

Bylaw No. 9022

The Low-Income Seniors Property Tax Deferral Bylaw, 2012

**Codified to Bylaw No. 9597
(July 29, 2019)**

BYLAW NO. 9022

The Low-Income Seniors Property Tax Deferral Bylaw, 2012

Whereas under the provisions of clause 8(1)(b) of *The Cities Act*, S.S. 2002, c. C-11.1 (the “*Act*”), a city has the general power to pass any bylaws that it considers expedient in relation to the safety, health and welfare of people and the protection of people and property;

And whereas under the provisions of section 244 of the *Act*, a council of a city may, if it considers it equitable to do so, defer the collection of a tax with respect to a particular taxable property or class of taxable property;

And whereas The City of Saskatoon considers it equitable to provide tax relief to seniors who live on fixed incomes to assist them to manage the cost of owning a home and to enable them to stay in their homes longer;

Now Therefore the Council of the City of Saskatoon enacts:

Short Title

1. This Bylaw may be cited as *The Low-Income Seniors Property Tax Deferral Bylaw, 2012*.

Purpose

2. The purpose of this Bylaw is to establish a property tax deferral program for low-income seniors in the City of Saskatoon.

Interpretation

3. In this Bylaw:
 - (a) “base year” means the year immediately preceding the year when an individual is first approved under the Program;
 - (b) “City” means the City of Saskatoon;

- (c) “family” means a married couple and the children, if any, of either or both spouses; a couple living common-law and the children, if any, of either or both partners; or, a lone parent of any marital status with at least one child living in the same dwelling as that child or those children. All members of the family must live in the same dwelling. A couple may be of the opposite or same sex. Children may be children by birth, marriage or adoption regardless of their age or marital status as long as they live in the dwelling and do not have their own spouse or child living in the dwelling. Grandchildren living with their grandparent(s) but with no parents present also constitute a family;
- (d) “household” means a person or group of persons consisting of a family who occupy the same private dwelling and do not have a usual place of residence elsewhere in Canada or abroad. Household members who are temporarily absent elsewhere are considered part of their usual household;
- (e) “incremental increase” means the increase in property taxes for a taxable property determined in accordance with section 6;
- (f) “low-income” means having an income below the LICO threshold;
- (g) “low-income cut-off” or “LICO” means an income threshold determined by Statistics Canada by analyzing family expenditure data, below which families will devote a larger share of income to the necessities of food, shelter, and clothing than would the average family;
- (h) “principal residence” means the primary location that a person inhabits;
- (i) “Program” means the Low-Income Seniors Property Tax Deferral Program established pursuant to this Bylaw;
- (j) “residential property” means lands and improvements used or intended to be used for a residential purpose, and includes self-contained dwelling units within a condominium;
- (k) “senior” means a person 65 years of age and older; and
- (l) “taxpayer” means the person whose name is shown on the tax roll for each taxable property.

Program Established

4. The Low-Income Seniors Property Tax Deferral Program is hereby established.

Tax Deferral

5.
 - (1) Council hereby authorizes the deferral of the municipal and library board portion of any incremental increase in property taxes for any taxable property approved under the Program.
 - (2) The tax deferral pursuant to subsection (1) shall not apply to the education portion of any incremental increase in property taxes for any taxable property approved under the Program.
 - (3) In addition to the tax deferral provided in subsection (1), a taxpayer may select to defer the municipal and library board portion of the property taxes for any taxable property approved under the Program in accordance with the following options:
 - (a) \$600.00 annually;
 - (b) \$1,200.00 annually; or
 - (c) the full amount of the municipal and library board portion of the property taxes.
 - (4) The total amount of property taxes deferred plus fees and interest may not exceed 50% of the assessed value of the taxable property.

Determination of Incremental Increase

6.
 - (1) The incremental increase in property taxes for any taxable property shall be determined by deducting the taxes for the base year from the taxes for the current year.
 - (2) The base year, once established, shall remain constant for as long as the property remains eligible under the Program.

Eligibility Requirements

7. (1) In order to qualify under the program, the eligibility requirements set forth in this section must be met.

Residential Property

- (2) The taxable property must be residential property.

Ownership

- (3) The taxpayer must own the taxable property. Joint ownership with another person qualifies for this purpose.

Principal Residence

- (4) The taxable property must be the principal residence of the taxpayer. The taxpayer must reside in the property. Co-habitation with a spouse or common-law partner, or child is permitted.

