

Subject: **MUNICIPAL GOVERNMENT ACT - NOTIFICATION OF MUNICIPAL ACQUISITION**

BACKGROUND

The municipality, at whose request a tax recovery notification was endorsed on a certificate of title for a parcel of land, may become the owner of the parcel after the public auction, if the parcel is not sold at the public auction. (1) Thereafter the municipality will take title to the parcel subject to the interests specified in the Act. (2) (MUNA)

REGISTRATION PROCEDURE

1. There must be a tax recovery notification endorsement on the title.
2. The notification ([FORM A](#)) must comply with the execution and attestation requirements for a corporation. An affidavit of value is required.
3. The legal description on the notification and on the title must agree except if the municipality has omitted the mineral reservation on the transfer. In that case, it is not necessary to reject if the title indicates a mineral reservation, as tax arrears do not affect minerals. (3) If the legal description in the notification deals with only part of the parcel described in the title, subdivision approval pursuant to the provisions of the Municipal Government Act applies.
4. The following instruments and caveats are carried forward to the title issued to the municipality:
 - a) Instruments and caveats for which no tax recovery notices were sent, see [TAX-1](#) (item B. 2.). (4)
 - b) Instruments and caveats in favour of the federal Crown or a federal Crown agent.
 - c) Writs of enforcement against the owner where the creditor is the federal Crown or a federal Crown agent.
 - d) Dependent Adults Act Orders and Certificates of Lis Pendens, if the instrument they are related to is carried forward.
5. Where a lease or life estate instrument is not being carried forward, ensure that any leasehold or life estate title based on either instrument, is cancelled.
6. The new certificate of title must be marked "TAX FORFEITURE". (5)
7. Fees - [Tariff item 3](#) is charged.
8. Once the title is in the name of the municipality showing the consideration as "TAX FORFEITURE", a transfer under the Land Titles Act is accepted to transfer the parcel of land to another party.

9. If the municipality wishes to dispose of a parcel by depositing money under section 425(1)(b) of the Municipal Government Act, it must request the removal of the Tax Forfeiture designation. (6) [Tariff item 11\(6\)](#) will be charged to remove the designation.

10. The municipality may request that the title be issued in their name upon expiry of 15 years following the date of the public auction under section 428.2(1) of the Municipal Government Act. (7) The title must have the tax forfeiture designation.

STATUTE AND CASE REFERENCES

Statute references are to the Municipal Government Act, S.A. 2000, c. M-26, unless otherwise indicated.

1. s. 424(1)
2. s. 424(2) and (3)
3. s. 71 and 431
4. s. 424(3)
5. s. 424(4)
6. s. 425(4)
7. s. 428.2(1)