



***MUNICIPAL PROPERTY  
TAX POLICY***

## TABLE OF CONTENTS

|     | <b>SECTION</b>   | <b>PAGE NUMBER</b> |
|-----|--|--------------------|
| 1.  | <b>PURPOSE</b>   | <b>1</b>           |
| 2.  | <b>DEFINITIONS</b>   | <b>1-3</b>         |
| 3.  | <b>BILL PROCEDURES</b>   |                    |
|     | a) <b>Interim Tax Bill</b>   | <b>3</b>           |
|     | b) <b>Final Tax Bill</b>   | <b>3-4</b>         |
|     | c) <b>Supplementary Bill</b>   | <b>4</b>           |
|     | d) <b>Calculation of Taxes</b>   | <b>4</b>           |
|     | e) <b>Billing Adjustments</b>  | <b>5</b>           |
| 4.  | <b>COLLECTION PROCEDURES</b>   |                    |
|     | a) <b>Application of Payment</b>   | <b>5</b>           |
|     | b) <b>Payment Options</b>  | <b>5-6</b>         |
|     | c) <b>Pre-Authorized Payment Plans</b>   | <b>6</b>           |
|     | d) <b>Post-dated Cheques</b>   | <b>6-7</b>         |
| 5.  | <b>ARREARS COLLECTION</b>  |                    |
|     | a) <b>Mailing of Tax Arrears Notices</b>   | <b>7</b>           |
|     | b) <b>Eligible TAC (Tax Arrears Certificate) Properties</b>                                      |                    |
|     | i) <b>Tax Arrears Certificate</b>  | <b>7</b>           |
|     | ii) <b>Tax Sale</b>  | <b>8</b>           |
|     | iii) <b>Tender Bids</b>  | <b>8</b>           |
|     | iv) <b>Tax Sale Process</b>  | <b>8-10</b>        |
|     | c) <b>Rent Seizures</b>  | <b>10</b>          |
| 6.  | <b>PENALTY</b>   | <b>11</b>          |
| 7.  | <b>REBATE AND RELIEF PROGRAMS</b>  |                    |
|     | a) <b>Vacancy Rebate Applications</b>  | <b>11</b>          |
|     | b) <b>Charitable Rebate Applications</b>   | <b>12</b>          |
|     | c) <b>Tax Relief for Eligible Low Income Seniors<br/>        and Low Income Disabled Persons</b> |                    |
|     | i) <b>Persons Eligible for Tax Relief</b>  | <b>12-13</b>       |
|     | ii) <b>Form of Tax Relief</b>  | <b>13</b>          |
|     | iii) <b>Repayment of Tax Relief (Deferral)</b>   | <b>13</b>          |
|     | iv) <b>Amount of Tax Relief (Deferral)</b>   | <b>13-14</b>       |
|     | v) <b>Application Procedure</b>  | <b>14</b>          |
| 8.  | <b>PAYMENT ARRANGEMENTS</b>  | <b>14-15</b>       |
| 9.  | <b>DEFAULTED PAYMENTS</b>  | <b>15</b>          |
| 10. | <b>RECEIPT POLICY</b>  | <b>15-16</b>       |

|            |                         |              |
|------------|-------------------------|--------------|
| <b>11.</b> | <b>NON-TAX DEBT</b>     | <b>16-17</b> |
| <b>12.</b> | <b>RESPONSIBILITIES</b> | <b>17-18</b> |

**SCHEDULE “A” – Tax Relief Application for Registered  
Charitable Organizations**

**SCHEDULE “B” – Property Tax Deferral Application  
Sample A & B**

**CITY OF TEMISKAMING SHORES  
PROPERTY TAX POLICY**

**1. PURPOSE:**

The purpose of this policy is to establish clear procedures for effective and efficient property tax billing and collection while ensuring that ratepayers are treated fairly and equitably.

It will also provide a guideline for other taxation issues such as assessment.

**2. DEFINITIONS:**

The words and phrases defined in this section have the following meaning for the purposes of this By-law.

**“Arrears”** means unpaid taxes.

**“Appeal”** means the process by which a property owner can formally challenge the assessment of the property. The document is to be filed with the Assessment Review Board by March 31<sup>st</sup> of the current assessment year with the applicable filing fees.

**“Assessment”** means the current market value of the property.

**“Assessment Review Board (ARB)”** means the independent tribunal of the Province of Ontario that reviews assessment issues.

**“Business Improvement Area”** means a designated area in the downtown core within the former Town of New Liskeard.

**“Cancellation Price”** means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties and reasonable costs incurred by the City.

