Ministry of the Attorney General

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Central West Region

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Ontario

REQUIREMENTS FOR SHERIFF'S SALE OF LANDS FORM

Note: A creditor may not take any steps to sell land under a writ or warrant of seizure and sale until four months after the writ is filed with the enforcement office. Where a writ has been withdrawn, a creditor cannot take any steps to sell the land until four months after the writ is re-filed. **No sale may be held until six months after the writ was filed or re-filed** with the enforcement office [R. 60.07 (16) & (17)].

Please be aware that sales do not always succeed due to lack of sufficient bidding or failure to achieve a reasonable price.

The Following information must be received from the creditor in writing and include:

1. A letter of instruction, giving clear written instructions to the enforcement office to proceed with a sale of land.
2. Direction to Enforce (Form 60F) completed in full and a copy of the judgment/order.
3. A copy of the court order (in the event that the court order is being filed without a supporting writ the copy of the order must be certified).
4. Copy of the WRIT
5. Full legal description of property (copy of Registered Deed).
6. A copy of a recent property abstract (available via Service Ontario and/or the Land Registry/Titles Office in the jurisdiction) where the land is situated along with copies of all documents supporting any Charge, mortgages and/or lien on the property.
7. Municipal address (including postal code) and brief physical description of property, e.g.:
   i. Type of construction – such as brick, frame, cement block, etc.
   ii. Bungalow, semi detached, two-story, number of rooms, etc.
   iii. Heating – oil, gas, coal
   iv. Garage
   v. Fireplace - wood, gas
8. A list of all encumbrances against property including an up-to-date statement from mortgagee as to the balance outstanding. This will ensure that the instructing creditor/lawyer is aware of any outstanding mortgages and will become aware if the mortgagee intends to foreclose or sell the property under Power of Sale.
9. Statement from the judgment creditor/lawyer/agent advising whether or not the property is to be sold is a matrimonial home [FLRA Sec 41(1)]. If so, please provide mailing address (including postal code) for the spouse of the judgment debtor as well as that of the judgment debtor (if different).
10. Copy of the Tax Certificate from the Municipality.
11. An up-to-date certified appraisal on the property (within the last six months) or certified letter of opinion from qualified appraiser. If it is a commercial property, an appraisal must be submitted.
12. **An up-to-date statement from mortgagee as to the balance outstanding 2 weeks before the date of the Auction. As it is the responsibility of the creditor to provide this information, please note that this office may not be able to proceed with a sale if we cannot determine a reasonable value at the time of the sale.**

13. Pay a deposit in the amount of **$8,000.00,** required by the enforcement office in accordance with local practice, sufficient to cover all estimated expenses that will be incurred up to the conclusion of the sale.

Note: The real and personal property of an Indian or band situated on a reserve cannot be seized, except at the instance of another Indian or band [s.89 of the *Indian Act*].