



Town of Fogo Island By-Law

| ARREARS SALES BYLAW | | |
|-------------------------------------|------------------------------------|--|
| Bylaw No: 2025-01 | Motion of Council: 2025-029 | Effective Date: February 26, 2025 |
| Section: Finance & Admin | Amendment Motion: | Amendment Date: |

These By-laws have been adopted by the Town Council of the Town of Fogo Island pursuant to section 7(1)(d) of the Towns and Local Service Districts Act, SNL 2023 c T-6.2.

Title

- 1) These Bylaws may be cited as the Arrears Sales By-laws.

Definitions

- 1) In these By-laws:
 - a) “Act” means the Towns and Local Service Districts Act, SNL 2023 c T-6.2, as amended from time to time;
 - b) “Appellant” means a person who files an appeal pursuant to section 5 of these Bylaws;
 - c) “Arrears Sale” means the sale of real property by the Town to recover unpaid real property taxes, water and sewer fees, or local improvement fees in relation to the real property;
 - d) “Auction” means a public auction conducted pursuant to section 3 of these Bylaws;
 - e) “Bidder” means a member of public in attendance in person at an Auction;
 - f) “By-laws” means these Arrears Sales Bylaws;
 - g) “Chief Administrative Officer” means the person appointed under section 58 of the Act;
 - h) “Council” means the Town Council of the Town; and
 - i) “Town” means the Town of Fogo Island.

Arrears Sale Procedure

- 1) An Arrears Sale shall be conducted by a public auction at the time and in the place within the Town referred to the advertisement issued under section 151(5) of the Act.
- 2) The Auction shall be conducted as follows:
 - a) Council may engage a professional auctioneer or other person to act as auctioneer, and in the absence of such person being engaged, the Chief Administrative Officer shall be the auctioneer.
 - b) At the time advertised for the commencement of the Arrears Sale, the doors to the room in which the Auction is being conducted shall be secured so as to allow no new Bidders to enter.
 - c) The auctioneer shall identify the property available for sale by stating the civic address and the names of the owners identified on the tax roll, if any.

- d) Where an Auction is being conducted pursuant to section 152 of the Act:
 - (i) the auctioneer shall state the minimum bid for the property, being the amount equal to the outstanding taxes, fees and interest in respect of the property together with the expense's incidental to the Arrears Sale.
 - (ii) the auctioneer shall call for bids at the minimum bid and then in increasing increments of not less than \$100.00 until there is no Bidder for such increment; and
 - (iii) if, after calling three times for a higher bid no higher bid is made, the auctioneer shall declare the highest Bidder the successful purchaser of the property.
- e) Where an Auction is being conducted pursuant to section 153 of the Act:
 - (i) the auctioneer shall state the starting bid for the property, being the amount equal to the outstanding taxes, fees and interest in respect of the property together with the expense's incidental to the Arrears Sale;
 - (ii) the auctioneer shall call for bids at the starting bid and (x) if there is a bidder for such amount call for bids in increasing increments of not less than \$100.00 until there is no Bidder for such increment, or (y) if there is no bidder for such starting bid call for bids in such increments as the auctioneer shall determine until there is a Bidder; and
 - (iii) if, after calling three times for a higher bid no higher bid is made, the auctioneer shall declare the highest Bidder the successful purchaser of the property.

Appeal

- 1) A person receiving notice of an Arrears Sale pursuant to section 151(1) of the Act may, within 14 days of service of the notice, file an appeal with the Town.
- 2) An appeal under section 5 of these By-laws shall be in writing, setting out in detail the grounds for the appeal and including supporting documentation.
- 3) The appeal shall be a rehearing by Council of the decision taken under section 150 of Act and shall be considered at a special meeting of Council.
- 4) The Appellant may attend the special meeting of Council referred to in section 7 but shall have no right to make oral submissions at such meeting.
- 5) At the special meeting of council referred to in section 7, Council shall make one of the following decisions:
 - (a) deny the appeal and direct that written reasons for the decision be provided to the Appellant;
 - (b) allow the appeal and rescind the resolution directing the property be sold by arrears sale; or
 - (c) require further information of the Appellant or staff and adjourn the meeting to a determined date.
- 6) Where an appeal has been filed, the property subject to the appeal shall not be advertised for sale at an Auction until the appeal has been decided.

General

- 1) In the case of an inconsistency between the provisions of these Bylaws and the provisions of the Act, the provisions of the Act shall govern to the extent of such inconsistency.
- 2) These By-laws were adopted by Council at a meeting held on February 25th, 2025 and are effective as of that date.