**“City”** means the City of Temiskaming Shores.

**“Deferral”** means the payment of taxes is suspended until the property is sold or transferred.

**“Due Dates”** means the specific dates as set by by-law by Municipal Council for the collection of taxes.

**“Fee Simple”**

**“Final”** means the last tax billing of the year which bills the property at the tax rates as set by Municipal Council by by-law in order to meet budget requirements.

**“Improved Land”** means land that has a building(s) situated on the property.

**“Installment”** means the payments as set by council for the collection of taxes. There are 4 installments in each taxation year.

**“Interest”** means the charge imposed each month on the due and unpaid taxes.

**“Interim”** means the first tax billing of the current tax year which represents a maximum 50% of the previous year’s tax levy.

**“Landlord”** means the owner of the property.

**“Land Transfer Tax”** means the amount payable to the Minister of Finance based on a percentage of the purchase price of the property.

**“Local Improvements”** means additional charges such as water and sewer that are imposed against the property. Local improvements are specific to the individual property.

**“Low Income Disabled Person”** means a person in receipt of an increment paid under the Ontario Disability Support Program Act (ODSP).

**“Low Income Senior”** means a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under Part II of the Old Age Security Act (Canada).

**“Municipal Property Assessment Corporation (MPAC)”** means the independent body that is responsible for determining assessment values and classifying properties according to use for each of the four million properties in Ontario.

**“Notice of Vesting”** means the document registered at the Land Registry Office that confers title of the property to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

**“Payment Agreement”** means a mutually agreed upon payment schedule whereby payments are made on a monthly basis in order to facilitate the collection of unpaid taxes.

**“Penalty”** means the charge imposed on the due and unpaid taxes on the first day of default.

**“Pre-Authorized Payments (PAP)”** means the program established for the automatic withdrawal of payments on an installment or monthly basis for taxes due.

**“Public Tender”** means the process used during a Tax Sale to receive bids on the eligible properties by interested parties.

**“Receipt”** is the official document showing proof of payment.

**“Rent Seizure”** means the process whereby rents are directed to be paid to the City as part of the collection of the unpaid taxes.

**“Request for Reconsideration (RFR)”** means the official documentation to be completed and filed with the Municipal Property Assessment Corporation (MPAC) in order for them to review the assessment on the property based on the arguments stated in the document. The deadline for filing this request is December 31<sup>st</sup> of the current taxation year and there is no filing fee.

“*Supplementary*” means an additional billing that is assessed against the property for improvements, new buildings or change of use.

“*Tax Arrears Certificate (TAC)*” means the document that is registered at the Land Registry Office for properties that have tax arrears dating back three (3) years.

“*Tax Deed*” means is the document registered at the Land Registry Office in the name of the successful purchaser/tenderer of the property after payment of the balance of the cancellation price.

“*Taxes*” means the municipal and education amounts levied against the property.

“*Tax Levy*” means the amount of money required to be raised for budget purposes through taxation.

“*Tax Rates*” means the rates as set by by-law by Municipal Council annually in order to collect the tax levy required for budget purposes.

“*Tenant*” means the person(s) , other than the owner, who occupy the property.

“*Vacancy Rebate*” means the process whereby property owners of commercial and industrial properties can apply for a reduction of taxes for unused portions of the property.

“*Vacant Land*” means land that does not have any building(s) situated on the property.

### 3. **BILL PROCEDURES:**

Property *taxes* will be billed by *interim* and *final* tax billings established by Municipal by-law each year in accordance with the provisions of the *Municipal Act, 2001*.

*Installments* for the interim and final billings will also be established by Municipal by-law. There will be four installments per year due on or about the 15<sup>th</sup> day of the month in which they are due.

#### a) **Interim Tax Bill:**

Interim bills will be mailed out in February of the current year with the installments being due in the months of March and May.

The interim amount levied on a property shall not exceed 50 percent of the total amount of taxes for municipal and school purposes levied on the property for the previous year (Municipal Act, 2001 s.317(3)).

#### b) **Final Tax Bill:**

Final bills will be mailed out once the final budget and *tax rates* have been established by Municipal by-law.

Your final tax bill will be based on the current *assessment* value and will reflect any changes in municipal taxes and the education portion of your taxes. The *Municipal*

*Property Assessment Corporation (MPAC)* is responsible for placing a value on all properties in Ontario. From the information supplied by MPAC, the City of Temiskaming Shores calculates the tax amounts and issues the tax bills.

**c) Supplementary Tax Bill:**

A *supplementary* tax bill is issued by the *City* and reflects any additions or improvements you have made to your property.

