

By-law 2026-77

A By-law of the City of Greater Sudbury to Provide an Enhanced Municipal Property Tax Deferral for Low-Income Older Adults and Low-Income Persons with Disabilities who are Owners of Real Property in the City of Greater Sudbury

Whereas the *Municipal Act, 2001*, S.O. c. 25, s. 8, provides the City of Greater Sudbury with authority to govern its affairs as it considers appropriate;

And whereas the *Municipal Act, 2001*, S.O. c. 25, s. 8, provides the City of Greater Sudbury with authority to pass by-laws related to the health, safety and well-being of persons;

And whereas the *Municipal Act, 2001*, S.O. c. 25, s. 8, provides the City of Greater Sudbury with authority to make grants for any purpose that Council of the City of Greater Sudbury considers to be in the interests of the municipality;

And whereas the Council for the City of Greater Sudbury considers it to be in the interest of the municipality to offer a full or partial municipal property tax deferral to eligible low-income older adults and eligible low-income persons with disabilities as a financial support to allow them to remain in their homes;

Now therefore Council of the City of Greater Sudbury hereby enacts as follows:

Definitions

1. In this By-law:

“Application” means an application submitted by an Eligible Person for deferral of Municipal Property Taxes for an Eligible Property made pursuant to this By-law and includes the initial application for the Enrolment Year and an application for renewal of the deferral for a subsequent year;

“City” means the municipal corporation of the City of Greater Sudbury or the geographic area within the limits of the City of Greater Sudbury, as the context requires;

“Current Value Assessment” means the amount of money a property would realize if sold at arms’ length by a willing seller to a willing buyer, as identified on the Property Assessment Notice for the real property by the Municipal Property Assessment Corporation (MPAC);

“Eligible Person” has the meaning in section 5;

“Eligible Property is a Property which meets the criteria in section 6 and as such is eligible for deferral of Municipal Property Taxes;

"Enrolment Year" means the first year that an Applicant is approved for participation in the tax deferral pursuant to this By-law;

"Municipal Property Taxes" means that portion of property taxes assessed against a property which are levied for the benefit of the City and exclusive of the portion of the property taxes levied against a property as education property taxes for the benefit of a school board, in accordance with the *Education Act* and Ontario Regulation 400/98 under the *Education Act* and exclusive of any amounts added to the tax roll pursuant to legislation;

"Older Adult" is a person who is:

- (a) at least sixty-five (65) years of age as of December 31 of the Enrolment Year and is receiving the Guaranteed Income Supplement under the federal government's Old Age Security Program; or
- (b) between the ages of sixty (60) and sixty-four (64) as of December 31 of the Enrolment Year and is receiving an Allowance under the Old Age Security Act or if widowed, receiving the Spouse's Allowance under the Old Age Security Act;

"Person with a Disability" means a person who is receiving Ontario Disability Support Payments;

"Principal Residence" means a principal residence as defined in the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.);

"Property" means the property within the which the Application pertains;

"Registered Owner" means a person who is shown in the records of the Land Registry Office for the Land Division of Sudbury (No. 53) as a registered owner of a Property;

"Spouse" means a person:

- (a) to whom another person is married; or
- (b) with whom another person is living outside marriage in a conjugal relationship, if the two persons:
 - (i) have cohabited for at least one year;
 - (ii) are together the parents of a child; or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, R.S.O. 1990, c. F.3, as amended; and

"Treasurer" means the person appointed as the treasurer of the City and includes the Deputy Treasurer appointed for the purposes tax collection, tax registration and public tax sales, and the authorized designate of either.

Interpretation

2.-(1) References to items in the plural include the singular, as applicable.

(2) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them.

(3) Headings are inserted for ease of reference only and are not to be used as interpretation aids.

(4) Specific references to laws in the By-law are printed in italic font and are meant to refer to the current laws applicable with the Province of Ontario as at the time the By-law was enacted, as they are amended or replaced from time to time.

(5) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first business day after a Sunday or Statutory holiday if the expiration of the time period occurs on a Sunday or Statutory holiday.

(6) The obligations imposed by this By-law are in addition to obligation otherwise imposed by law or by contract.

