

**CITY OF DUNCAN**

**BYLAW NO. 3142**

**A BYLAW TO AUTHORIZE A PROPERTY TAX INSTALLMENT PAYMENT PLAN**

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**WHEREAS** pursuant to Section 194(2)(d) of the *Community Charter*, Council may by bylaw establish terms and conditions for payment of a fee, including discounts, interest and penalties;

**AND WHEREAS** pursuant to Section 235 of the *Community Charter*, Council may establish an alternative municipal tax collection scheme;

**AND WHEREAS** the Council of the City of Duncan deems it desirable as part of an alternative municipal tax collection scheme established in accordance with this Bylaw and for the convenience of taxpayers, to implement a preauthorized property tax installment payment plan for the taxpayers of the City of Duncan;

**NOW THEREFORE** the Council of the City of Duncan in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "Property Tax Installment Payment Plan Bylaw No. 3142, 2015."

2. Definitions

In this Bylaw:

<b>City</b>	means the City of Duncan;
<b>Collector</b>	means the Financial Officer appointed by Council under the <i>Community Charter</i> or his/her duly appointed designate;
<b>Council</b>	means the duly elected Council of the City of Duncan;
<b>Municipal scheme</b>	means the alternative municipal property tax collection scheme established under Section 3 of this Bylaw;
<b>Prescribed rate of interest</b>	means the rate of interest prescribed by the Lieutenant Governor in Council for the purposes of Section 239(2) of the <i>Community Charter</i> ;
<b>Taxpayer</b>	means any person or corporation who is or may be liable to the City of Duncan for payment of property taxes and annual utility fees;
<b>Utility Fees</b>	means any fees, charges or other amounts that may be collected as property taxes under Section 258 of the <i>Community Charter</i> .

### 3. Alternative Municipal Tax Collection Scheme

- 3.1. Any taxpayer may apply to the Collector to pay property taxes and utility fees before the due date in equal monthly installments, on the terms and conditions set out in this Bylaw.
- 3.2. For the purposes of this Bylaw, the Collector may estimate before the adoption of the annual property tax bylaw the amount of property taxes and utility fees that will become due on the due date.
- 3.3. If the taxpayer chooses to pay property taxes and utilities by installment in accordance with this Bylaw, a form shall be executed which authorizes deductions from the taxpayer's account at a financial institution to the credit of the City, and the form left on file with the Collector.
- 3.4. The Collector is authorized to hold monies to be applied in payment of taxes and utilities at a future date on the real property designated by the taxpayer, upon the following terms and conditions:
  - 3.4.1. the taxpayer must complete and submit to the Collector an application in the form set out by the Collector;
  - 3.4.2. the minimum amount which shall be accepted on any one property is twenty five dollars (\$25.00);
  - 3.4.3. the taxpayer must designate the property tax account for which payments by installment are to be made;
  - 3.4.4. any payments accepted shall be applied against the property taxes and utilities for the year in which the payments are applicable in accordance with Section 244 of the *Community Charter*.
  - 3.4.5. provided that there are no taxes in arrears, the interest rate payable under this tax installment plan shall be at the prescribed rate with a minimum of 0.25%.

### 4. PAYMENT OF TAXES IN ARREARS AND DELINQUENT TAXES BY INSTALLMENTS

- 4.1. A taxpayer may apply to the Collector to pay property taxes and utility fees that are in arrears or that are delinquent in equal monthly installments on the terms and conditions set out in this Bylaw.
- 4.2. A taxpayer who applies under Section 4 of this Bylaw must execute a form which authorizes deductions from the taxpayer's account at a financial institution to the credit of the City, and the form must be left on file with the Collector.
- 4.3. The following terms and conditions apply to the City's acceptance of payment by installment under Section 4 of this Bylaw:
  - 4.3.1. the taxpayer must complete and submit to the Collector an application in the form set out by the Collector;

- 4.3.2. the minimum monthly payment which shall be accepted with respect to any one parcel of land is twenty five dollars (\$25);
- 4.3.3. when applying under Section 4 of this Bylaw the tax payer must designate the property tax account for which payments by installment are to be made;
- 4.3.4. all installment payments shall be credited by the Collector in accordance with the requirements of Section 244 of the *Community Charter*;

## 5. GENERAL PROVISIONS

- 5.1. The Collector is authorized on the City's behalf to enter into an agreement with a taxpayer in the terms required under Section 3 or 4 of this Bylaw, as applicable.
- 5.2. The Collector shall indicate on the annual property tax notice:
  - 5.2.1. the total of all payments received in advance under this Bylaw plus any interest earned; and
  - 5.2.2. the amount required to pay the balance of the taxes and utility charges due on the due date. Any balance remaining unpaid after the due date in any year will be subject to penalty provisions of the *Community Charter*.
- 5.3. The Collector may cancel a taxpayer's participation in an installment payment plan if two consecutive installments fail to be honoured.
- 5.4. No interest shall be paid with respect to any amounts paid after May 1<sup>st</sup> for the then current year's taxes or utility fees except in the case of those taxpayers who have prior to May 1<sup>st</sup> established an installment payment plan with the approval of the Collector.
- 5.5. Property tax installments are not refundable. If the subject property is sold, the Collector shall provide a tax certificate that will indicate the total payments collected to date, including interest earned pursuant to this bylaw. The Collector will determine if a refund is permitted under extraordinary circumstances.
- 5.6. A participating taxpayer may give notice in writing ten (10) days prior to the installment date, to discontinue participation in the monthly installment plan.
- 5.7. Participation in the installment plan shall continue until terminated by either party in writing. The amount of the installment may vary in subsequent years.
- 5.8. The Home Owner Grant must be claimed after receipt of the tax notice. Participation in the Property Tax Installment Payment Plan is not a substitute for claiming the Home Owner Grant.
- 5.9. In the event that an unpaid utility account or charge against the property is added to the tax account as arrears, any tax installment payments in the account will be applied against these arrears.

5.10. It is the property owner's responsibility to ensure the correct information is provided to the City for the purposes of processing payments.

5.11. Nothing in this Bylaw supersedes the provision of the *Local Government Act* or the *Community Charter*.

## 6. SEVERABILITY

If any section, subsection, or paragraph of this Bylaw is found invalid by a decision of a Court of competent jurisdiction, the invalid section, subsection, or paragraph shall be severed without effect on the remainder of the Bylaw.

## 7. REPEAL

"Tax Installment Bylaw, 2003" is hereby repealed.

PASSED FIRST READING 2015-MAY-19  
PASSED SECOND READING 2015-MAY-19  
PASSED THIRD READING 2015-MAY-19

ADOPTED 2015-JUNE-15.

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Phil Kent, Mayor

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Karen Robertson,  
Director of Corporate Services