You receive a supplementary tax bill for one of the following reasons:

**Building Assessment:**

- you had some renovations/improvements done to your property that has increased its current value;
- you have constructed a building on the property

**Reclassification:**

- there has been a change in the use of your property resulting in change in the tax class or your property assessment

From the information supplied by MPAC, the City of Temiskaming Shores calculates the tax amounts due and issues the tax bills. Until the City receives information from MPAC, a supplementary tax bill cannot be issued. Consequently there may be a considerable time lapse from the effective date of the supplementary until you receive a tax bill.

Supplementary tax bills are due in two installments.

**d) Calculation of Taxes:**

Property taxes are calculated by multiplying the assessed value of the property by the tax rate for the specific tax class. In addition, special charges and *local improvements* may apply. The Commercial, Industrial and Multi-Residential tax classes may be subject to capping calculations to achieve the current *tax levy* of the property.

Example of breakdown calculation

|                |                |                                   |
|----------------|----------------|-----------------------------------|
| Assessed Value | Municipal Rate | Municipal Property Tax Portion    |
| \$100,000      | .0135541       | \$1,355.41                        |
|                | Education Rate | Education Property Tax Portion    |
| \$100,000      | .0026400       | \$264.00                          |
|                |                | Total Municipal & Education Taxes |
|                |                | \$\$1,619.41                      |

\* Please note that, if applicable, other charges such as local improvements, *business improvement area* charges might be added to your tax bills.

e) **Billing Adjustments:**

Other charges such as local improvements are currently billed on the tax bills. These charges are property specific and reflect amounts due for such items as water and sewer. The codes for the local improvements are very specific in what is being billed and it is essential that the property owner review these charges to ensure they are being billed for the correct amount of units on their dwelling.

Water and sewer charges are a per unit charge as per the annual by-law passed by Council.

Should a property be billed incorrectly for local improvements, it is the responsibility of the property owner to advise the taxation department. Upon said notification, the City reserves the right to perform an inspection to ascertain the status of said property. An affidavit will also be required to be completed by the property owner swearing to the correctness of the information being provided.

Billing adjustments will be made for the current year and on a go forward basis. The tax department will not adjust any billing errors for prior years as it is impossible to confirm the status of the property at that point in time.

4. **COLLECTION PROCEDURES:**

a) **Application of Payment:**

Payments shall be applied to the tax account as provided in the Municipal Act. The payment shall first be applied against late payment charges owing in respect of those taxes according to the length of time the charges have been owing, with the charges imposed earlier being discharged before the charges imposed later. The payment shall then be applied against the taxes owing according to the length of time they have been owing (Municipal Act, 2001 s.247 (1)(2)).

b) **Payment Options:**

Payments can be made in person at the City's Administration office located at 325 Farr Drive. The hours of operation of the municipal office are 8:30a.m. to 4:30p.m., Monday thru Friday. Cheques or cash payments are accepted.

Post-dated cheques will be accepted and held for deposit as they become due. Post-dated cheques can be mailed, dropped off in person or after hours.

Payments can be mailed to: City of Temiskaming Shores, P.O. Box 2050 Haileybury ON P0J 1K0. If making payment by mail, please remember to include the tax bill stub.

Payments may also be made at participating banks. Internet, telebanking and pre-authorized payments options are also available.

For after hour payments, there is a drop box located at the City of Temiskaming Shores Administration building located on 325 Farr Drive.



Payments received at the City Administration office shall be recorded as received by the City on the date received, on the date of the cheque if postdated or on the date of the clearly marked postmark if received by mail. Payments made at the banks or by internet or telebanking options shall be recorded as received by the City on the date received by the bank.

**c) Pre-Authorized Payment Plans:**

*Pre-authorized payment (PAP)* plans are available with an installment (*due date*) or monthly payment option. The property owner must apply in writing on the prescribed form to enroll in the payment plan indicating their preferred option. A VOID cheque must accompany the application.

Forms to apply for the PAP plans are available at the City's administration office located at 325 Farr Drive or online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

The payments under the monthly option will be deducted on the last working day of each month. The payments under the installment option will be deducted on the installment due date.

If the monthly option is chosen, the property owner will receive a letter prior to the first payment, indicating the monthly payment amount. Once the final tax rates have been set by council and the final tax bills generated, a recalculation of the monthly payments will be processed in order to facilitate collection of the taxes in the current taxation year. A letter will be forwarded to the property owner along with the final tax bill, for information purposes only, indicating any changes to the current monthly payments. The letter will also include the new monthly payment schedule beginning in January of the following year.

If the installment option is chosen, the property owner will receive the final tax bill, marked indicating that the property is on the PAP plan, with the amount of the installments and the applicable due dates.

**Defaulted Payments:**

Defaulted payments under the pre-authorized payment plan will be subject to the fees as set by council for returned payments. The property owner will be notified of the defaulted payment and will be required to pay the defaulted amount along with the applicable fees. Failure to pay the full amount will result in the payment being reversed, applicable *penalty* applied and the property being removed from the PAP program.