Severability / Conflict

3.-(1) If any section, subsection, part or parts of this By-law is declared by any court of law to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.

(2) Nothing in this By-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other By-law of the City.

(3) Where a provision of this By-law conflicts with the provisions of another By-law in force in the City, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Administration / Delegation

4.-(1) The administration of this By-law is assigned to the Treasurer who is delegated the authority to:

- (a) make all decisions and perform all administrative functions referred to herein and those incidental to and necessary for the due administration and implementation of this By-law;
- (b) establish and amend from time to time, such forms, documents, protocols and procedures as the Treasurer may determine are required to implement and administer this Bylaw; and
- (c) approve or reject Applications, terminate or suspend approvals, all in accordance with this By-law.

(2) Questions as to the application or administration of this By-law may be referred to the Treasurer whose determination shall be final.

(3) The Treasurer may delegate the performance of any one or more of their functions under this By-law to one or more persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Treasurer may continue to exercise any function delegated during the delegation.

Eligible Person

5.-(1) For the purposes of an Application, a person is an Eligible Person if:

- (a) they are a Registered Owner of the Property and a Person with a Disability; or
- (b) they are an Older Adult and they or their spouse is a Registered Owner of the Property.

(2) An Eligible Person may submit an Application for an Eligible Property.

Eligible Property

6.-(1) Subject to any other provisions of this By-law, a Property is only an Eligible Property in whole or in part if the following criteria are met:

- (a) subject to subsection 6(2) the Property is assessed on the tax roll for the City as being in whole or in part within in the Residential Class;
- (b) subject to paragraph 6(2)(c) all the Registered Owners of the Property are Eligible Persons;

- (c) subject to paragraph 6(2)(d), each Registered Owner has continuously owned and resided in the Property as their Principal Residence for a period of at least one (1) year immediately preceding the date the Application is submitted and resides in the Property as their Principal Residence at the date the Application is submitted;
 - (d) none of the Registered Owners of the Property is a corporation or other business entity;
 - (e) the Property is not wholly occupied by tenants;
 - (f) the Current Value Assessment of the Property does not exceed \$500,000 as of January 1st of the year to which the Application applies;
 - (g) taxes assessed against the Property are current, or in arrears for less than two years as of January 1st of the year to which the Application relates;
 - (h) there are no claims, liens or encumbrances in favor of the Crown or Canada Revenue Agency registered against the Property and no writs in favor of the Crown or Canada Revenue Agency against a Registered Owner of the Property; and
 - (i) none of the Registered Owners of the Property is also a Registered Owner of another property which is receiving the benefit of a Municipal Property Tax deferral for that year.
- (2) For clarification:
- (a) where the Property is assessed on the tax roll as being within both the Residential Class and one or more other classes, it is an Eligible Property only with respect to the part designated as Residential Class and only Municipal Property Taxes levied against the Residential Class may be eligible for deferral;
 - (b) where there is more than one residential unit on the Property, only the residential unit actually occupied as the Principal Residence of the Eligible Person(s) submitting the Application is considered the Eligible Property. The Treasurer shall be entitled to allocate the Municipal Property Taxes assessed against the Property as necessary to determine the amount which may be eligible for deferral;
 - (c) despite 6(1)(b), eligibility is not lost solely because one or more Registered Owners is the child of an Eligible Person, provided that the Treasurer is satisfied in their discretion that it is appropriate in the circumstances to consider the Property as an Eligible Property, after considering the household income and such other factors as the Treasurer considers relevant; and

- (d) despite subsection 6(1)(c), where an Eligible Person has usually resided in the Property as their Principal Residence but at the date of the Application resides elsewhere in order to receive medical care or long-term care, eligibility is not lost, where in the opinion of the Treasurer it is appropriate in the circumstances to approve the Application.

Limitations on Deferrals of Municipal Property Taxes

7.-(1) The total cumulative amount of all Municipal Property Taxes deferred with respect to a property shall not exceed a maximum of 40% of the Current Value Assessment of the Property in any given tax year. Any Municipal Property Taxes not deferred shall continue to be due in accordance with municipal by-laws.

