

BYLAW NO. 23-06
TOWN OF STRATHMORE
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF STRATHMORE IN THE PROVINCE OF ALBERTA TO AUTHORIZE THE ESTABLISHMENT OF TAX ARREARS INSTALLMENT PAYMENT PLANS.

WHEREAS, Council considers it advisable to authorize the establishment of Tax Arrears Installment Payment Plans;

NOW THEREFORE the Council of the Town of Strathmore, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. SHORT TITLE

- 1.1. This Bylaw may be referred to as the "Tax Arrears Installment Payment Plan Bylaw".

2. DEFINITIONS

2.1. In this Bylaw, words have the meanings set out in the Act, except that:

- a) "Current taxes" means the taxes other than taxes in arrears;
- b) "Tax Arrears Plan" means a Tax Arrears Installment Payment Plan established pursuant to section 2;
- c) "Tax Clerk" means the person or persons in the Town's Finance Department assigned the responsibility of administering this bylaw;
- d) "Taxes" means all taxes imposed by the Town pursuant to the Municipal Government Act S.A. 2000 Chapter M-26 or any other statute of the Province of Alberta, including but not limited to property taxes, local improvement taxes, business taxes, amounts which in the event of non-payment are deemed at law to be taxes or recoverable as or in
- e) "Taxes in Arrears" means taxes, which remain unpaid after December 31 of the year in which they were imposed, including penalties on such taxes;
- f) "Taxpayer" means a person liable to pay taxes;

- g) "Tax Penalties Bylaw" means the Tax Penalties Bylaw, being Town Bylaw No. 11-23 – Tax Payment and Penalty Bylaw, or any replacement bylaw;
- h) "Town" means the Town of Strathmore and all lands within its jurisdictional boundaries, as the context requires; and
- i) "Year" means calendar year.

3. TAX ARREARS INSTALMENT PAYMENT PLANS

- 3.1. The Tax Clerk is authorized to establish plans for payment by installments of current taxes and taxes in arrears to be known as "Tax Arrears Installment Payment Plans" (TAPP).

4. APPLICATION

- 4.1. A Taxpayer with taxes in arrears due and owing to the Town may, at any time, apply to the Tax Clerk to pay current taxes and taxes in arrears by installments pursuant to a Tax Arrears Plan.
- 4.2. An application pursuant to subsection 4.1 shall be approved by the Tax Clerk provided that the following conditions have been satisfied:
 - a) The Taxpayer shall have completed all agreements and forms prescribed by the Tax Clerk; and
 - b) The Taxpayer shall undertake to pay all taxes pursuant to the Tax Arrears Plan on a monthly installment basis over a term not exceeding twenty four (24) months.
- 4.3. Notwithstanding subsection 4.2, the Tax Clerk may refuse an application made pursuant to subsection 4.1 if the Taxpayer has previously been approved for a Tax Arrears Plan and failed to pay the amount required to be paid by the Plan.
- 4.4. The effective date of the Tax Arrears Plan shall be the date the Taxpayer's application is approved by the Tax Clerk and the Senior Manager of Financial Services or delegate.
- 4.5. Subject to sections 7, 8 and 9, from the effective date of the Tax Arrears Plan, the Taxpayer shall pay all taxes pursuant to the Tax Arrears Plan without further application under this Bylaw.

5. MONTHLY INSTALLMENTS

- 5.1. All taxes paid pursuant to a Tax Arrears Plan shall be paid by monthly instalments calculated pursuant to this section and payable on the first day of each and every month during the term of the Tax Arrears Plan.
- 5.2. The term of a Tax Arrears Plan shall be determined by the Tax Clerk having regard to:
- a) The Taxpayer's ability to pay;
 - b) The amount of taxes in arrears;
 - c) The requirements in the Municipal Government Act S.A. 1994 Chapter M-26.1 regarding the recovery of tax arrears; and
 - d) Such other matters as the Tax Clerk considers relevant;
- and shall not exceed a maximum of twenty-four (24) months from the effective date of the Tax Arrears Plan.
- 5.3. The amount of monthly installments to be paid pursuant to subsection 5.1 shall be calculated by determining the sum total of:
- a) The estimated current taxes payable during the term of the Tax Arrears Plan;
 - b) All taxes in arrears up to the effective date of the Tax Arrears Plan; and
 - c) The estimated penalties pursuant to section 6 based upon the term of the Tax Arrears Plan;
- divided by the number of months of the term of the Tax Arrears Plan. All monthly installments shall be applied first in payment of the Taxes in Arrears.
- 5.4. After the commencement of the Tax Arrears Plan, the Taxpayer may apply to:
- a) Have the term of the Tax Arrears Plan reduced; or
 - b) If the term of the Tax Arrears Plan is less than twenty-four (24) months, have the term of the Tax Arrears Plan extended, subject to the discretion of the Tax Clerk having regard to subsection 5.2, to the maximum of twenty-four (24) months.
- 5.5. Upon the term being reduced or extended, the monthly installments shall be adjusted by the Tax Clerk accordingly.

