A Bylaw of the City of Chestermere, in the Province of Alberta, to provide for the regulation and collection of a monthly tax installment plan in the City of Chestermere.

WHEREAS pursuant to section 339 of the Municipal Government Act, RSA 2000, C. M-26 and amendments thereto provides that Council may by bylaw provide for incentives on payments of taxes by the dates set out in the bylaw;

AND WHEREAS pursuant to section 340 of the Municipal Government Act, RSA 2000, Chapter M-26, Council may by bylaw permit taxes to be paid by installments, at the option of the taxpayer;

AND WHEREAS pursuant to section 347 of the Municipal Government Act, RSA 2000, Chapter M-26, Council may by bylaw cancel, reduce, refund or defer taxes if it is considered equitable to do so, or phase-in increases or decreases from the preparation of a new assessment;

AND WHEREAS pursuant to section 346 of the Municipal Government Act, RSA 2000, Chapter M-26, Council may by bylaw impose penalties under sections 344 or 345 and it becomes part of the tax;

AND WHEREAS pursuant to section 549(1) of the Municipal Government Act, RSA 2000, Chapter M-26, Council may by bylaw take any action or measures are necessary to remedy a contravention of this Act;

AND WHEREAS pursuant to section 553(1) of the Municipal Government Act, RSA 2000, Chapter M-26, Council may add amounts owing to the tax roll;

AND WHEREAS Council deems it desirable to establish a pre-authorized tax installment payment plan for the City of Chestermere;

NOW THEREFORE The Municipal Council of the City of Chestermere, Alberta duly assembled, hereby enacts as follows:

1. Title
   (1) This bylaw may be cited as “COVID Amendment to Tax Installment Payment Plan Bylaw”

2. Definitions
In this bylaw:

a. “Arrears in Taxes” shall mean all taxes, penalties and interest charges which remain unpaid after December 31st of any Tax Year, but does not include current taxes.

b. “City” shall mean the City of Chestermere.

c. “Council” shall mean the municipal Council for the City of Chestermere.

d. “COVID Installment Amount” shall mean the amount a Taxpayer will pay on the 15th of each month for the purpose of paying property taxes through the COVID TIPP program.

e. “COVID TIPP program” shall mean the TIPP program that calculates the monthly payment amount using current year balance and estimated balance for 2021 added together as the tax balance, with the goal of having the taxes so that the Taxpayer has paid off Tax Arrears and Current Taxes by the end of 2021 calendar year.

f. “Current Taxes” shall mean taxes imposed in the Tax Year for which they are levied.

g. “Electronic Transmission of Documents Bylaw” shall mean the bylaw approved by Council that would allow a Taxpayer to receive any notice, document or information by electronic means, for example by including email.

h. “Estimated 2021 Future Year Taxes Levy” shall mean the Estimated Levy to be imposed in the Tax Year of 2021 based on the 2020 Levy.

i. “Estimated Levy” shall mean the levy amount that is based upon a recent previous year’s Levy being used to calculate estimate a monthly installment amount for the period of time prior to the current year Property Tax Bylaw being established, for example the first 6 months of a current tax year.

j. “Installment Amount” shall mean the amount a Taxpayer will pay on the 15th of each month for the purpose of paying property taxes through the Original TIPP program or the 22nd of each month through the COVID TIPP program.

k. “Levy” shall mean the amount to be paid by a Taxpayer when the Property Assessment has the Tax Rate applied after the Property Tax Bylaw is passed each year.

l. “Mortgage Company” shall mean a financial institution who has a lien in the form of an approved mortgage on the property.
h.m. *“Original TIPP program”* shall mean the TIPP program that calculates tax levy of the current year, so that the Taxpayer has for the tax balance with the goal of has paying off the taxes by the end of the current calendar year.

i.n. *“Other Charges”* shall mean charges assessed by the City for work completed by the City for Property owned by the Taxpayer. For example snow removal, however it could be for any work completed by the City.

j.o. *“Penalties”* shall mean approved fees charged to Tax Rolls who have a balance outstanding on the dates that are outlined in the City’s Tax Penalties & Fees Bylaw.

k.p. *“Property Assessment”* shall mean the assessed value of a property as determined by a Property Assessor.

l.q. *“Property Assessor”* shall mean the person who has been appointed by Council for the purpose of determining the assessed value for all residential and non-residential properties.

m.r. *“Property Tax Bylaw”* shall mean the bylaw established by Council annually, on or before June 15th, which finalizes assessment growth/market value changes and requisitions, and allows for the imposition and the collection of property taxes.

n.s. *“Supplementary Property Tax”* shall mean taxes resulting from the enactment of a Supplementary Assessment Bylaw.

o. *“Tax Arrears”* shall mean a balance outstanding on January 1st of any given tax year for all prior year’s levy. It includes prior year’s taxes, penalties and interest charges.

u. *“Tax Arrears Interest”* shall mean the interest charged on the Tax Arrears balance.

v. *“Tax Due Date”* shall mean the date that property taxes are due in any given year, as described and specified in the Tax Penalties & Fees Bylaw.

w. *“Tax Penalties & Fees Bylaw”* shall mean the bylaw established by Council, which establishes the ability to impose fees, charges and penalties on unpaid taxes and specifies property tax due dates.

x. *“Tax Rate”* shall mean the amount of taxes to be paid for every $1 of property assessment value.

q. *“Tax Roll”* shall mean a listing of all municipal properties which can be assessed, and include information such as a description of a property or
business; the name and mailing address of the taxpayer; the assessment; tax rate; tax arrears; and any other appropriate information.