Should a property incur more than two (2) defaulted payments, they will automatically be removed from the PAP program.

A letter of notification will be forwarded to the property owner under both scenarios.

**d) Post-dated Cheques**

For property owners that would like to pay their taxes monthly but for which the pre-authorized monthly payment plan is not an option, an alternate monthly payment plan is

available. The conditions of the plan are that a minimum of twelve (12) monthly postdated cheques must be submitted to the office paying sufficient funds to cover the previous year's taxes. Upon receipt of the final tax billing, the balance owing **must** be paid by December 31<sup>st</sup> of the current year in order to be eligible for the plan in the upcoming tax year. There will be no penalty assessed to the unpaid portion of the taxes under this alternate plan. Failure to comply with the conditions will result in penalty being applied from the date of default forward.

## 5. ARREARS COLLECTION:

### a) **Mailing of Tax Arrears Notices:**

Reminder notices of past due taxes shall be mailed to all accounts in *arrears* of over \$10.00 in each month following the last installment date of the billing (interim and final).

In January of each year a notice of past due taxes and the related late penalty charges shall be mailed to every taxpayer who owes taxes from a preceding year as per Section 348(2) of the Municipal Act.

### b) **Eligible TAC (Tax Arrears Certificate) Properties:**

Each year, the Tax Collector shall compile a list of properties that are three years in arrears. A letter shall be forwarded after the interim billing to each affected property owner outlining that the property will be eligible for registration for tax arrears in January of the following year.

Subsequent to the final tax billing of the year, a Final Notice letter will be forwarded to all properties that are still in a position to be registered for tax arrears. Property owners will be advised that a sufficient lump sum payment is required or a written agreement be entered into in order to avoid registration of the property.

The registration of a *Tax Arrears Certificate (TAC)* shall be in accordance of the Municipal Act, 2001 Part XI Sale of Land for Tax Arrears (s. 371 to s. 389 inclusive).

### i) **Tax Arrears Certificate:**

If taxes remain unpaid on *vacant* or *improved land* for three years prior to January 1<sup>st</sup> of any year, the City may begin a tax sale process by the registration of a Tax Arrears Certificate in the land registry office. These timelines apply to both residential and non-residential classes or property.

A Tax Arrears Certificate indicates that the property may be sold if taxes, penalties, *interest* and reasonable costs incurred by the City are not paid within one year of the registration of the certificate. Once a certificate has been registered, partial payments cannot be accepted unless a TAC extension agreement is in place.

**ii) Tax Sale:**

If the *cancellation price* is not paid before the expiry of the one-year redemption period, these properties are advertised for sale by *public tender*. Advertisements are published in the Temiskaming Speaker for four consecutive weeks and the Ontario Gazette for one week. The advertisement will also be posted on the City of Temiskaming Shores website [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

The sales are always subject to certain rules and follow procedures, which have been established by legislation. At these sales, the minimum acceptable offer on a property is always the cancellation price, plus accumulated taxes, penalties and interest, GST, where applicable, and the relevant land transfer tax.

**iii) Tender Bids:**

Using forms provided by the tax office, the bid plus a certified cheque for 20% of the tendered amount must be submitted in a sealed envelope prior to the specified time. To be eligible, bids must be at least equal to the advertised minimum tender amount. The successful purchasers will be required to pay the amount tendered plus accumulated taxes, penalties and interest, GST, if applicable, and the relevant land transfer tax.

From the day of notification to the highest bidder, this eligible bidder has 14 days to complete the transaction. All tax properties are sold without warranty and are sold as is. Further information will be made available at the time of advertising of the Tax Sale Properties.

**iv) Tax Sale Process:**

The Municipal Act provides important definitions including the following summaries:

- Cancellation Price – means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties, and reasonable costs incurred by the City.
- Tax Deed – is a *tax deed*, as prescribed by section 379 of the Act, provided to the successful purchaser of the property after payment of the balance of the Purchase Price.
- Notice of Vesting – means a *notice of vesting* prepared under subsection 379 of the Act conferring title to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

A Tax Sale of any property is subject to cancellation up to the time of the tender opening without any further notice.

The minimum bid is the Cancellation Price.

A separate tender must be provided for each parcel bid on and must be in the form provided. No substitutes can be accepted.

The tender must be accompanied by a deposit of at least 20% of the tender/bid amount by way of money order, bank draft, or certified cheque payable to the City of Temiskaming Shores.

The City is not obliged to provide a survey or reference plan for any parcel of land being sold under tax sale.