(2) A deferral of Municipal Property Tax for a Property is not transferable on sale of the Property and does not extend to the estate of a deceased Eligible Person. However, where all Registered Owners who have the benefit of a Municipal Property Tax deferral are joint tenants, the deferral continues to the surviving joint tenant(s), provided all the surviving joint tenants are also Eligible Persons.

(3) For clarity, the Municipal Property Tax deferral does not extend to the portion of the property taxes assessed as education taxes for the benefit of the School Boards or to amounts added to the tax roll by legislative provision. Such amounts will not be deferred but rather will continue to be payable as if there was no deferral of the Municipal Property Taxes.

(4) The approval of an Application shall only be valid for the calendar year to which the Application relates.

Applications

8.-(1) All Applications whether for the Enrolment Year or for a renewal year must:

- (a) use the form prescribed by the Treasurer for this purpose and be signed by all Registered Owners and where an Eligible Person is not a Registered Owner, by all Eligible Persons;
- (b) be submitted to the Treasurer, prior to December 31 of the year prior to the year to which the Application applies, together with all supporting material and fees identified in the Application and such other information, documents and evidence as the Treasurer may, in their discretion determine is required to assess the Application and entitlement to a deferral of Municipal Property Tax in accordance with this By-law; and

- (c) include a non-refundable application fee, whether it pertains to the Enrolment Year or a renewal year, in an amount determined in accordance with the City's User Fee By-law then in effect.

(2) Without limiting the generality of subsection 8(1), the Application shall include an agreement by each Eligible Person to notify the Treasurer of any change in circumstance which would alter their status as an Eligible Person, alter the status of the Property as an Eligible Property or otherwise affect the entitlement to a Municipal Property Tax deferral pursuant to this By-law.

Evaluation of Application & Outcomes

9.-(1) The Treasurer shall review each Application and determine whether a deferral of Municipal Property Taxes for the Property can be authorized in accordance with this By-law.

(2) The Treasurer may, at any time, request the applicant(s) to provide such additional information and/or documentation as the Treasurer may require to evaluate the Application and the Application shall not be further processed until satisfactory information and/or documentation has been received.

(3) In the event that an applicant fails to provide the information or documents requested by the Treasurer within one month of the date of the Treasurer's request, the Application shall be deemed to have been abandoned and shall not be further processed. Nothing prevents the submission of a new, replacement Application upon payment of the Application fee, and provided the Application can be submitted within the time frames required by this By-law.

(4) The Treasurer shall approve a Municipal Property Tax deferral for any Application which meets all the requirements set forth in this By-law, conditional upon the payment of the applicable administration fee and disbursement recovery in accordance with the City's User Fee By-law and subject always to the limitation in subsection 7(1).

(5) Where an Application has been conditionally approved, the Treasurer shall notify the applicant(s) in writing and advise whether a full or partial deferral has been approved and advise of the requirement to pay the applicable administrative fees and disbursements in accordance with the City's User Fee By-law then in effect. For clarity, the administrative fees are in addition to the non-refundable Application fee to be submitted as part of the Application.

(6) In the event that the administrative fees & charges in subsection 9(5) are not paid within 30 days of the date on which the Treasurer advised of the conditional approval of the Application, the Application shall be deemed abandoned.

(7) Where an Application has been conditionally approved, and the applicable administrative fees and charges have been paid in a timely manner, the Treasurer may apply the approved deferral of the Municipal Property Taxes to the tax roll for Property to which the Application relates for the period January 1 to December 31 of the year following the year in which the Application was submitted.

(8) Where an Application has not been approved, or has been deemed abandoned, the Treasurer shall advise the applicant in writing at the address provided in the Application and provide the reason for the refusal or deemed abandonment. The refusal of the Application or the deemed abandonment of the Application is not altered by any failure of the City to give such notice or by the applicant not receiving such notice.

(9) The decision of the Treasurer shall be final but shall not limit the right to submit an Application for another year.

