

TOWN OF CHESTERMERE
BYLAW # 042-08

BEING A BYLAW OF THE TOWN OF CHESTERMERE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE DEFERMENT OF THE COLLECTION OF CURRENT ANNUAL TAXES ON QUALIFIED RESIDENTIAL PROPERTY TO THE MAXIMUM AMOUNT THAT THE CURRENT ANNUAL TAX AMOUNT ASSESSED AGAINST THE QUALIFIED RESIDENTIAL PROPERTY EXCEEDS THE 2007 TAX AMOUNT ASSESSED AGAINST THAT PROPERTY

WHEREAS Section 347(1)c of the Municipal Government Act (Alberta) RSO 2000, Chapter M-26 as amended provides that if Council considers it equitable to do so it may defer the collection of a Tax with respect to a class of taxable property, with or without conditions;

NOW THEREFORE, the Council of the Town of Chestermere in the Province of Alberta, duly assembled, enacts:

1. CITATION

- 1.1 This Bylaw may be cited as the "Town of Chestermere Deferral of Tax Collection Bylaw".

2. DEFINITIONS

- 2.1 In this Bylaw:

- 2.1.1 "*Council*" shall mean the Council of the Town of Chestermere;
- 2.1.2 "*Current Taxation Year*" shall mean the year in which the property Tax for which deferment of collection is sought was assessed against the Qualified Residential Property;
- 2.1.3 "*Landowner*" shall mean a Person or other legal entity having ownership in respect of a residential lot or land parcel within the Town of Chestermere;
- 2.1.4 "*Chief Administrative Officer*" shall mean the individual duly appointed to that position for the Town of Chestermere at any given time and includes any person authorized to act for and in the name of that individual;

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- 2.1.5 *"Person"* shall mean an individual, society, partnership or corporation;
- 2.1.6 *"Qualified Residential Property"* shall mean residential property in the Town of Chestermere;
- 2.1.7 *"Qualified Taxpayer"* shall mean a person who:
- 2.1.7.1 is not less than 65 (Sixty-Five) years of age as of January 1st of the Current Taxation Year;
 - 2.1.7.2 is the Landowner of residential property located within the Town of Chestermere as of January 1st of the Current Taxation Year and who owns 50% or greater interest in the Residential Property as evidenced by the Certificate of Title to that Property; and
 - 2.1.7.3 occupies the residential property as his principal residence as of January 1st of the Current Taxation Year.
- 2.1.8 *"Tax"* and *"Taxes"* shall mean all property Taxes, and any other Taxes lawfully imposed by Council pursuant to the Municipal Government Act (Alberta) or any other statutes of the Province of Alberta; less any educational components.
- 2.1.9 *"Town of Chestermere"* shall mean the Town of Chestermere as defined in the certificate of incorporation dated March 1st, 1993;
- 2.2 Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa; and
- 2.3. Words importing the masculine gender only include the feminine gender whenever the context so requires and vice versa; and
- 2.4. Words importing the singular shall include the plural whenever the context so requires and vice versa.



3. DEFERRAL OF TAXES

- 3.1 Not later than May 31 of each year, the Town of Chestermere may, by normal resolution of Council, defer the collection of a portion of the current annual Taxes assessed against Qualified Residential Properties in that Current Taxation Year;
- 3.2 The maximum amount of the current annual Taxes assessed which may be deferred in respect of a particular Qualified Residential Property in any Current Taxation Year is the amount by which the current annual Taxes assessed exceeds the Taxes assessed against that property in the Taxation Year ending December 31st, 2007.
- 3.4 All Qualified Taxpayers seeking a deferment of Taxes in respect of a Qualified Residential Property shall, not later than July 31 of the Current Taxation Year for which a deferral is sought, submit to the Chief Administrative Officer a signed application for such deferral in the form attached as Schedule 'A' hereto and shall provide for the Chief Administrative Officer's review the current Certificate of Title for such property.