The City Treasurer is not obliged to inquire into the value of land prior to conducting a sale. Further, there is not obligation to obtain fair market value for the land to ensure that land being sold under tax sale may obtain fair market value at the time of the sale or in the future.

Prior to submitting a tender, the onus is on the potential bidder to conduct his/her own inquiries into such matters as zoning, access, work orders, water/hydro and other arrears/ building restrictions, or title problems. The City makes no representations whatever as to the quality and/or quantity of the land being purchased.

The following departments/agencies may be in a position to provide assistance in respect of the tax sale property:

Planning and Development: 705-672-3363  
Registry Office for the District of Temiskaming: 705-672-3332  
Municipal Property Assessment Corporation (MPAC): 1-800-296-6722 or  
[www.mpac.ca](http://www.mpac.ca).

Potential bidders are further advised that a lawyer should be retained in order to ensure that his/her interests are protected prior to the submission of a bid/tender.

The City does not conduct tours or provide access to properties being sold under tax sale.

The City does not provide legal opinions to potential bidders in respect of issues which may arise in the context of a public sale. If two bids of equal amount are tendered, then the person who submitted the earlier bid will be deemed to be the higher bid.

The successful tender is the highest bidder who has submitted a properly completed tender and who makes payment (by certified cheque) within fourteen calendar days of being notified by mail of the balance of the amount tendered, the appropriate land transfer tax and the accumulated taxes to the City.

**Accumulated taxes** are amounts that have been added to the tax roll, such as additional charges, taxes and/or interest and penalty, after the first day of advertising.

**Land Transfer Tax** is an amount payable to the Minister of Finance by certified cheque, cash or money order. Any questions in respect of Land Transfer Tax may be directed to the Registry Office.

If the highest bidder does not submit the remaining funds as described, then the highest bidder's deposit is forfeited and the land is offered in the same manner to the second highest bidder who then has fourteen calendar days from the date of notification to remit the monies owing to the City.

A **Tax Deed** which is provided to the successful purchaser at the time when the balance of the Purchase Price is paid, transfers title of the land in "fee simple" subject generally to:

- Easements and restrictive covenants; and
- Estates and interest of the Crown in right of Canada or the Province of Ontario (e.g. execution in favour of the Ministry of Finance); and
- Adverse possession interests by abutting owners, if any.

The City is not required to provide vacant possession of any properties which may be occupied and accordingly, should the purchaser require vacant possession, a court application, at his or her cost, may be required. Further, the City DOES NOT have a key to the property and is not in a position to provide one to the purchaser.

c) **Rent Seizures:**

Should a property which contains rental units fall into arrears, the municipality may enact a *Rent Seizure*. The *landlord* will receive a letter of notification that the property is in arrears and should payment or payment arrangements not be forthcoming, a rent seizure will be put into effect.

Should the property owner not comply by the deadline as per the notification letter, the rent seizure will be enacted. The correct name and address of the *tenant(s)* will be determined in conjunction with the By-law department. A registered letter will be mailed to the tenant advising of the direction of payment of rent under s.350(1) of the Municipal Act, 2001.

Municipal Act, 2001 s. 350(1) states "Where taxes in respect of any land occupied by a tenant, the treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with the notice."

Upon full payment of the tax arrears, the tax collector will forward a letter to the tenant of the property advising that rents are to be paid directly to the landlord. The letter shall also advise that should the property taxes fall into arrears at a future date, the rent seizure will be reenacted.

The landlord will receive a copy of any and all letters to the tenant by registered mail.

**6. PENALTY:**

Municipal Act, 2001 s. 345(1) states that “A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any installment by the due date”.

A percentage charge, not to exceed 1 ¼ percent of the amount of taxes due and unpaid, may be imposed as a penalty for the non payment of taxes on the first day of default or such later date as the by-law specifies (345(2)).

Interest charges, not to exceed 1 ¼ percent each month of the amount of taxes due and unpaid, may be imposed for the non payment of taxes in the manner specified in the by-law but interest may not start to accrue before the first day of default (345(3)).

Penalty and interest charges are deemed to part of the taxes on which charges have been imposed.

**7. REBATE AND RELIEF PROGRAMS:**

**a) *Vacancy Rebate Applications:***

The Municipal Act, 2001 provides for rebates to vacant business units at the same percentage as discounts afforded to property owners of vacant and excess land. These percentages are 30% for commercial properties and 35% for industrial properties.

Property owners who are eligible for a rebate must submit an application to the municipality each year that a building, or a portion of a building, is vacant. The deadline to submit an application for a tax year is February 28<sup>th</sup> of the following year.

To be eligible for a rebate, a building or portion of a building must satisfy the following:

Buildings that are entirely vacant – A whole commercial or industrial building will be eligible for a rebate if the entire building is vacant for at least 90 consecutive days.

