

BY-LAW 2001-179F

**BEING A BY-LAW OF THE CITY OF GREATER SUDBURY
TO PROVIDE PROPERTY TAX RELIEF FOR ELIGIBLE
LOW INCOME SENIORS AND LOW INCOME DISABLED
PERSONS OWNING AND OCCUPYING RESIDENTIAL
PROPERTY IN THE CITY OF GREATER SUDBURY**

WHEREAS it is necessary for the Council of the City of Greater Sudbury, pursuant to the Municipal Act, as amended by the Fair Municipal Finance Act, 1997 and further amended by the Fair Municipal Finance Act, 1997 (No. 2), and by Bill 140, the Continued Protection for Property Taxpayers Act, S.O. 2000, c. 25 to provide relief in respect of all or part of assessment related tax increases on property in the residential/farm property class for owners who are or whose spouses are low income seniors or low income disabled persons;

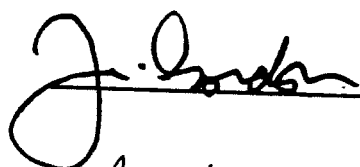
AND WHEREAS the City of Greater Sudbury wishes to adopt a Property Tax Deferral Policy for Low Income Seniors and Low Income Disabled Residential Property Owners;

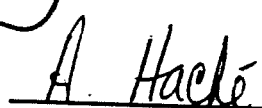
**NOW THEREFORE THE COUNCIL OF THE CITY OF GREATER SUDBURY
HEREBY ENACTS AS FOLLOWS:**

- 1. The Property Tax Deferral Policy for Low Income Seniors and Low Income Disabled Residential Property Owners attached hereto as Schedule "A" and forming part of this By-law is hereby adopted.**
- 2. Tax Relief for Eligible Low Income Seniors and Low Income Disabled Persons owning and occupying property in the residential/farm property class in the City of Greater Sudbury will be provided in accordance with the City of Greater Sudbury's Property Tax Deferral Policy for Low Income Seniors and Low Income Disabled Residential Property Owners.**

3. For the purposes of this By-law:
- a) a low income senior is defined as a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under the Old Age Security Act (Canada);
 - b) a low income disabled person is defined as a person who is in receipt of an increment paid under the Ontario Disability Support Program (ODSP), formerly known as the Family Benefits Act (Ontario).
4. By-law 98-158F of the former Regional Municipality of Sudbury is hereby repealed.
5. This By-law shall come into force and take effect immediately following passage.

READ THREE TIMES AND PASSED IN OPEN COUNCIL this 10th day of July, 2001.

 _____ Mayor

 _____ Deputy Clerk

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CITY OF GREATER SUDBURY
PROPERTY TAX DEFERRAL POLICY
For Low Income Seniors and Low Income Disabled
Residential Property Owners

POLICY OBJECTIVE

It is the objective of this policy to defer the impact for low income seniors and low income disabled residential property owners (or the spouses or same sex partners of such persons) who may experience undue hardship as a result of tax increases beginning in a taxation year in which a general reassessment occurs pursuant to the Municipal Act, Section 373, as amended.

Tax increases are the tax increases determined under the Municipal Act, subsection 372.2 (3) as amended, reduced, if the tax increase is being phased-in under a by-law made under subsection 372.2 (1), by the amount not yet phased-in.

POLICY BACKGROUND

Amendments to the Municipal Act, Section 373, require that the City of Greater Sudbury (the City) enact a by-law to defer, cancel or provide tax relief for owners who are, or whose spouses or same sex partners are:

1. low income seniors as defined in the by-law, or,
- (b) low income persons with disabilities as defined in the by-law.

This relief is to be applied to all or part of the increases in municipal and education taxes that occur beginning in the taxation year when a general reassessment occurs. The tax relief applies to increases caused by all factors including reassessment, municipal restructuring and levy changes.

POLICY DETAILS

B. Eligibility Criteria For Assessment Related Tax Deferral

1. Low Income Seniors

(a) Definition:

A person having attained the age of 65 years, meeting eligibility criteria as set out below.

(b) Eligibility Criteria:

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Must have attained the age of 65 years and be in receipt of benefits under the Guaranteed Income Supplement (GIS) program.

The Guaranteed Income Supplement (GIS) is a federal program administered by Human Resources Development Canada, in conjunction with the Old Age Security (OAS) program. The Guaranteed Income Supplement is an income-tested, monthly benefit for Old Age Security pensioners with limited income apart from the Old Age Security pension.

To qualify for the GIS, an individual must:

- i be receiving the Old Age Security pension;
- ii be resident in Canada; and
- iii have an income at or below the qualifying level, as established by regulation. (For married couples, the combined income must be below the qualifying level).

Provisions of the GIS are established under the Old Age Security Act (Canada), and regulations made quarterly under that Act. Applications, eligibility determination and payment of benefits under this program are administered by Human Resources Development Canada. Applicants need only demonstrate proof of GIS benefits to qualify for the municipal tax deferral.

To maintain eligibility, the applicant's property taxes must be current.