4. REPAYMENT AND INTEREST

- 4.1 All deferred Tax amounts and interest charges applied to those amounts shall be recoverable as a debt owing to the Town of Chestermere which shall take priority for repayment over every other Person and shall form a special lien on the Qualified Residential Property in accordance with Section 348 of the *Municipal Government Act* (Alberta) RSO 2000, Chapter M-26 as amended;
- 4.2 All deferred Tax amounts and interest charges applied to those amounts shall be due and payable to the Town of Chestermere upon any the sale of the Qualified Residential Property in respect of which such deferrals were granted with exception of a title transfer to a spouse due to death of one property owner.
- 4.3 The annual rate of interest to be charged on a deferred Tax amount shall be the higher amount of the borrowing rate as established by the Alberta Municipal Finance Corporation as at December 31 of the Current Taxation Year or the average rate of return on investment earned by the Town of Chestermere in the Current Taxation Year;
- 4.4 Effective December 31 of each year, all Tax amounts deferred pursuant to this bylaw during or before each Current Taxation Year and all interest

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amounts associated with such deferrals, shall be subject to the annual rate of interest established pursuant to Section 4.3 herein;

- 4.5 On the date of final passage of this Bylaw, all Tax amounts deferred pursuant to the order of Municipal Council of The Town of Chestermere and all interest amounts associated with such deferrals, become subject to the provisions herein.
- 4.6 If there is any fee charged by the Land Title Office, for registration of lien per clause 4.1, such cost shall be incurred by the property owner.

5. NOTICE

- 5.1 Any notice provided for in this Bylaw shall be in writing.

6. SEVERANCE

- 6.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

7. COMING INTO EFFECT

- 7.1 This Bylaw shall come into force and effect on the final day of passing thereof.
- 7.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

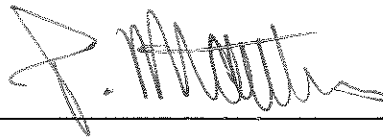
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GIVEN FIRST READING THIS 2ND DAY OF SEPTEMBER, 2008

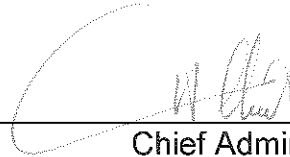
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GIVEN THIRD AND FINAL READING THIS 2ND DAY SEPTEMBER, 2008

Resolution No. 401-08



Mayor



Chief Administrative Officer

APPLICATION FORM FOR DEFERRAL OF TAXES

Name of Property Owner _____

Postal Address: _____

Date of Birth: _____ Social Insurance Number: _____

Tax Roll Number: _____

Legal Description: Lot _____ Block _____ Plan _____

Taxes levied in _____ (current year): \$ _____

Less taxes levied in _____ (previous year): \$ _____

Calculation of amount to be deferred: \$ _____

I, the undersigned, declare that:

1. I am the owner and occupant of a **Qualified Residential Property**;
2. I am a **Qualified Taxpayer** as defined in Town of Chestermere Bylaw # 042-08, Deferral of Tax Collection Bylaw;
3. I agree that, upon the sale of the property, all taxes will be paid in accordance with the Town of Chestermere Bylaw # 042-08, Deferral of Tax Collection Bylaw;
4. I agree to pay the accrued interest as defined under Section 4 of the Town of Chestermere Bylaw # 042-08 Deferral of Tax Collection Bylaw.

Witness

Signature of Property Owner

Date



Definitions and eligibility requirements:

1. **Current Taxation Year** shall mean the year in which the property Tax for which deferment of collection is sought was assessed against the Qualified Residential Property;
2. **Qualified Residential Property** shall mean residential property in the Town of Chestermere.
3. **Qualified Taxpayer** shall mean a person who:
 - 3.1 is not less than 65 (Sixty-Five) years of age as of January 1st of the Current Taxation Year;
 - 3.2 is the Landowner of residential property located within the Town of Chestermere as of January 1st of the Current Taxation Year and who owns 50% or greater interest in the Residential Property as evidenced by the Certificate of Title to that Property; and
 - 3.3 occupies the residential property as his principal residence as of January 1st of the Current Taxation Year.

To be eligible to apply for deferment of taxes, applicants must qualify under the above eligibility requirements.

This personal information is being collected under the authority of the Town of Chestermere Deferral of Tax Collection Bylaw for the purpose of deferring the collection of taxes. It is protected under the privacy provisions of the Freedom of Information and Protection of Privacy Act. If you have any questions about the collection please contact the Administration Department at 403-207-7050.

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