6. PENALTIES

- 6.1. Penalties pursuant to the Tax Penalties Bylaw shall be applied to current taxes and taxes in arrears during the term of a Tax Arrears Plan.

7. WITHDRAWAL FROM THE TAX ARREARS PLAN

- 7.1. A Taxpayer paying taxes pursuant to a Tax Arrears Plan may withdraw from the Tax Arrears Plan at any time upon at least two (2) weeks written notice to the Tax Clerk.
- 7.2. If a Taxpayer withdraws from a Tax Arrears Plan all taxes in arrears, current taxes, and penalties pursuant to the Tax Penalties Bylaw, shall become due and payable on the effective date of withdrawal.

8. DEFAULT

- 8.1. If a monthly instalment required to be paid pursuant to a Tax Arrears Plan remains unpaid by the 4th day of the month for which it is payable pursuant to this Bylaw, the Taxpayer shall be deemed to be in default of the Tax Arrears Plan.
- 8.2. In the event of default, the participation of the Taxpayer in the Tax Arrears Plan may be cancelled at the discretion of the Tax Clerk, however, should the Taxpayer default more than twice during a term of the Tax Arrears Plan, the Tax Arrears Plan shall be automatically cancelled.
- 8.3. If the participation of a Taxpayer in the Tax Arrears Plan is cancelled all taxes in arrears, current taxes, and penalties pursuant to the Tax Penalties Bylaw, shall become due and payable on the effective date of cancellation.

9. SALE OF LAND

- 9.1. When a Taxpayer sells property to which a Tax Arrears Plan applies, the Tax Arrears Plan shall be deemed to be cancelled and all taxes in arrears, current taxes, and all penalties pursuant to the Tax Penalties Bylaw shall become due and payable effective on the date of closing.

10. ADJUSTING OF MONTHLY INSTALLMENTS

- 10.1. The Tax Clerk may revise the amount of the monthly instalments payable under a Tax Arrears Plan:
- a) To reflect changes to the assessed value of the property or business;

- b) To reflect changes in the tax penalty rate pursuant to the Tax Penalties Bylaw;
- c) To reflect a difference between the estimated and actual current taxes during the term of the Tax Arrears Plan;
- d) To account for a lump sum payment of taxes made by the Taxpayer;
- e) To reflect the imposition, termination, or lump sum payment of local improvement charges;
- f) To reflect the increase in payments and penalties required as a result of a failure to pay a monthly installment;
- g) To provide for payment pursuant to the Tax Arrears Plan of 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; or
- h) To provide for or reflect such other matter as the Tax Clerk reasonably considers relevant.

11. TRANSITION

- 11.1. A Taxpayer paying taxes pursuant to the Tax Arrears Plan on the date that this Bylaw comes into force, shall continue to do so until expiration or termination of the Tax Arrears Plan agreement entered into pursuant to that Bylaw.

12. SEVERABILITY

- 12.1. If any provision of this Bylaw is found to be illegal or beyond the power of Council to enact, or otherwise invalid, such section shall be deemed to be severable from all other sections of this bylaw.

13. EFFECTIVE DATE

- 13.1. This Bylaw shall come into force and effect upon receiving third and final reading and being signed.

READ A FIRST TIME this 18th day of January, 2023.

READ A SECOND TIME this 18th day of January, 2023.

READ A THIRD AND FINAL TIME this 18th day of January, 2023.



MAYOR



DIRECTOR OF STRATEGIC, ADMINISTRATIVE
AND FINANCIAL SERVICE