One Principal Residence Only

- (5) A taxpayer can designate only one property as their principal residence for a particular taxation year.

Individuals Only

- (6) The taxpayer must be an individual. Taxable property owned by a corporation does not qualify under the Program.

Age

- (7) The taxpayer must be at least 65 years of age or older.

Low-Income

- (8) The taxpayer's annual household income must be below the LICO threshold.

No Tax Arrears

- (9) The taxes on the property, with the exception of the amount deferred under the Program, must be paid in full within the current taxation year. A property in tax arrears is not eligible under the Program.

Registration of Tax Lien

8. (1) In order to ensure the repayment of taxes deferred under the Program, the City may register a tax lien against the property.
- (2) The tax lien shall remain on the title of the property for as long as there are deferred taxes unpaid with respect to the property.
- (3) The tax lien shall be removed by the City upon repayment of the deferred taxes.

Repayment of Deferred Taxes

9. (1) The taxes deferred under the Program shall be repaid to the City upon:
 - (a) the death of the taxpayer; or
 - (b) the sale or transfer of the property, whichever occurs first.
- (2) Notwithstanding clause (1)(a), a surviving joint owner may apply to continue a tax deferral under the Program, in which case the deferred taxes shall not be repayable until the death of the joint owner, or the sale of the property by the joint owner, whichever occurs first.
- (3) With respect to the tax deferral options outlined in subsection 5(3), the deferred property taxes to be repaid shall include an interest charge of 4% annually, which interest shall be payable in accordance with this section.

Duty to Notify City

10. (1) A taxpayer who sells a property that is subject to a tax deferral under the Program shall, within 60 days of the sale, notify the City that the property has been sold.
- (2) If a taxpayer dies, a representative of their estate shall, within 60 days of the taxpayer's demise, notify the City that the taxpayer is deceased.

Notice to Repay Deferred Taxes

11. (1) Upon notification that a taxpayer has died, or a property that is subject to a tax deferral under the Program has been sold, the City shall send out a notification to the taxpayer or the taxpayer's estate showing the amount of the deferred taxes.
- (2) The deferred taxes shall be due and payable to the City within 30 days after the notification referred to in subsection (3) is sent out.
- (3) If the deferred taxes remain unpaid after 30 days, the City may impose penalties on the taxes outstanding at the rates established by Bylaw No. 6673, *A bylaw of The City of Saskatoon to provide for the payment of taxes and the application of discounts and penalties thereto.*

Annual Applications

12. The taxpayer must apply annually for a tax deferral under the Program, notwithstanding that the taxpayer may have received a tax deferral in a previous year.

Voluntary Repayment

13. (1) The taxpayer may, at any time, repay the taxes deferred under the Program, notwithstanding that neither event described in subsection 9(1) has occurred.
- (2) Nothing in subsection (1) shall preclude a taxpayer from re-applying under the Program in the future if the taxpayer can meet the requirements set out in section 7.

Offences and Penalties

14. (1) No person shall:
 - (a) wilfully furnish the City with false or misleading information on an application under the Program; or
 - (b) fail to notify the City of the death of a taxpayer or the sale of a property pursuant to section 10.

- (2) Every person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction:
 - (a) in the case of a first offence, to a fine of not less than \$100.00 and not more than \$500.00;
 - (b) in the case of a second or subsequent offence, to a fine of not less than \$200.00 and not more than \$1,000.00.
- (3) If a person commits an offence described in this section, the tax deferral under the Program is immediately forfeited, and the arrears shall be due and payable to the City within 30 days of the date of conviction.
- (4) If the deferred taxes are not paid within the time specified in subsection (3), the amount outstanding shall be subject to the penalties set out in subsection 9(5).

Administration and Enforcement of Bylaw

- 15. (1) The administration and enforcement of this Bylaw is hereby delegated to the Chief Financial Officer for the City.
- (2) The Chief Financial Officer, is hereby authorized to further delegate the administration and enforcement of this Bylaw, in whole or in part, to other employees of the City.

Coming Into Force

- 16. This Bylaw comes into force on the day of its final passing.

Read a first time this 30th day of April, 2012.

Read a second time this 30th day of April, 2012.

Read a third time and passed this 30th day of April, 2012.

"Donald J. Atchison"
Mayor

"Janice Mann" "SEAL"
City Clerk