Buildings that are partially vacant – A suite or unit within a commercial building will be eligible for a rebate if, for at least 90 consecutive days, it was:

- Unused; and
- Clearly delineated or physically separated from the used portions of the building; and
- Either – 1) capable of being leased for immediate occupation; or 2) not capable of being leased for immediate occupation because it was undergoing or in need of repairs or renovations or was unfit for occupation.

A portion of an industrial building will be eligible for a rebate if, for at least 90 consecutive days, it was:

- Unused; and
- Clearly delineated or physically separated from the used portions of the building.

**b) Charitable Rebate Applications:**

Under Municipal Act, 2001 s. 361(1) every municipality shall have a tax rebate program for eligible charities for the purpose of giving them relief from taxes on eligible property they occupy.

The program is applicable to registered charities that are tenants in a commercial or industrial class property. The landlord may be contacted by the charity to provide certain information that the City requires in order to process their application. Deadline for the current year is February 28<sup>th</sup> of the following year.

The minimum percentage prescribed for the calculation of a rebate is 40%.

Registered charities must apply every year for the rebate by completing an application and returning to the City of Temiskaming Shores taxation department.

The application forms are available at the City's administration office located at 325 Farr Drive and on online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

A copy of the application form (Appendix "A") is attached hereto and forms part of this policy.

**c) Tax Relief for Eligible Low Income Seniors and Low Income Disabled Persons**

Under Municipal Act, 2001 s. 319(1) a municipality shall pass a by-law with the purpose of relieving the financial hardship through the provision of tax relief to eligible *low income seniors* and *low income disabled persons* for assessment related tax increases on property in the residential/farmland property class.

**i) Persons Eligible for Tax Relief**

- i) Persons eligible for tax relief are low income seniors, low income disabled persons or the spouse of such eligible persons owning and occupying property in the residential/farmland property class;
- ii) For the purposes of this program, a low income senior is a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under Part II of the Old Age Security Act (Canada);
- iii) For the purposes of this program, a low income disabled person is a person in receipt of an increment paid under the Ontario Disability Support Program Act (ODSP);
- iv) Tax relief for eligible low income seniors and low income disabled persons applies to tax increases on residential property owned and occupied by the eligible person;
- v) Tax relief is provided upon each reassessment after 1998 and the amount of tax relief will be determined in accordance with Section 7(c)(iv) of this policy;
- vi) For the purposes of this program, owner means a person assessed as the owner of the residential real property and includes an owner within the meaning of the Condominium Act;

- vii) No tax relief shall be allowed to an eligible owner in respect of residential real property for more than one (1) family dwelling unit in a given year;
- viii) For properties which are jointly held or co-owned by persons other than spouse, the co-owners must qualify under applicable eligibility criteria in order to receive the tax relief;
- ix) For residential properties of more than one unit and less than seven units, tax relief will be granted on a prorated basis for the unit occupied by the eligible owner only;
- x) For the purposes of this program, “spouse” means a person
  - 1. to whom the person is married, or
  - 2. with whom the person has cohabited for at least one year, or
  - 3. with whom the two are together the parents of a child, or
  - 4. with whom the two have together entered into a cohabitation agreement under Section XX of the Family Law Act
- xi) Tax relief amounts are not transferable to deceased owners.

**ii) Form of Tax Relief**

Tax relief shall be in the form of a *deferral* of the annual eligible amount provided that:

- i) Such eligible owner or the spouse of such owner or both occupies or occupy the property for which the relief is requested as his, her or their principal residence;
- ii) Such eligible owner or the spouse of such owner or both has or have been assessed as the owner of the property for which the relief is requested for a period of not less than one year immediately preceding the date of application of relief;

Tax relief granted in this program will **not** be subject to interest charges.

Tax relief applies to current taxes only, not tax arrears. Tax relief amounts will not be deferred until payment is received in full for any past year’s amounts payable.

**iii) Repayment of Tax Relief (Deferral):**

Annual eligible amounts shall be deferred until the property is sold or transferred, at which time the total amount deferred, including any part year portions, becomes a debt payable to the City of Temiskaming Shores.

If at any time, an eligible person for which tax relief has been granted in accordance with this policy, ceases to be an eligible person, all tax relief ceases and all amounts previously deferred, including any part year portions, become a debt payable to the City of Temiskaming Shores.

