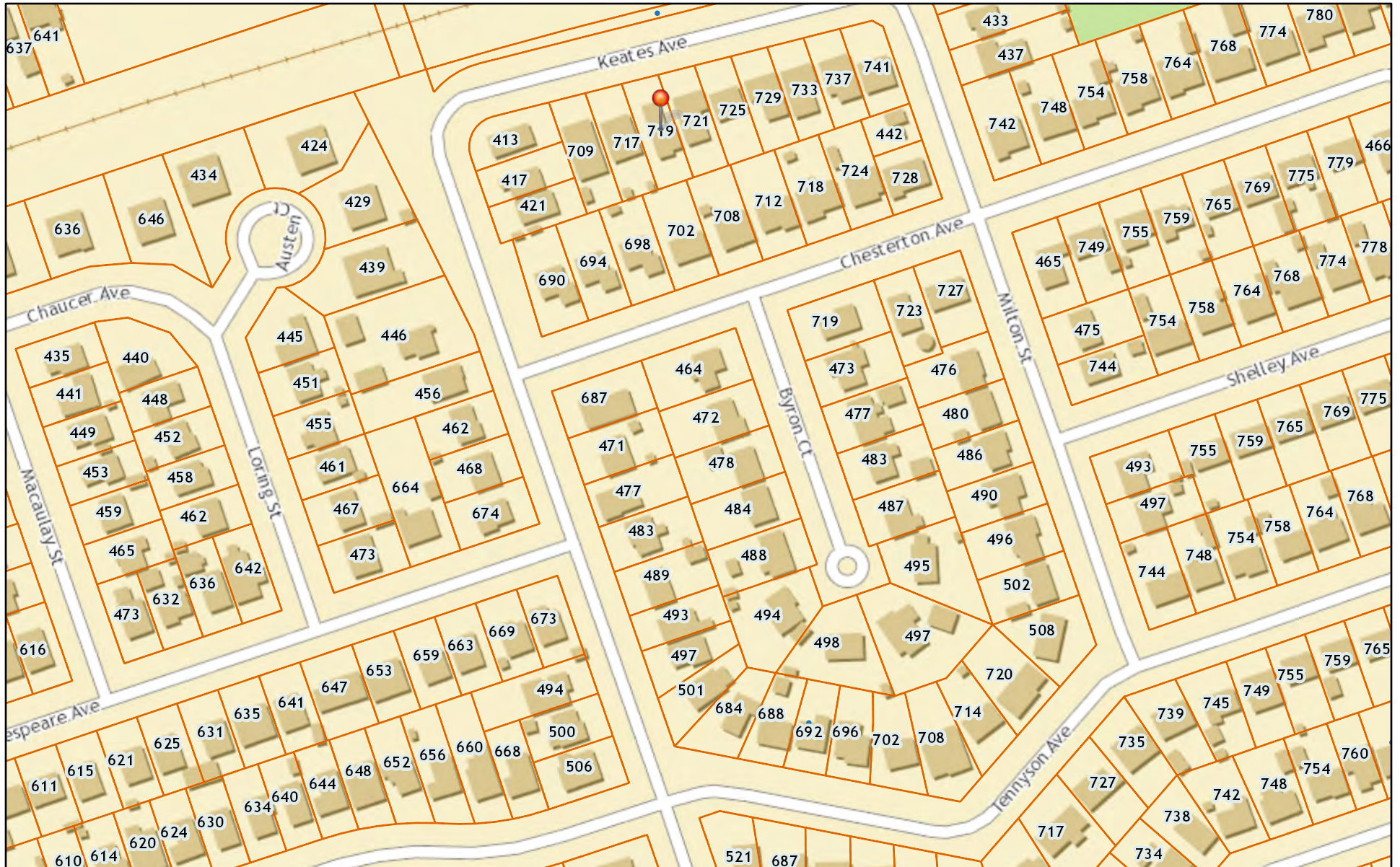


January 19, 2024





# 719 Keates Ave - Map



February 2, 2023