**r.y.** “Tax Penalties & Fees Bylaw” shall mean the bylaw approved by Council for the provision of imposing fees, charges, and penalties on behalf of the municipality.

**s.z.** “Taxpayer” shall mean a person liable to pay taxes and includes a person:

i. who is the owner of a property in the City of Chestermere; or

ii. who is an individual person identified on a Land Titles Certificate as a registered owner.

**t.a.a.** “Tax Year” shall mean the annual period over which Current Taxes are calculated, commencing with January 1st and ending with December 31st of that year.

**u.b.b.** “TIPP” shall mean the Tax Installment Payment Plan and is synonymous with Original TIPP, for the purpose of a tax installment program for City Taxpayers.

3. **Application**

(1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.

(2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.

(3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.

(4) All the schedules attached to this Bylaw shall form a part of this Bylaw.

(5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

4. **General Provisions**

(1) Taxpayers may apply submit an application to participate in either the Original TIPP program or the COVID TIPP program for the monthly payment of property taxes, rather than a single payment on the annual due date for property taxes of July 31st.
1. Taxpayers that have unpaid Tax Arrears balance may apply to participate in either the Original TIPP program or the COVID TIPP program. Interest charges, up to the prior month based on the month of application, may be included in the calculation for the monthly Installment Amount. Interest charges for the month of application and future months will be included in the interest and charges calculation that is held in abeyance.

2. Taxpayers who (i) are included in the Original TIPP program and (ii) remain in good standing, shall and (iii) pay the monthly payments are sufficient to ensure a zero balance of Current Taxes and Tax Arrears as at the end of the current year, shall not be subject to the Penalties in the Tax Penalties & Fees Bylaw.

3. The Original TIPP program shall operate on a Tax Year basis one-year period and shall continue in perpetuity until this Bylaw is repealed. Tax Year basis, and shall continue in perpetuity until this Bylaw is repealed.

4. Taxpayers who wish to participate in the COVID TIPP program may enrol at any time of the year.

5. Taxpayers who wish to participate in the Original TIPP program may enrol at any time.

6. Taxpayers who wish to participate in the COVID TIPP program may enrol at any time up to and including March 17, 2021.
A complete application package must be received at least 3 business days before the payment date, to allow sufficient time for the first payment to be processed on the 15th of the month.

Taxpayers who wish to cancel their Original or COVID TIPP program must submit the completed cancellation form at least 3 business days prior to the payment date, to allow sufficient time for the payment cancellation to be processed prior to the payment date on the 15th of the month.

5. Qualifications

(1) Taxpayers who wish to participate in the Original TIPP shall:
   a) Complete a TIPP Application form;
   b) Provide a 'VOID' cheque or financial institution form;
   c) Agree to Tax Arrears and Tax Arrears Interest amounts may be included in the Original TIPP monthly Installment Amount calculation;
   d) Pay all Tax Arrears from previous years;
   e) Pay all Penalties, if any are owing;
   f) Pay all Other Charges, if any are owing that are not held in abeyance.

(2) Taxpayers who wish to participate in the COVID TIPP shall:
   a) Complete a TIPP Application form;
   b) Provide a 'VOID' cheque or financial institution form;
   c) Enroll in the Electronic Transmission of Documents program;
   d) Agree to Tax Arrears and Tax Arrears Interest amounts may be included in the COVID TIPP monthly Installment Amount calculation;
   e) Agree to all Penalties and Interest charges, that are not held in abeyance may be included in the COVID TIPP monthly Installment Amount calculation; and
   f) Pay all Other Charges, if any are owing.

6. Payments

(1) A Tax Payer enrolled in the Original TIPP program Current Taxes shall be paid in equal monthly installments by automatic bank withdrawal on the 15th of each month.

(2) If an application for the Original TIPP program is received before the approval of the current year Property Tax Bylaw, the payment will be calculated using the Estimated Levy, Tax Arrears and Tax Arrears Interest as the numerator and the remaining number of months in the year as the...
If an application for the Original TIPP program is received after the approval of the current year Property Tax Bylaw, the payment will be calculated using the outstanding portion of the current Taxes levy, Tax Arrears, and Tax Arrears Interest as the numerator and the remaining number of months in the year as the denominator.

If an application for the Original TIPP program is received after the Tax Due Date on or after August 1st and penalties have been assessed for the current tax year, if requested by the taxpayer, these charges can be held in abeyance until December 31st of the same year. The charges will be waived if the tax levy is paid in full and the Taxpayer remains in good standing for a minimum period of 12 months since application to join enroll in the Original TIPP program. In all other situations, these charges will become immediately applicable and owing.

