

# THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

## BY-LAW NO. 98-436

### **A By-law to provide tax assistance to certain elderly and disabled residents who are owners of real property in the Municipality of Temagami**

**WHEREAS** Section 373 of the Municipal Act, Chapter M.45, R.S.O. 1990 as amended by Bill 106 and Bill 149 (1997) provides that the Council of a municipality shall for the purposes of relieving financial hardship, pass a by-law providing for deferrals in respect of, all or part of assessment-related tax increases on property in the residential property class for owners who are, or whose spouses are (a) low-income seniors as defined in the by-law; or (b) low-income persons with disabilities as defined in the by-law.

### **NOW THEREFORE, THE COUNCIL OF THE MUNICIPALITY OF TEMAGAMI ENACTS AS FOLLOWS:**

1. In this by-law:

- (a) "Assessment related tax increase" means tax increases beginning in 1998, as defined under Section 373 of the Municipal Act, as amended by provisions of Section 55 of the Fair Municipal Finance Act, 1997 (Bill 106) and Section 43 of the Fair Municipal Finance Act, 1997 (No.2) (Bill 149); or tax increases beginning in a subsequent year and calculated in a similar fashion as 1998 assessment-related tax increases as described in S.373 above;

$$\text{Amount} = 1997 \text{ Taxes (class)} \times \frac{1998 \text{ Assessment (property)} - 1997 \text{ Taxes (property)}}{1998 \text{ Assessment (class)}}$$

- "1997 Taxes (class)" means the total 1997 property taxes for all properties in the specific property class, including any business taxes associated with these properties:
- "1998 Assessment (class)" means the total 1998 assessment for all rateable properties in the specific property class:
- "1998 Assessment (property)" means the 1998 assessment for the specific property:

The 1998 assessment-related tax increase, calculated is subject to the following conditions (as Bill 149):

- The 1998 Assessment (property) used in the calculation of 1998 should be adjusted to exclude any property improvements which were not reflected in the 1997 assessment;
- (b) "Corporation" means the Corporation of the Municipality of Temagami;
- (c) "Eligible amount" means the "assessment-related tax increase" provided that said assessment-related tax increase for any single year exceeds \$500;

- (d) "Eligible person" means a low-income person with disabilities or a low-income senior or the spouse of such eligible person;
  - (e) "Low-income person with disabilities" means a person who is in receipt of an increment paid under the Ontario Disability Support Program Act, 1997; or in receipt of a disability amount paid under the Family Benefits Act (Ontario).
  - (f) "Low-income senior" means a person who is 65 years of age or older as of January 1st in the year of application (Provincial Senior Citizen card is required) and in receipt of an increment paid under the Guaranteed Income Supplement (GIS), as established under Part 11 of the Old Age Security Act (Canada);
  - (g) "Owner" means a person assessed as the owner of residential real property, and includes an owner within the meaning of the Condominium Act;
  - (h) That for the purposes of the said program tax relief only applies where the assessed value of the property falls below a threshold value of One Hundred Thousand Dollars (\$100,000);
  - (i) "Treasurer" means the Treasurer of the Corporation;
2. TAX relief granted pursuant to this by-law shall be in the form of a deferral of the annual eligible amount, provided that:
- (a) such owner or the spouse of such owner both occupies or occupy the property in respect of which real property taxes are imposed, as his, her or their principal residence;
  - (b) such owner or the spouse of such owner or both has or have been assessed as the owner of the residential real property in the Municipality of Temagami for a period of not less than one year immediately preceding the date of the application for relief;
- "Spouse" means a person of the opposite sex,
- a) to whom the person is married, or
  - b) with whom the person is living outside marriage in a conjugal relationship. if the two partners:
    - i) have cohabited for at least three years;
    - ii) are together the parents of a child, or
    - iii) have together entered into a cohabitation agreement under section 83 of the Family Law Act.
- (c) that for properties which are jointly held or co-owned by persons other than spouses, both or all co-owners must qualify under applicable eligibility criteria to receive tax relief.
3. TAX relief granted pursuant to this by-law shall attract interest at a maximum rate as may be prescribed by the Municipal Act, currently 15% per annum.
4. ANNUAL eligible amounts, plus interest thereon shall be deferred until the property is sold, at which time the total deferred amounts plus accumulated interest thereon become a debt payable to the Corporation.
5. THAT any partial payments received on account of deferred taxes shall firstly be applied to outstanding accrued interest and secondly to deferred taxes.
6. THAT upon receiving a payment on deferred taxes the proportional share of taxes and interest be remitted to the School Boards,

