

**LAC STE. ANNE COUNTY
PROVINCE OF ALBERTA
BYLAW # 13 – 2023**

BEING A BYLAW OF LAC STE. ANNE COUNTY TO PROVIDE COUNTY RATEPAYERS WITH THE OPTION OF ENTERING INTO A MONTHLY PAYMENT PLAN FOR THE CURRENT YEAR PROPERTY TAXES.

BEING A BYLAW OF LAC STE. ANNE COUNTY TO PROVIDE COUNTY RATEPAYERS WITH THE OPTION OF ENTERING INTO A PAYMENT PLAN FOR THE SETTLEMENT OF TAX ARREARS.

WHEREAS, pursuant to Section 340 of the Municipal Government Act, R.S.A. 2000, Act M-26, as amended, Council may pass a bylaw to provide the option for ratepayers to pay taxes by monthly installments;

WHEREAS, pursuant to Section 418 of the Municipal Government Act, R.S.A. 2000, Act M-26, as amended, the Municipality may enter into agreements with owners of parcels of land shown on the tax arrears list providing for payment of tax arrears over a period not exceeding three years.

WHEREAS, Lac Ste Anne County Council feels it is advantageous to provide options to the Ratepayers in the County to facilitate the payment of taxes.

NOW THEREFORE, the Council of Lac Ste. Anne County pursuant to the terms of the Municipal Government Act, R.S.A. 2000, Act M-26, as amended, hereby enacts as follows:

1. This bylaw shall be known as the "Tax Payment Bylaw".

DEFINITIONS

2. The following definitions apply to this bylaw.

- a. "Act" shall mean the Municipal Government Act, R.S.A. 2000, Act M-26, as amended.
- b. "Anticipated taxes" shall mean an estimate of taxes that will be imposed during the tenure of the Tax Arrears Payment Plan.
- c. "CAO" shall mean the Chief Administrative Officer or their designate.
- d. "County" shall mean municipal corporation of the County of Lac Ste. Anne
- e. "Current Year's Taxes" shall mean the taxes levied during the current calendar year.
- f. "Taxes" shall mean the taxes imposed pursuant to Section 353 of the Municipal Government Act, R.S.A. 2000, Act M-26, as amended or any other statute of the Province of Alberta, including property taxes, local improvement

taxes, or any other taxes enacted by the County, the amounts which in the event of non-payment are deemed at law to be taxes or recoverable as or in the same manner as taxes and any penalties on such taxes or amounts.

- g. "Tax Arrears" shall mean:
- i. taxes that remain unpaid after December 31 of the year in which they are imposed, including penalties on such taxes pursuant to section 344 of the Act, and
 - ii. municipal taxes that are past due and includes any penalties or interest as may be applicable pursuant to section 345 of the Act and under the County's Tax Penalty Bylaw, and
 - iii. any amounts transferred to the tax account pursuant to section 553.1 of the Act.
- h. "Tax Arrears Payment Plan" shall mean an agreement established pursuant to Part 2 of this Bylaw between the County and a taxpayer for the settlement of tax arrears, including any penalties for non-payment pertaining thereto under section 344 and 345 of the Act.
- i. "Taxpayer" shall mean a person liable to pay taxes pursuant to section 331 and 373 of the Act.
- j. "Tax Penalties" shall mean the penalties imposed pursuant to the bylaw setting the Tax Penalty Rate.
- k. "Tax Penalty Bylaw" shall mean the bylaw passed by the County, as may be amended from time to time, which establishes penalties for municipal taxes that are past due.
- l. "Tax Installment Pre-payment Plan" shall mean the plan authorized in Part 1 of this Bylaw to allow Taxpayers to pre-pay taxes in monthly installments.
- m. "Tax Year" shall mean the annual period in which taxes are imposed, commencing on January 1 and ending on December 31.
- n. "Term" shall mean the length of time, in months, that a Tax Arrears Payment Plan is agreed upon by the Taxpayer and the CAO.

PART 1 – TAX INSTALLMENT PRE-PAYMENT PLANS

3. Taxpayers shall have the right to enter into a Tax Installment Pre-Payment Plan to provide for the payment of Property Taxes, Local Improvement Taxes, Special Taxes, and other fees that become part of the property tax in monthly installments at any time in any year, provided the Taxpayer is not currently in arrears with respect to any taxes at the time the application for a Tax Installment Pre-Payment Plan is made.
4. A Taxpayer who wishes to pay taxes via a Tax Installment Pre-Payment Plan must apply to make an agreement with the County, in a manner and form as the CAO may establish from time to time, which shall provide:
- a. That payments will be made by way of pre-authorized withdrawals, drawn directly from the Taxpayer's bank account;

- b. That payments shall be made monthly on a date that shall be established by the CAO;
- c. That when payments commence, the payments to be made during each of the remaining months in the calendar year shall be calculated as follows for the estimated or actual taxes due for the calendar year:

