

COUNTY OF OXFORD

BY-LAW NO. 5912-2017

BEING a by-law to provide tax deferrals for the purposes of relieving Financial Hardship.

WHEREAS the County of Oxford 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 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, as amended (hereinafter referred to as the "Act");

NOW THEREFORE the Council of the County of Oxford enacts as follows:

1. In this by-law:
 - a) "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 or same-sex partner of either i) or ii) who owns eligible property as defined in this By-Law.
 - b) "eligible property" means residential property in the County of Oxford 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.
 - c) "low-income person with disabilities" means a person who is in receipt of assistance paid under the Ontario Disability Support Program Act, 1997 or is in receipt of a disability amount paid under the Family Benefits Act (Ontario).
 - d) "low-income seniors" means a person who is at least 65 years of age or older and in receipt of payments under the Guaranteed Income Supplement (GIS), as established under Part II of the Old Age Security Act (Canada), as amended.
 - e) "Corporation" means each of the individual area municipalities within the County of Oxford.
 - f) "Treasurer" means the treasurer of a lower-tier municipality or a person delegated the Treasurer's powers and duties under s.286(5) of the Act.

GENERAL ADMISSION

2.
 - a) The administration of the tax deferral program established by this By-Law is hereby delegated to the lower-tier municipalities.
 - (b) Applications made under this By-Law shall be made to the Treasurer of the lower-tier municipality in which the eligible property is located.

- c) Applications shall include supporting documentation to establish the eligibility of the person seeking the deferral.
- d) 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

- 3. a) 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.
- b) 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.

EVALUATION OF APPLICATION FOR DEFERRAL

- 4. a) 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.
- b) 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.
- c) An application for tax increase deferral will not be processed if any required information is not provided.
- d) The determination of the Treasurer as to the eligibility of the applicant and the eligibility of the property shall be final.

GRANT OF TAX DEFERRAL

- 5. a) 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.
- b) The tax increase amount deferred shall be deferred until the eligible property is sold, at which time any deferred amounts shall become a debt payable to the Municipality and the lower-tier municipality in which the eligible property is located.
- c) 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.
- d) 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 and the lower-tier municipality in which the eligible property is located. The Municipality reserves the right to, at any time, request confirmation of a person's ongoing eligibility in accordance with Section 4 b).

- e) Tax relief granted pursuant to this By-Law for any taxation year shall be limited to one (1) single family dwelling per owner.
- f) 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

- 6. 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 (14) and s.349 of the Act.

INTEGRITY PROVISIONS

- 7. 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

- 8. 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.
- 9. This By-Law shall come into force and take effect on January 1, 2017. By-Law No. 4285-2003 is hereby repealed.

READ a first and second time this 8th day of March, 2017.

READ a third time and finally passed in this 8th day of March, 2017.

"David Mayberry"

DAVID MAYBERRY, WARDEN

"Brenda J. Tabor"

BRENDA J. TABOR, CLERK

SCHEDULE "A"

BY-LAW NO. 5912-2017

APPLICATION FOR TAX DEFERRAL FOR RELIEVING FINANCIAL HARDSHIP

Tax Year being applied for: _____

Name: _____

Address: _____

City: _____ Postal Code: _____

Proof of at least one of the following:

1. Low Income Senior: _____

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

Date of Birth (MM/DD/YY) _____

2. Disabled Low Income Person _____

Must be eligible for Disability Pension under Family Benefits Act of Ontario, as amended or Ontario Disability Support Program Act, 1997, as amended.

Amount of tax increase \$ _____

A deferral for an amount less than \$100.00 will not be granted.

- I understand that the deferred taxes and accumulated interest/penalty (only applies to years before 2001) form a priority lien on the property and will be paid in full upon registered change in titles.
- I am the owner of the property which is my principal residence.

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 requested.

Owner's Signature

Telephone number

Witness – Officer Title

Date Applied

FOR OFFICE USE ONLY

Date: _____

Property Location: _____

Roll Number: _____

Account Number: _____

CALCULATION OF TAX INCREASE:

Amount = \$ _____ - \$ _____
Current year taxes Prior year taxes

Upper Tier Taxes Deferred \$ _____

Lower Tier Taxes Deferred \$ _____

School Board Taxes Deferred \$ _____

Circle appropriate School Board EP ES FP FS

Total Taxes Deferred \$ _____

Added to Tax Certificate _____

School Board Advised _____

Treasurer or Designate Approval

Date