7. IF at any time an eligible person for which tax relief has been granted pursuant to this by-law ceases to be an eligible person, all tax relief ceases and all such amounts plus accumulated interest thereon immediately become due and payable to the Corporation.
8. THE amount of lax relief granted pursuant to this by-law shall represent a lien against the respective eligible property and be the subject of a lien registered on title to said property, and that the costs of registering said lien on title are the full responsibility of the owner.
9. NO tax relief granted pursuant to this by-law shall be allowed to an owner in respect of more residential real property than one (1) single family dwelling unit in any year.
10. COMMENCING July 21, 1998, owners who are eligible persons may apply to the Corporation for tax relief with respect to their eligible property, on a form prescribed by the Corporation for this purpose. Applications for 1998 only will be accepted until October 30, 1998. Applications must be made no later than April 30 commencing in 1999.
11. ALL applications for lax relief must be in writing on a form prescribed by the Corporation for this purpose, and must be submitted to the Corporation on or before the last day of May in the year for which the application applies. Applications must include documentation in support thereof to establish that the applicant is an eligible person, and that the properly with respect to which the application is made is eligible property.
12. EVERY person who files a fraudulent application or fails to fully disclose his or her financial situation is guilty of an offence and is liable to prosecution under the Criminal Code.
13. IN addition to the penalties described in section 12, every person who fails to notify the Treasurer of a change in financial circumstances as required by section 7 herein, is guilty of an offence and, upon conviction is liable to a fine not exceeding \$1,000.00.
14. NOTWITHSTANDING anything herein to the contrary, every person who contravenes any provision of this by-law or files a false application or fails to fully disclose his or her financial situation is eligible for assistance for such period of time as Town Council, in its sole discretion, may determine.

Read a first and second time this 18th day of September. 1998.

Read a third time and finally passed this 18th day of September. 1998.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO

**TAX DEFERRAL  
FOR LOW INCOME SENIORS  
AND  
PERSONS WITH DISABILITIES**

The Municipality of Temagami has approved a by-law for the deferral of taxes for low income seniors and persons with disabilities.

Applications for the 1998 taxation year must be received in the office of the Treasurer no later than *October 30, 1998, and April 30, of each year thereafter.*

For the purposes of this program the following criteria must be met:

1. A senior is defined as 65 years of age as of January 1, 1998 and must be in receipt of an increment paid under the Guaranteed Income Supplement (GIS) as established under the Old Age Security Act (Canada).
2. A disabled income person must meet the Provincial eligibility requirements for a disability pension under the Family Benefits Act (Ontario).
3. Tax increases must be equal to or greater than \$500.00 annually. Tax increases must be related to Assessment increases ONLY.
4. The applicant must own and occupy the residential property which is assessed less than \$100,000.
5. When approved, the deferral will form a lien on the property and will accrue interest charges at the rate of 1 1/4% per month.
6. \_\_\_\_\_ AH deferred taxes and accumulated penalties must be paid in full upon the sale of the property or any registered change in title.

Application forms and full regulations of the program are available at the Municipality of Temagami.

**APPLICATION FOR DEFERRAL OF TAXES FOR LOW INCOME SENIORS AND  
LOW INCOME PERSONS WITH DISABILITIES**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: Postal Code: \_\_\_\_\_

Date of Birth (MM/DD/YY): Provincial Senior Citizens Card required \_\_\_\_\_

Social Insurance Number \_\_\_\_\_

☐ **Low Income Senior**

Must be 65 years of age or older and eligible to receive Guaranteed Income Supplement.

☐ **Disabled Low Income Person**

Must be eligible for Disability Pension under Family Benefits Act of Ontario.

**Amount of Assessment related tax increase** \$ \_\_\_\_\_

A deferral for an amount less than \$500.00 will not be granted.

- I understand that the deferred taxes and accumulated interest/penalty form a priority lien on the property will be paid in full upon any registered change in titles.
- I am the owner of the property and reside at this property twelve months per year.
- Penalty and interest will accrue at the rate of 15% per annum.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Telephone Number

This application must be received annually in the Office of the Treasurer, no later than April 30th in the year for which relief is being required.

**FOR OFFICE USE ONLY**

DATE: \_\_\_\_\_

PROPERTY LOCATION: \_\_\_\_\_

ROLL NUMBER: \_\_\_\_\_

ACCOUNT NUMBER: \_\_\_\_\_

**CALCULATION OF ASSESSMENT-RELATED TAX INCREASE:**

Amount = 1997 Taxes (class) x  $\frac{1998 \text{ Assessment (property)}}{1998 \text{ Assessment (class)}}$  - 1997 Taxes (property)

\$ x - \_\_\_\_\_

CITY TAXES DEFERRED: \_\_\_\_\_

PUBLIC SCHOOL TAXES DEFERRED: \_\_\_\_\_

SEPARATE SCHOOL TAXES DEFERRED: \_\_\_\_\_

TOTAL TAXES DEFERRED: \_\_\_\_\_

ADDED TO TAX CERTIFICATE: \_\_\_\_\_

INTEREST/PENALTY RATE AMENDED: \_\_\_\_\_

SCHOOL BOARD ADVISED: \_\_\_\_\_

\_\_\_\_\_  
Treasurer or Designate Approval

\_\_\_\_\_  
Date