Month	Payment Schedule
January	One twelfth
February	One eleventh
March	One tenth
April	One ninth
May	One eighth
June	One seventh
July	One sixth
August	One fifth
September	One fourth
October	One third
November	One half
December	One payment

- d. If a Tax Installment Pre-Payment Plan begins before the actual amount of taxes owing has been determined for the property in that calendar year, the monthly payments shall be calculated based on the previous year's tax assessment. Once the actual amount of tax owing for the property in that calendar year has been determined, an adjustment will be made to all remaining monthly payments to ensure that all taxes are paid by the end of the calendar year in equal instalments.
 - e. The Tax Installment Pre-Payment Plan shall automatically renew on January 1. The pre-payment amount shall be estimated based on the previous years tax amount divided into twelve equal payments.
 - f. The Tax Installment Pre-Payment amount will be recalculated in May to ensure the payments bring the amount of taxes owing to \$0 by December 31 of the current year.
 - g. The Tax Installment Pre-Payment amount may be recalculated at any time during the year in the event of a County invoice being applied to the tax account under section 553.1 of the Act.
5. The CAO shall be authorized, at the request of the Taxpayer, to set a monthly installment at an amount greater than one twelfth of the previous year's taxes at the beginning of a new calendar year.
 6. Any amounts paid to the County as a pre-payment of current year's taxes are non-refundable unless the property has been sold and the payment results in a credit being applied to the account.
 7. Taxpayers who wish to discontinue the Tax Installment Pre-Payment Plan must inform the County in writing of their intentions on or before the 25th day of the month prior to their last payment being withdrawn.
 - a. If a Taxpayer discontinues a Tax Installment Pre-Payment Plan after the County's general deadline for the payment of taxes, then any remaining amount

owed for the current taxation year is due for payment in full immediately on the date the Tax Installment Pre-Payment Plan is discontinued. If any remaining taxes are not paid in full on the discontinuance of the Tax Installment Pre-Payment Plan, penalties shall be applied to those remaining taxes retroactively in accordance with the County's Tax Penalty Bylaw.

- b. If a Taxpayer discontinues a Tax Installment Pre-Payment Plan before the County's general deadline for the payment of taxes, then any remaining amount owed for the current taxation year is due for payment by that deadline, and any amounts that are unpaid by that deadline shall be subject to penalties in accordance with the County's Tax Penalty Bylaw.
8. The CAO may cancel a Tax Installment Pre-Payment Plan when one installment is missed, and the replacement of the installment is not made within 60 days, or when two consecutive installments are missed.
- a. Missed installments shall be charged an administrative fee in accordance with the Master Rates and Fees Bylaw, as amended.
 - b. If a Tax Installment Pre-Payment Plan is cancelled by the CAO in accordance with this Bylaw, any overdue amounts will be retroactively subject to any Tax Penalties as may be applicable under the County's Tax Penalty Bylaw.
9. Properties that are subject to a Tax Installment Pre-Payment Plan will be exempt from penalties under the County's Tax Penalty Bylaw for any taxes being paid by installments, unless the Tax Installment Pre-Payment Plan is cancelled by the CAO due to non-payment of installments under clause 9 of this Bylaw.

PART 2 - TAX ARREARS PAYMENT PLAN

10. The CAO is authorized to enter into Tax Arrears Payment Plans with Taxpayers which provide for payment by installments of Tax Arrears, in accordance with this Bylaw.
11. An application by a Taxpayer to enter into a Tax Arrears Payment Plan may be approved by the CAO provided that the following conditions have been satisfied:
- a) The Taxpayer shall complete an application in the form prescribed by the CAO;
 - b) The Taxpayer shall complete such application form or forms provided as may be required to enable the County to collect:
 - i. installment payments pursuant to the Tax Arrears Payment Plan by way of pre-authorized debit of funds from an account of the Taxpayer at a bank, treasury branch, trust company or credit union pre-authorized debit; or
 - ii. by such other means as approved by the CAO.
 - c) The Taxpayer shall provide any other information the CAO deems necessary to ascertain whether a Tax Arrears Payment Plan is suitable in the circumstances, including but not limited to financial information to demonstrate solvency.
12. The CAO has discretion to accept or refuse applications to enter into a Tax Arrears Payment Plan.

