

**BY-LAW NUMBER 72-11**

- of -

**THE CORPORATION OF THE COUNTY OF BRANT**

To provide tax deferrals for the purposes of relieving financial hardship

**WHEREAS** the Corporation of the County of Brant (the “Municipality”) 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”);

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY 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 County of Brant 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;

“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 County of Brant;

“Treasurer” means the Treasurer, Supervisor of Tax & Accounting or a person delegated the treasurer’s powers and duties under s.286 (5) of the *Act*;

**General Administration**

2. Applications made under this By-law shall be made to the Treasurer;
3. Applications shall include supporting documentation to establish the eligibility of the person seeking the deferral.

4. 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**

5. 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.
6. 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**

7. 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.
8. The Treasurer may, at any time, request the applicant provide such additional information and documentation as the Treasurer may require in order to evaluate the application.
9. An application for tax increase deferral will not be processed if any required information is not provided.
10. 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**

11. 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.
12. The tax increase amount deferred, together with interest, shall be deferred until the eligible property is sold, at which time any deferred amounts together with accumulated interest thereon shall become a debt payable to the Municipality.
13. 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.
14. 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.
15. Tax relief granted pursuant to this By-law for any taxation year shall be limited to one (1) single family dwelling per owner.

## **Interest**

16. 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**

17. 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**

18. 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**

19. 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.
20. **THAT** By-law Number 101-04 be and is hereby repealed.

**READ** a first and second time, this 17<sup>th</sup> day of May, 2011.

**READ** a third time and finally passed in Council, this 17<sup>th</sup> day of May, 2011.

## **THE CORPORATION OF THE COUNTY OF BRANT**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

## FINANCIAL HARDSHIP TAX DEFERRAL PROGRAM APPLICATION

Complete the following information and deliver this application by April 30. Bring this form and any original documentation specified below to the Burford office. If you fill out this document electronically, please print out the application, sign it, and deliver a hard copy to the office. If you require any further information please contact the Tax Division at 519-449-2451

Assessment Roll No. \_\_\_\_\_

Owner Last Name (applicant)	Owner First Name (applicant)
Owner Last Name (spouse)	Owner First Name (spouse)
Owner's Address	Property Address
How long have you owned/lived in the above property?	Phone Number
Owner's Social Insurance Number	Spouse's Social Insurance Number
Date of Birth Year: _____ Month: _____ Day: _____	Spouse's Date of Birth Year: _____ Month: _____ Day: _____

Have you made any improvements over the past year that would affect your tax levy?  yes  no

Comments: \_\_\_\_\_

- Senior Homeowner with a Low Income:** Please attach copies of documents as required for income verification:
- Notice(s) of Assessment of Income Tax for \_\_\_\_\_ that was received from Revenue Canada by Applicant and all others occupying the residential home.
  - Copy of Old Age Security T-4A.
  - Proof of receipt of a registered pension or registered annuity under the Income Tax Act (Canada).
- Homeowner with Low Income and a Disability:** Please attach copies of documents as required for income verification:
- Notice(s) of Assessment of Income Tax for \_\_\_\_\_ that was received from Revenue Canada by Applicant and all others occupying the residential home.
  - Proof of receipt of assistance paid under: the Ontario Disability Support Program Act or Family Benefits Act (Ontario); or a disability paid under the Guaranteed Annual Income Systems program for the disabled (include copies of cheque stubs).

### Important Information

A property tax reduction from a successful applicant appeal may alter the amount of your deferral. The last day for submitting this application is April 30<sup>th</sup>, \_\_\_\_\_. For further information, please contact the Tax Division at 519-449-2451. The property tax deferral applies to current taxes only and not to tax arrears and the property taxes must remain in good standing. Original documentation must accompany application and we will copy.

### Statement to be Signed by the Applicant

I occupy a residential property in the County of Brant and have been assessed as an Owner of such property for at least one year immediately preceding the date of this application. I acknowledge this property is my principal residence and I have not applied for the tax deferral, including changes to any other property this year. I agree to notify the County of any changes, which would affect my eligibility for the tax deferral, including changes to household income or property assessment. I understand that the deferral amount is a special lien and must be repaid to the County once the property changes ownership or ceases to be occupied as my principal residence or I am no longer an eligible low income person. I agree to notify the County if the property changes ownership or if I cease to verify this application.

Date of Application: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Year / Month / Day

Telephone No. \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Spouse's Signature: \_\_\_\_\_