2. Low-Income Disabled Persons

(a) Definition:

A person is a person with a disability if:

- i the person has a substantial physical or mental impairment that is continuous or recurrent and expected to last one year or more;
- ii the direct and cumulative effect of the impairment on the person's ability to attend to his or her personal care, function in the community and function in a workplace, results in a substantial restriction in one or more of these activities of daily living; and
- iii the impairment and its likely duration and the restrictions in the person's activities of daily living have been verified by a person with the prescribed qualification.

Definition from: The Ontario Disability Support Program Act, 1997 (Schedule B to the Social Assistance Reform Act, 1997)

(c) Eligibility Criteria

Must be in receipt of benefits under the Ontario Disability Support Program (ODSP).

The Ontario Disability Support Program (ODSP) is a provincial program administered by the Ontario Ministry of Community & Social Services (MCSS). Provisions of the ODSP are established under the Ontario Disability Support Program Act, 1998.

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Eligibility under the ODSP is determined by staff of the Ministry of Community and Social Services, according to criteria which considers, among other things, the nature of the disability, the extent to which daily activities are affected by the disability, income level from all sources (including receipt of benefits under other income support programs such as GAINS, Canada Pension Plan, Workers Compensation), etc.

Application, eligibility determination and payment of benefits under the ODSP are administered by the Ministry of Community and Social Services (Ontario), using information supplied by applicants. This eliminates the need for individual municipalities to establish criteria and eligibility for applicants. Applicants need only demonstrate proof of ODSP eligibility to qualify for the municipal tax reduction.

To maintain eligibility the applicant's property taxes must be current.

D. Limitation on Deferral of Current Property Taxes

For a deferral of tax increases, the City shall determine the amount of the increase. Tax relief is provided in the form of a deferral of taxes. The amount eligible for deferral in any tax increase greater than \$100. No tax deferral applies if the amount of the tax increase is less than \$100.

E. Provisions Governing Property Ownership Eligibility

1. To qualify for tax deferral, an applicant must have been owner of real property within the City for a period of one (or more) year(s) preceding the application and the owner, or their spouse or same sex partner, must meet the eligibility criteria as defined under Section A.

"spouse" or "same sex partner", means a person:

- a. to whom the person is married; or
- b. with whom the person is living outside marriage in a conjugal relationship, if the two persons;
 - i have cohabited for at least one year (as per Revenue Canada Criteria); or
 - ii are together the parents of a child; or
 - iii have together entered into a cohabitation agreement under Section 63 of the Family Law Act.

2. For a property which is jointly held or co-owned by a person other than a spouse or same sex partner, both or all co-owners must qualify under applicable eligibility criteria (see Seniors/Disabled Eligibility Criteria in Section A) in order to receive tax relief.
3. Tax deferral is only allowed on one principal residence of the qualified individual or the qualifying spouse or same sex partner. Appropriate proof of residency establishing continuous (i.e. not part-time) residency must be provided. A statutory declaration may be required. Verification of documentation provided in conjunction with an application may be carried out independently at the discretion of the City.

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- a. Deferred amounts represent a lien against the property, under provisions established under Section 382 of the Municipal Act, as amended. Eligible applicants will be required to execute a consent to registration on the property.
 - b. Deferred amounts shall continue until the property is sold, or until the eligible applicant ceases to be eligible, under the provisions of Section 4 below.
 - c. When an applicant ceases to be eligible or the property is sold, all deferred amounts become a debt payable to the City.
 4. Any tax deferral ceases to apply once the property is sold, or when the eligible applicant dies or ceases to be eligible under the criteria established by the bylaw. Any deferred amounts plus any applicable interest charges immediately become a debt payable to the City, including part-year portions.
 - a. In the event of transference of title to the property, the remaining amount of all taxes deferred shall become due and payable on the date of transference of such title.
 - b. Earlier repayment could be based on an individual taxpayer's financial circumstances or as a result of a tax sale of the property.
 - c. In the event that it is later determined that the applicant is not eligible for deferral of taxes as indicated under the eligibility criteria, then the deferred taxes will be withdrawn and the applicant must repay the deferred taxes in full, inclusive of all other costs as determined by the Treasurer of the City of Greater Sudbury (The Treasurer).
- D. Policy Application And Administration
1. Applications for tax deferral must be made annually to the City to establish eligibility or maintain eligibility. Applications for deferral of taxes must be made during the taxation year to which the deferral applies. Applications must include documentation establishing that the applicant is an eligible person and the property for which the application is made is an eligible property.
 2. The administration of this policy is the responsibility of the Treasurer.
 3. This tax Deferral Policy shall apply to current municipal and education property taxes due from the residential/farm class properties. The Treasurer must receive an application for tax deferral for each taxation year. Taxes collected by the City for school districts purposes will be reduced by the amount of the deferral. The City will pay the school districts their respective shares when the deferred taxes are paid.

Charges on Taxes Deferred

1. The applicant may be liable for any administration and/or registration fees as determined by the Treasurer.
2. In the event a tax deferral is granted, no interest charges will be added to the amount deferred.

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E. Charges on Taxes Deferred

1. The applicant may be liable for any administration and/or registration fees as determined by the Treasurer.

F. Effective Date of Policy

This policy and the provisions for implementation are effective July 10, 2001 in accordance with City of Greater Sudbury By-law 2001-179F, to be applicable for the 2001 taxation year and thereafter.