Interest

10.-(1) Municipal Property Taxes for an Eligible Property which have been deferred under this By-law shall:

- (a) in the case of any Municipal Property Taxes which were in arrears as of January 1 of the Enrolment Year, bear interest at the rate of 15% per annum from January 1 of the Enrolment Year until payment in full; and
- (b) in the case of taxes falling due on or after January 1 of the year to which the Application applies, bear interest at the rate of 5% per annum from January 1 of the Enrolment Year to the date on which the deferral expires under section 11 and thereafter at the rate of 15% until payment in full.

(2) All interest on the deferred Municipal Property Taxes shall be added to the deferred Municipal Property Taxes and become due and payable on the date that the deferral expires under section 11.

(3) A partial payment of deferred Municipal Property Taxes shall firstly be applied to outstanding accrued interest, and secondly to the deferred property taxes.

(4) For clarity, amounts added to the tax roll to be collected as taxes, and property taxes assessed as education taxes for the benefit of the School Boards shall not be subject to deferral and if in arrears, will bear interest at the rate established for the City for arrears of taxes

Expiry of Deferral

11.-(1) The deferral of Municipal Property Taxes for a Property shall expire on and payment of the deferred Municipal Property Taxes, plus accumulated interest thereon determined in accordance with section 10, shall become due and payable to the City upon the earliest of:

- (a) the date of the sale or other disposition of title or change in ownership of the Property for which the deferral of Municipal Property Taxes was approved; or
- (b) the end of the calendar year in which:
 - (i) the Property for which the deferral of Municipal Property Taxes was approved ceases to be an Eligible Property for any reason other than a change in ownership of the Property; or
 - (ii) an Application for renewal of the deferral of Municipal Property Tax for a Property is not received prior to January 1 for the next following calendar years or is received but is deemed abandoned or is not approved.

(2) An Eligible Person, or where the Eligible Person is deceased, their representative, shall give written notice to the Treasurer within 60 days of any of the events set out in subsection 11(1) with respect to a Property which had been approved to receive the benefit of a Municipal Property Tax deferral.

Lien upon the Lands

12.-(1) The amount of deferred Municipal Property Taxes plus accumulated interest thereon shall represent a lien against the Property to which the deferral relates, in accordance with subsections 319(14) and 349(3) of the *Municipal Act, 2001*.

(2) Where a Municipal Property Tax deferral has been approved with respect to a Property, the City may register a tax arrears certificate or other claim for lien on title to that Property to remain until payment in full of all amounts owing to the City under this By-law. Failure to register a tax arrears certificate or other claim for lien does not prevent the lien from attaching to the Property.

Tax Certificates.

13. The Treasurer will show the cumulative amount of all Taxes deferred pursuant to this By-law, plus accumulated interest thereon, on tax certificates issued in accordance with subsection 319(8) of the *Municipal Act, 2001*.

Transition Provision

14. Despite anything else herein, an Application for deferral of Municipal Property Taxes for the 2025 calendar year and for the 2026 calendar year may be submitted prior to December 31, 2026 and if approved, the Treasurer may authorize the payment to the Registered Owners of that Property of an amount equal to the total of Municipal Property Taxes paid for the 2025 calendar year or the 2026 calendar year, or both, as may be applicable based on the approved Application.

Integrity Provision


15. Notwithstanding anything herein to the contrary, every person who contravenes any provision of this By-law or files a false application or fails to fully disclose their financial situation:

- (a) is guilty of an offence and, upon conviction, is liable to a fine not exceeding the maximum as set out in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended;
- (b) is ineligible for deferral of Municipal Property Taxes pursuant to this By-law for such period of time as the Treasurer may determine; and
- (c) shall immediately repay all Municipal Property Taxes that were previously deferred that are no longer eligible to be deferred together with applicable interest thereon.

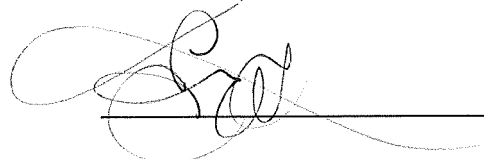
Effective

17. This By-law shall come into force and effect upon passage.

Read and Passed in Open Council this 28th day of April, 2026



Mayor



Clerk