**iv) Amount of Tax Relief (Deferral):**

Tax deferrals for low income seniors and low income disabled persons apply to tax increases on property in the residential/farm property class as follows:



- a) tax relief is provided in each year of reassessment;
- b) applications will be accepted for deferrals where the impact exceeds \$300.00;
- c) tax increases are the difference between the total taxes levied on the property in the year preceding reassessment and the total taxes levied in the year of a reassessment;
- d) water/sewer charges ***are not*** part of a property's tax assessment and therefore increases in water/sewer rates are not applicable in calculating the reassessment implications for a property.

v) **APPLICATION PROCEDURE:**

Eligible low income seniors and low income disabled persons must apply for tax relief as follows:

- a) applications will be addressed to the Tax Collector of the City of Temiskaming Shores;
- b) applications will be on the prescribed form (Appendix "B") attached and forming part of this policy;
- c) applications must be submitted on or before October 1<sup>st</sup> in the year in which the application applies;
- d) applications must include documentation establishing that the applicant is an eligible person and that the property for which the application is made is an eligible property;
- e) by signing the application form, it is assumed that the applicant has read and understands the City's tax relief program to low income seniors and low income disabled persons;
- f) applications must be made ***annually*** to the City of Temiskaming Shores to establish continued eligibility;
- g) verification of documentation provided with an application may be carried out independently, at the discretion of the City.

The application forms are available at the City's administration office located at 325 Farr Drive and on online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

A copy of the application form (Appendix "B") is attached hereto and forms part of this policy.

8. **PAYMENT ARRANGEMENTS:**

Should the property owner be unable to pay the installments of taxes as they become due, the City will accept partial payments. Penalty as per Section 5 of this policy will be applied to any/all unpaid principal until such time as the account is paid in full. The application of the payment will be in accordance of Section 4 (a) of this policy.

Should property taxes fall into arrears and are in a position to be registered for a Tax Arrears Certificate registration (as per Section 4 (b)), a formal *payment agreement* ***must*** be entered into with the Tax Collector in order to suspend the registration process.

The amount of taxes in arrears will be reviewed with the Tax Collector and the property owner and mutually satisfactory payment agreement will be entered into for a period of one year. The payment agreement should attempt to clear the entire balance of arrears owing during the time period, however financial circumstances will be taken into consideration.

The agreement will signed by the property owner who will receive a copy of the agreement in addition to a Statement of Account showing the status of the tax arrears as of the date of signing.

Payment options will be available such as postdated cheques, internetbanking, telebanking and pre-authorized monthly payments. Any defaulted payments will be subject to the returned payment fee and will automatically null and void the payment agreement. Should the property still have taxes three years in arrears at this time, the property will be registered for tax arrears.

**9. DEFAULTED PAYMENTS:**

Any payment that is defaulted (whether due to insufficient funds, account closed, etc) shall be subject to a returned payment fee as prescribed by council.

Upon notification of a defaulted payment, the property owner is required to pay the defaulted amount in addition to the defaulted payment fee. Failure to repay the defaulted amount will result in the payment being reversed, applicable penalty applied and an invoice forwarded for the returned payment fee.

**10. RECEIPT POLICY:**

Upon attendance at the City's administration office with payment of taxes, a *receipt* will be issued. If the tax bill is available, it will be receipted accordingly. If the tax bill is unavailable, a manual receipt will be issued. There will be no charge for this service.

If postdated cheques are submitted no receipt will be issued as the cheques must be held for deposit until they become due. A confirmation of the receipt of the cheques may be issued upon request.

Payments received by mail will not be issued a receipt. If a receipt is required, the entire tax bill must be submitted with payment along with a self-addressed, stamped envelope. If no envelope is submitted, the receipted bill will be held in a file for pick-up. There is no charge for this service.

For those properties who have a mortgage company interest registered on title, a mortgage listing is forwarded to the mortgage company for payment. Upon receipt of the payment, the tax bill will be receipted and forwarded to the taxpayer for their files. There is no charge for this service.

For any property that is registered in the pre-authorized payment program (PAP), the tax bills are mailed out to the property owner for their files. If on the installment plan (due dates), the bill is mailed out prior to the first installment to ensure that the taxpayer received the information prior to withdrawal of the first payment. If on the monthly plan, the tax bill will be mailed out with a letter advising of the changes to their monthly payments. Should any property owner on the PAP plans require an official receipt, it will be issued at no charge.

In the case where a property has been sold throughout the year, no receipt will be issued. When the property is sold, there is a calculation completed by the lawyers to determine which portion of the taxes pertains to each property owner (old and new). The information on the tax system is based on the property as a whole and no breakdown is available to allocate to each property owner.

Should you require a record of payment of your annual tax bill or require a duplicate statement for a previous year a fee as prescribed in the City of Temiskaming Shores fee by-law will apply.

Only ONE tax bill will be issued. If you require a duplicate tax bill, a fee as prescribed in the City of Temiskaming Shores fee by-law will apply.

