

# CORPORATION OF THE MUNICIPALITY OF RED LAKE

By-Law No. 275-03

## BEING A BY-LAW TO PROVIDE TAX DEFERRALS FOR THE PURPOSE OF RELIEVING FINANCIAL HARDSHIP

WHEREAS the Council of the Corporation of the Municipality of Red Lake is required to have a tax relief program of deferrals or cancellation or other relief to relieve financial hardship in respect of property that is in both the residential property class for property owners who are, or whose spouses or same-sex partners are, low income seniors or low-income persons with disabilities, pursuant to s.319. of the *Municipal Act, 2001*, S.O. 2001, C.25 as amended (hereinafter referred to as the "Act"); and

WHEREAS the Council of the Corporation of the Municipality of Red Lake deems it appropriate to enact this By-Law for the purpose of establishing a tax relief program;

NOW THEREFORE the Council of the Corporation of the Municipality of Red Lake hereby enacts as follows:

### 1. Definitions.

In this By-Law:

- 1.1 Eligible person" means:
    - i) a low-income person with disabilities who owns eligible property as defined in this By-Law, or
    - ii) a low-income senior who owns eligible property as defined in this By-Law; or
    - iii) the spouse or same-sex partner of either i) or ii) who owns eligible property as defined in this By-Law.
  - 1.2 "Eligible property" means residential property in the Municipality of Red Lake including condominiums that is the principal residence of the owner as defined in the *Income Tax Act* (Canada) but does not include condominium units forming part of or associated with a tourist commercial establishment.
  - 1.3 "Low-income person with disabilities" means a person who is in receipt of assistance paid under the *Ontario Disability Support Program Act, 1997*, as amended.
  - 1.4 "Low-income seniors" means a person who is at least 65 years of age and who is in receipt of payments under the Guaranteed Income Supplement (GIS), as established under Part II of the *Old Age Security Act* (Canada), as amended.
  - 1.5 "Municipality" means the Corporation of the Municipality of Red Lake.
  - 1.6 "Treasurer" means the Treasurer of a municipality or a person delegated the Treasurer's powers and duties under s.286(5) of the *Act*.
- ### 2. General Administration.
- 2.1 Applications made under this By-Law shall be made to the Treasurer of the municipality in which the eligible property is located.
  - 2.2 Applications shall include supporting documentation to establish the eligibility of the person seeking the deferral.
  - 2.3 Applications shall include an authorization signed by the applicant authorizing third parties to release to the Treasurer all information the Treasurer may require to verify the accuracy of the information submitted by the applicant.
- ### 3. Application for Deferral.
- 3.1 An eligible person may make application to the Treasurer during a taxation year for the deferral of a property tax increase in the taxation year on eligible property.
  - 3.2 An application to determine eligibility for a deferral shall be in a form as set out in Schedule "A" attached hereto and forming part of this By-Law.

4. Evaluation of Application for Deferral.

- 4.1 The Treasurer shall review each application for deferral and determine if the applicant and the property are eligible for a tax increase deferral under this By-Law.
- 4.2 The Treasurer may, at any time, request the applicant to provide such additional information and documentation as the Treasurer may require in order to evaluate the application.
- 4.3 An application for tax increase deferral will not be processed if any required information is not provided.
- 4.4 The determination of the Treasurer as to the eligibility of the applicant and the eligibility of the property shall be final.

5. Grant of Tax Deferral.

- 5.1 Where the Treasurer has determined that an applicant and the property meet the requirements of this By-Law then tax relief in the form of a tax increase deferral in respect of the property shall be granted.
- 5.2 The tax increase amount deferred, together with interest, shall be deferred until the eligible property is sold, at which time any deferred amounts together with accumulated interest thereon shall become a debt payable to the Municipality in which the eligible property is located.
- 5.3 Where an applicant, or the applicant's spouse or same-sex partner, each own what would otherwise be eligible properties pursuant to this By-Law, the tax increase deferral granted under this By-Law shall be limited to one of the otherwise eligible properties. The applicant, or the applicant's spouse or same-sex partner shall elect which of their otherwise eligible properties shall receive the tax increase deferral and such election shall not be changed without the consent of the Treasurer.
- 5.4 If, at any time, a person eligible for relief under this By-Law that has been granted a tax increase deferral under this By-Law, ceases to be an eligible person, all tax relief ceases and all deferred tax amounts together with accumulated interest become a debt payable to the Municipality in which the eligible property is located.
- 5.5 Tax relief granted pursuant to this By-Law for any taxation year shall be limited to one (1) single family dwelling per owner.

6. Interest.

- 6.1 Where a deferred amount becomes payable under this By-Law, and the amounts due are not immediately repaid, such outstanding amount shall be subject to interest and penalties in accordance with the applicable tax collection by-laws.

7. Lien Upon Lands.

- 7.1 The amount of tax relief in the form of tax deferral granted pursuant to this By-Law shall be a lien upon the eligible property in accordance with the provisions of s.319(13) and s.349 of the Act.

8. Integrity Provision.

- 8.1 Every person who, pursuant to this By-Law:
  - i) files a fraudulent application; or
  - ii) fails to fully disclose their financial circumstances in support of an application; or
  - iii) fails to notify the Treasurer of a change in financial circumstances as required herein;

is guilty of an offence and is liable to prosecution and on summary conviction is liable to a fine not exceeding \$5,000.00.

9. Repeal of By-Law.

- 9.1 **THAT** By-Law No. 107-99 is hereby repealed.

10. Effective Date.

10.1 THAT this By-Law shall come into force and take effect upon the final passing hereof.

READ a **FIRST TIME** this 15<sup>th</sup> day of April, 2003.

*Duncan Wilson*  
Duncan Wilson, Mayor

*Shelly*  
Shelly L. Kocis, Clerk

READ a **SECOND TIME** this 15<sup>th</sup> day of April, 2003.

*Duncan Wilson*  
Duncan Wilson, Mayor

*Shelly*  
Shelly L. Kocis, Clerk

READ a **THIRD TIME** and **FINALLY PASSED** this 15<sup>th</sup> day of April, 2003.

*Duncan Wilson*  
Duncan Wilson, Mayor

*Shelly*  
Shelly L. Kocis, Clerk

A4 - Taxation

F22-02 ✓

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APPLICATION FOR A TAX DEFERRAL FOR THE PURPOSES OF RELIEVING FINANCIAL  
HARDSHIP

APPLICANT (Eligible Person)

Name (property owner): \_\_\_\_\_ Owner – Date of Birth: \_\_\_\_\_  
Name (spouse): \_\_\_\_\_ Spouse – Date of Birth: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Ontario Disability  
Support Program  
Number: \_\_\_\_\_  
Property Address: \_\_\_\_\_ Guaranteed Income  
Supplement  
Number: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Current Assessment: \_\_\_\_\_ Tax Increase: \_\_\_\_\_  
Current Year's Taxes: \_\_\_\_\_ % Tax Increase: \_\_\_\_\_  
Prior Year's Taxes: \_\_\_\_\_ Eligible Tax Deferral: \_\_\_\_\_

I certify that the information contained in this application is true and correct, and authorize third parties to release, to the Treasurer, all information the Treasurer may require to verify the accuracy of the information contained in this application.

Applicant (Signature) \_\_\_\_\_ Date \_\_\_\_\_  
Treasurer or Designate (Signature) \_\_\_\_\_ Date \_\_\_\_\_  
Commissioner (Signature) \_\_\_\_\_ Date \_\_\_\_\_

FOR MUNICIPAL USE ONLY

Date of Lien: \_\_\_\_\_  
Lien Registration Number: \_\_\_\_\_