

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2005-28

**BEING A BY-LAW TO PROVIDE TAX DEFERRALS
FOR THE PURPOSES OF RELIEVING FINANCIAL HARDSHIP**

WHEREAS The Corporation of the City of North Bay 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 the residential property class for property owners who are, or whose spouses are, low-income seniors or low-income persons with disabilities, pursuant to s.319. of the *Municipal Act, 2001*, S.O. 2001, as amended (hereinafter referred to as the "Act");

AND WHEREAS the Council of The Corporation of the City of North Bay deems it appropriate to enact this by-law for the purpose of establishing a Tax Relief Program;

AND WHEREAS the Council of The Corporation of the City of North Bay authorized the by-law to establish a Tax Relief Program by Resolution #2005-191, on the 29th day of March 2005;

NOW THEREFORE the Council of The Corporation of the City of North Bay enacts as follows:

1. In this by-law:

"eligible person" means:

- i) a low-income person with disabilities who owns eligible property as defined in this by-law;
- ii) a low-income senior who owns eligible property as defined in this by-law;
- iii) the spouse of either i) or ii) who owns eligible property as defined in this by-law;

"eligible property" means residential property in the City of North Bay 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;

"eligible amount" means the tax increase of a minimum of \$100.00;

"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;

"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;

"Municipality" means The Corporation of the City of North Bay;

"Treasurer" means the Treasurer of the City of North Bay or a person delegated the treasurer's powers and duties under s.286(5) of the *Act*;

General Administration

2. The administration of the Tax Deferral Program established by this by-law is hereby delegated to the Treasurer of the City of North Bay.
3. Applications made under this by-law shall be made to the Treasurer of the City of North Bay and shall be made on a form provided by the City of North Bay.
4. Applications shall include supporting documentation to establish the eligibility of the person seeking the deferral.

5. 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.

Application for Deferral

6. 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.
7. An application to determine eligibility for a deferral shall be in a form as set out in Schedule "A" hereto and forming part of this by-law and shall be filed annually.

Evaluation of Application for Deferral

8. An application for tax increase deferral will not be processed if any required information is not provided.
9. The owner or spouse of the owner or both must occupy the property in respect of which the application for tax deferral is made.
10. The applicant must have been the owner of real property within the City for a period of one (or more) year(s) preceding the application.
11. 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.
12. 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.
13. The determination of the Treasurer as to the eligibility of the applicant and the eligibility of the property shall be final.
14. To maintain eligibility, the balance of the applicant's property taxes, being the undeferred portion, must be paid in full.

Grant of Tax Deferral

15. 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.
16. Where an applicant, or the applicant's spouse 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 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.
17. 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 become a debt payable to the Municipality.
18. The amount of the tax increase deferral shall become due and payable in full:
 - a) upon the death of the owner or in the case of occupancy by both the owner and his/her spouse, the death of both of them, or

- b) upon the property ceasing to be occupied as the principle residence by the owner or spouse, or
 - c) upon a change in ownership of the property to someone other than the spouse of the owner
19. Tax relief granted pursuant to this by-law for any taxation year shall be limited to one (1) single family dwelling per owner.

Interest

20. 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.

Lien Upon Lands

21. 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*.

Integrity Provisions

22. Every person who, pursuant to this by-law:
- a) files a fraudulent application; or
 - b) fails to fully disclose their financial circumstances in support of an application; or
 - c) 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.


General

23. Nothing in this by-law derogates from any tax deferral or other relief granted under any predecessor to this by-law, or from any tax lien arising under any predecessor to this by-law.
24. By-Law No. 106-98 is hereby repealed.
25. This by-law shall come into force and be passed on the third and final reading hereof.

READ A FIRST TIME IN OPEN COUNCIL THIS 11TH DAY OF APRIL, 2005

READ A SECOND TIME IN OPEN COUNCIL THIS 11TH DAY OF APRIL, 2005

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 11TH DAY OF APRIL, 2005.



DEPUTY MAYOR



CITY CLERK