The request for a receipt or record of payment must be in writing and paid in full prior to staff processing the request.

Tax information will not be provided by telephone.

## **11. NON-TAX DEBT**

As per Section 398 (1) of the *Municipal Act, 2001* identifies debt as “fees and charges imposed by a municipality or local board on a person constitute a debt of the person to the municipality or local board, respectively”.

Section 398 (2) states that non-tax debt can be added to the tax roll and collected in the same manner as municipal taxes.

“Section 398 (2) Amount owing added to tax roll – The treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.”

### **Procedure:**

- i) All fees and charges will be initially processed thru the Accounts Receivable system as generated by the applicable department.
- ii) If an invoice remains unpaid for 60 days or more, a reminder letter will be generated from Accounts Receivable. A deadline for payment will be applied and notification that the unpaid invoice will be added to the tax roll if it remains unpaid past the deadline.

- iii) If the invoice remains unpaid after the imposed deadline as stated in the reminder letter, the charge along with all penalty accrued to date will be removed from the Accounts Receivable system and added to the tax roll for collection.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Returned cheque fees
- ii) Water On/Off charges
- iii) Water/Sewer Connection fees
- iv) Property Standards By-law clean up orders
- v) Facility rentals (hall, ice, equipment, marina, storage, etc.)
- vi) Program fees (memberships, registrations, user fees, etc.)
- vii) Cemetery fees

## 12. **RESPONSIBILITIES:**

Who is responsible? There are three governments and one corporation that play a role in property assessment and taxation.

### **Assessment and Tax Legislation – Province of Ontario**

The Provincial Government sets the legislative framework for assessment and taxation in Ontario. It does this by creating legislation, called Provincial Statutes. The Government also creates regulations, which are authorized under the Statutes. The principal ministry involved in setting assessment and taxation policies is the Ministry of Finance, through the Assessment and Municipal Acts.

### **Assessed Value – Municipal Property Assessment Corporation**

The Municipal Property Assessment Corporation (MPAC) is responsible for determining assessment values and classifying properties according to use, for each of the four million properties in Ontario. These values are used to calculate property and education tax rates and to determine the amount each property is taxed. Assessment information is provided to taxpayers in November of each year through a Notice of Assessment and to municipalities in December through the Assessment Roll.

The City of Temiskaming Shores uses the information supplied by MPAC to set tax rates and to calculate your tax bill. MPAC is separate and independent from the City and is governed by its own Board appointed by the Minister of Finance.

### **How is my assessment determined?**

The City of Temiskaming Shores does not determine the value of your property. This is done by the Municipal Property Assessment Corporation (MPAC) which is completely separate and independent of the City of Temiskaming Shores. The Assessment Act requires that the assessed value of your property be based on what the property would likely sell for on a specific date. Local property sales occurring around that date provide a basis as to the assessed

value of similar, unsold properties. MPAC continually collects information about properties to ensure that those with similar features (age, size, location, construction, etc.) have similar but not necessarily identical assessed values.

**I disagree with my assessment.**

If you believe that your property assessment is incorrect, you should first contact the Municipal Property Assessment Corporation (MPAC) to discuss your assessment or verify details about your property. If you still have concerns, you may ask MPAC for a formal reconsideration of your assessment. For complete details on the Reconsideration process, please go to the MPAC website at [www.mpac.ca](http://www.mpac.ca).

There is also an appeal process through the *Assessment Review Board (ARB)*. Full details on how to appeal your assessment to the ARB may be obtained through their website ([www.arb.gov.on.ca](http://www.arb.gov.on.ca)).

A tax account is only adjusted when the City is notified of the change in assessment by MPAC or the ARB. It is recommended that taxes continue to be paid while an appeal or reconsideration is underway to avoid penalty and interest charges in the event that the appeal or reconsideration is not successful. There may be a significant delay between the time an assessment is appealed and a decision is rendered.

**Is my assessment right?**

Ask yourself if your assessed value is close to what you would have expected to sell your property for. What were similar properties selling for. MPAC provides an on-line service called About My Property. Using this service, property owners can review basic assessment information for their own property and other properties. Further information can be obtained from MPAC at [www.mpac.ca](http://www.mpac.ca) or by calling 1-866-296-6722.

**Taxes**

The City of Temiskaming Shores collects property taxes on behalf of the city and the Province of Ontario (education taxes). Each level of Government is responsible for its own tax rates.

**How are Tax Rates Calculated?**

Annually, the City of Temiskaming Shores establishes a budget to provide municipal services, infrastructure and capital. Taxes represent approximately 35 percent of the City's budget needs. A tax rate is calculated in accordance with Provincial legislation which meets the funding requirements identified in the budget. The Province sets the education tax rate for all properties.