



**TOWN OF CARMAN  
BY-LAW NO. 16/2011**

BEING a By-law of the Town of Carman for the purpose of establishing a tax sale manager position, and defining duties, responsibilities, and powers of said position.

WHEREAS Subsection 85(1) of *The Municipal Act*, R.S.M. 1996, c. M225, provides that:

“A council may by by-law delegate any of its powers, duties or functions under a by-law or this or any other Act to the head of council, a council committee, the chief administrative officer, or a designated officer, unless the by-law or Act otherwise provides.”

AND WHEREAS section 130 of *The Municipal Act*, R.S.M. 1996, c.M225, provides that:

“A council may by by-law establish one or more positions to carry out the powers, duties and functions of a designated officer under a by-law or this or any other Act, and may give each such position any title the council considers appropriate.”

AND WHEREAS subsection 1(1) of *The Municipal Act*, R.S.M.1996, c.M225, provides that:

““designated officer” means a person appointed to a position established under section 130;”

AND WHEREAS it is deemed necessary and expedient to pass a by-law for the purpose of designating and establishing the position of tax sale manager, setting out the responsibilities and duties of the position, and appointing a person thereto;

NOW THEREFORE BE IT RESOLVED the Council of the Town of Carman enacts as follows:

1. a) THAT this By-law may be cited as the “Tax Sale Manager By-law”.
- b) THAT the Town of Carman shall hereinafter be referred to as “the Municipality”.
2. THAT the Municipality hereby establishes a tax sale manager position and the person appointed to that position will have all the responsibilities and duties as outlined in the by-law.
3. THAT the Tax Sale Manager shall be a designated officer as defined in Section 1(1) of *The Municipal Act*, R.S.M. 1996, c.M225.
4. THAT the Municipality may by resolution appoint a firm or corporation to manage the Municipality’s property tax arrears recovery in accordance with Division 6 of *The Municipal Act*, R.S.M. 1996, c.M225.
5. THAT in furtherance thereof, the Municipality may by resolution appoint an individual to the position of Tax Sale Manager who shall be the tax sale manager for the Municipality.



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6. THAT the following responsibilities, duties, and powers are hereby assigned and granted to the Tax Sale Manager:
- a) To execute and deliver, or to amend, correct, replace or re-execute and deliver, all documents, forms, instruments, agreements, elections, acknowledgements, consents or releases relating to tax arrears recovery including, without limiting the generality of the foregoing, any Agreement, Notice of Tax Sale, Request, Discharge, Transfer, Transmission or Notice;
  - b) And further, without limitation, to give evidence on behalf of the Municipality, by way of affidavit, statutory declaration or otherwise, concerning any matter relating to property tax arrears recovery;
  - c) To act generally as the Municipality's Tax Sale Manager in relation to property tax arrears recovery management and, on its behalf, to do all lawful acts which, in the opinion of the Tax Sale Manager, may be necessary or desirable.
  - d) For the purposes of Tax Sale, the Tax Sale Manager shall have all powers in relation to properties subject to tax arrears recovery proceedings and any and all matters necessary or desirable for conduct of those proceedings as if the Tax Sale Manager were the Municipality, and the Tax Sale Manager is hereby authorized to do anything the Municipality can lawfully do.
7. THAT in the event that any conflict arises between the provisions of this by-law and any other by-law of the Municipality, the provisions of this by-law shall prevail.
8. THAT this by-law shall come into full force and effect on the day following its final passage.

DONE AND PASSED by the Council of the Town of Carman, in regular session assembled, this 15<sup>th</sup> day of March, 2016.

Read a first time this 10<sup>th</sup> day of March, 2016.  
Read a second time this 15<sup>th</sup> day of March, 2016.  
Read a third time this 15<sup>th</sup> day of March, 2016.

  
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Mayor

  
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Chief Administrative Officer