13. If the CAO accepts an application to enter into a Tax Arrears Payment Plan, the installment payment date(s) shall be established by the CAO.
14. The term of a Tax Arrears Payment Plan shall be determined by the CAO having regard to:
 - a. The amount of any outstanding taxes including Tax Arrears;
 - b. The amount of anticipated taxes over the term of the Tax Arrears Payment Plan;
 - c. The length of the Agreement required for the timely completion of the Tax Arrears Payment Plan;
 - d. The Taxpayer's ability to pay; and
 - e. Other matters as the CAO considers relevant in the circumstances.
15. Notwithstanding clause 14, the term of a Tax Arrears Payment Plan shall not exceed 36 months.
16. The monthly installment payments for a Tax Arrears Payment Plan shall be calculated by adding all outstanding Tax Arrears and the amount of any Tax Penalties applicable to such Tax Arrears over the term of the Tax Arrears Payment Plan, and dividing that by the number of monthly installment payments.
17. The Taxpayer may make lump-sum payments on any Tax Arrears at any time, in addition to installment payments under a Tax Arrears Payment Plan.
18. If the CAO accepts an application to enter into a Tax Arrears Payment Plan, the CAO has discretion to also allow the Taxpayer to enter into a Tax Installment Payment Plan for any future taxes to be assessed on the property, in which case the payment of future taxes by installments will be subject to Part 1 of this Bylaw.
 - a. For clarity, Tax Arrears being paid pursuant to a Tax Arrears Payment Plan shall remain subject to penalties under the County's Tax Penalties Bylaw regardless of whether the CAO allows the Taxpayer to enter into a Tax Installment Payment Plan with respect to future taxes in respect of the same property.
19. The Taxpayer, after the commencement of a Tax Arrears Payment Plan, may apply to have the term of the Tax Arrears Payment Plan reduced, or extended to a maximum of 36 months (if the term of the Tax Arrears Payment Plan is less than 36 months), subject to the discretion of the CAO.
20. Upon the term being reduced or extended, the installments shall be adjusted by the CAO accordingly.
21. The County's Tax Penalty Bylaw will be applied to the Tax Arrears balance during the term of the Tax Arrears Payment Plan.
22. The CAO may revise the amount payable for monthly installments under a Tax Arrears Payment Plan:
 - a. to reflect changes in the tax penalty rate as determined by changes to the tax penalty rate pursuant to the County's Tax Penalty Bylaw;
 - b. to account for a lump sum payment of taxes made by the Taxpayer; and
 - c. to reflect the imposition, termination or lump sum payment of local improvement taxes, special maintenance levies and/or any other related charges;

23. A Taxpayer paying taxes pursuant to a Tax Arrears Payment Plan that wishes to discontinue the payment plan must inform the County in writing of their intentions on or before the 25th of the month prior to their last payment being withdrawn. If the Taxpayer is also paying current taxes by installment under a Tax Installment Pre-Payment Plan, then the Taxpayer is also deemed to have withdrawn from the Tax Installment Pre-Payment Plan effective the same date as notice is given to withdraw from the Tax Arrears Payment Plan.
24. If a Taxpayer withdraws from a Tax Arrears Payment Plan, all remaining Tax Arrears shall become due and payable immediately on the effective date of the withdrawal, and if that Taxpayer was concurrently enrolled in a Tax Installment Pre-Payment Plan, any remaining taxes owed for the balance of the current taxation year shall be paid in accordance with clause 8 of this Bylaw.
25. If an installment required to be paid pursuant to a Tax Arrears Payment Plan remains unpaid 21 days after the payment was due, the Taxpayer shall be deemed to be in default of the Tax Arrears Payment Plan. In the event of such default, the participation of the Taxpayer in the Tax Arrears Payment Plan may be cancelled at the discretion of the CAO, however, should the Taxpayer default more than twice during the term of the Tax Arrears Payment Plan, the Tax Arrears Payment Plan shall be automatically cancelled.
26. If a Taxpayer enrolled in a Tax Arrears Payment Plan fails to pay their current year's taxes prior to the due date (or has a Tax Installment Pre-Payment Plan cancelled by the CAO due to a default of payment obligations), the Taxpayer shall be deemed to be in default of the Tax Arrears Payment Plan. In the event of such default, the participation of the Taxpayer in the Tax Arrears Payment Plan may be cancelled at the discretion of the CAO, however, should the Taxpayer default more than twice on the payment of any tax obligations during the term of the Tax Arrears Payment Plan, the Tax Arrears Payment Plan shall be automatically cancelled.
27. If a Tax Arrears Payment Plan is cancelled, all remaining Tax Arrears shall become due and payable immediately on the effective date of the cancellation.
28. If a Taxpayer sells property to which a Tax Arrears Payment Plan applies, the Tax Arrears Payment Plan shall be deemed to be cancelled and all Tax Arrears shall become due and payable immediately effective on the date of closing. The Taxpayer must notify the CAO of any pending sale of a property subject to a Tax Arrears Payment Plan on or before the date of closing.
29. This Bylaw does not affect any provisions of any tax recovery proceedings pursuant to the Municipal Government Act (2000) Chapter M 26.

REPEAL AND EFFECTIVE DATE

30. Bylaw #09-2018 is replaced upon this bylaw coming into effect.
31. This Bylaw shall come into effect on the date of the final passage.

GIVEN first reading this 22 day of June A.O. 2023



Reeve



County Manager



GIVEN second reading this 24 day of October A.O. 2023



Reeve



County Manager



PASSED at third reading this 31 day of October A.O. 2023



Reeve



County Manager



