

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 96-2006

A BY-LAW TO ESTABLISH CRITERIA FOR APPLICATIONS
FOR TAX DEFERRALS BY LOW-INCOME SENIORS AND
LOW-INCOME DISABLED PERSONS

WHEREAS Section 319 of the Municipal Act, 2001 S.O. 2001 C. 25, as amended, requires the Regional Municipality of Niagara to pass a by-law providing for deferrals or cancellations of, or other relief in respect of, all or part of a tax increase for 1998 and subsequent years on property in the residential property class for persons assessed as 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.

THEREFORE the Council of The Regional Municipality of Niagara enacts as follow:

- 1) In this by-law;

“tax increase” is the difference between the annual taxes levied on the property in the preceding year and the annual taxes levied in the current year;

“eligible deferral amount” means that part of the tax increase for the taxation year in which the application is made which is in excess of two hundred dollars (\$200.00);

“Treasurer” means the Treasurer of the lower-tier municipality within which an eligible property is located;

“eligible property” means the owner’s principal residence which is in the residential property class and for which all property taxes have been paid in full;

“principal residence” is as defined by the Income Tax Act;

“residential property class” is as defined by the Assessment Act, R.S.O. 1990, c. A.31, as amended and the regulations thereto;

“owner” means an individual who owns eligible property and who is, or whose spouse or same-sex partner is:

- i) at least 65 years of age and in receipt of, or has made application for, the monthly Guaranteed Income Supplement (GIS) provided under Part II of the Old Age Security Act (Canada); or
 - ii) disabled and in receipt of, or has made application for, benefits under the Ontario Disability Support Program (ODSP).
- 2) To be eligible for a property tax deferral, the owner:
 - a) must occupy the property, within the Regional Municipality of Niagara, as his/her principal residence for the full year for which the tax deferral is sought;
 - b) must have owned a residential property within the Regional Municipality of Niagara for a period of at least one year preceding the application;
 - c) ensure that the property taxes on the eligible property have been paid in full for the tax years proceeding the application;
 - d) must be responsible to pay a tax increase of at least \$200 in the year of the application; and
 - e) submit all relevant documentation to the Treasurer.
- 3) The following conditions apply to deferred taxes:
 - a) The deferred taxes must be repaid in full as soon as:
 - i) the property is sold;
 - ii) on tax sale of the property;
 - iii) the owner dies;
 - iv) the owner's title to the property is transferred (excluding transfer of ownership to spouse) and before the proceeds of sale are disbursed; or
 - v) when the property or owner ceases to be eligible under the criteria established by the by-law including when an application for GIS or ODSP is rejected.
 - b) Tax relief amounts under municipal by-laws are not transferrable to others or the estates of deceased owners.
 - c) No interest charges shall accrue on property taxes deferred pursuant to this by-law.
- 4) The following limits apply to any deferral under this by-law:
 - a) Only current taxes but not tax arrears or outstanding taxes can be deferred.
 - b) Only one deferral granted per owner per eligible property per year.
 - c) The tax increase must be greater than \$200.
 - d) The accumulated amount of the tax deferral cannot exceed 50% of the current assessed value of the property.

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- 5) All applicants for tax deferrals under this by-law shall submit an application and provide all supporting documentation in a form satisfactory to the Treasurer including:
 - a) proof of age as applicable;
 - b) proof of GIS or ODSP payments as applicable; and
 - c) permitting the local municipality to independently verify all documentation provided in an application.
- 6) That this by-law shall come into force and take effect on January 1, 2006 at which time Regional Municipality of Niagara By-law 87-2001 shall be repealed.

THE REGIONAL MUNICIPALITY OF NIAGARA

Original signed by

Peter Partington, Regional Chair

Original signed by

Pam Gilroy, Regional Clerk

Passed: October 19, 2006