Regarding Notwithstanding Section 6(2) the Original TIPP program, once the current year Property Tax Bylaw has been approved, Section 6(3) will take precedence for determining the monthly Installment Amount payment amount.

For the Original TIPP program, for subsequent years, the monthly installment payment Amount is shall be automatically updated and calculated twice each year. The second July adjustment shall occur after the new tax rate is set established and is calculated by using total levy less installment payments made during the early part of the year and then divided by the remaining months of the current year. With the first withdrawal payment of the updated Installment Amount occurring on the soonest to be made on the next available will occur on July 15th of the a-month. The first January adjustment is calculated by using the total Estimated Levy divided by 12 months; the first withdrawal will occur on January 15th.

A Tax Payer enrolled in the COVID TIPP program shall be paid each in equal monthly Installment Amounts by automatic bank withdrawal on the 22nd of each month.

If an application for the COVID TIPP program is received before the approval of the current year Property Tax Bylaw, the payment will be calculated using the Estimated Levy, Tax Arrears, Tax Arrears Interest and Estimated Future Year 2021 Levy and the Estimate Levy as the numerator and the remaining number of months for 2020 and 2021 years as the denominator.
(9) If an application for the COVID TIPP program is received after the approval of the current year Property Tax Bylaw but before the end of the 2020 calendar year, the payment will be calculated using the Tax Arrears, outstanding portion of the current tax levy as the numerator and the remaining number of months for the 2020 and 2021 years as the denominator.

(10) If an application for the COVID TIPP program is received after the Tax Due Date for 2020 and penalties have been assessed for the current tax year, these charges can be held in abeyance until December 31, 2021. The charges will be removed/waived if the tax levy is paid in full and the Taxpayer remains in good standing for a minimum period of 12 months since application to join enrol in the COVID TIPP program. In all other situations, these charges will become immediately applicable and owing.

(11) A Tax Payer the applicant can apply to enroll in the COVID TIPP Program at any time, up until March 17, 2021. The start date for the COVID TIPP program can be any month starting September 2020 until March 2021. To encourage communication/ orderly and timely payment of taxes, if the applicant advises makes an application to enroll in the COVID TIPP program the City before prior to 12 noon on December 20, 2020 for a start date for the COVID TIPP program, then any related penalties and interest charges will be included in the charges to be held in abeyance. If a Tax Payer applicant advises makes an application to enroll in the COVID TIPP program after or after 12 noon on December 20, 2020 for a start date in 2021, the related penalties and interest charges shall be paid will be described as Taxes, as per the Tax Penalties & Fees Bylaw.

(12) If Other Charges are assessed against a tax roll, remain unpaid and exceed 90 days since issuance, then the City will add this amount owing into the next calculation of monthly Installment Amount payment. The intent is to completely pay the outstanding amount off during the next 6 month timeframe. There will be no penalties charged against the Other Charges as long as the taxpayer remains in good standing with the TIPP program. In all other situations, the penalties will be applied.

(13) If applicable, the Supplementary Property Tax for the Current Tax year shall be distributed equally between the remaining months of the current year.

(14) The City may remove a Taxpayer from the Original TIPP or COVID TIPP programs in the event that the Taxpayer fails to make two (2) or more monthly tax installment payments, pursuant to Sections 6.1 and
6.(7).

a) Taxpayers shall be notified of such removal by ordinary mail and/or e-mail to any Taxpayers listed on the Tax Roll.

(10)(15) A Taxpayer who has a monthly installment payment denied by its financial institution or a payment is returned to the City from a financial institution for any reason whatsoever, including as non-sufficient funds or otherwise, is subject to applicable fees pursuant to the Tax Penalties and Fees Bylaw.

(11)(16) When a Taxpayer is removed from the Original TIPP or COVID TIPP programs subsequent to the due date for the payment of the monthly installment amount, all unpaid taxes plus, if applicable, the amount held in abeyance for the related penalties and interest charges, shall become due and payable no later than thirty (30) days from that date of removal.

a) After thirty (30) days from the date of removal from the TIPP, any unpaid taxes are subject to Penalty, pursuant to the Tax Penalties and Fees Bylaw.

(12)(17) When a duplicate payment of the Current Taxes is received by the Taxpayer and Mortgage Company:

a) Payment shall be refunded to the Taxpayer upon receipt of written confirmation by the Mortgage Company.

7. Effective Date

This Bylaw becomes effective upon third and final reading.

8. Repeal of Bylaw

Upon third and final reading of Bylaw #012-18, Bylaw 96-190/3 and any associated amendments are hereby repealed.

9. Severability

If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

READ A FIRST TIME this ___ day of ______.
READ A SECOND TIME this ____ day of ______.

READ A THIRD TIME this ____ day of ______.

Resolution Numbers –

________________________________________
MAYOR

________________________________________
CAO