

# THE CORPORATION OF THE CITY OF CORNWALL

## By-law # 2018-132

### **A By-law to repeal and replace By-law #142-2006 to establish tax deferral eligibility for Low Income Seniors and/or Low Income Persons with Disabilities**

**WHEREAS** Section 319 of the Municipal Act, S.O. 2001, c25, as amended, provides that the Council of a municipality shall, for the purposes of relieving financial hardship due to reassessment, pass a by-law to provide relief to tax increases on property in the residential property class for owners who are, or whose spouse or partner are:

- A. low income seniors as defined in the by-law; or
- B. low income persons with disabilities as defined in the bylaw.

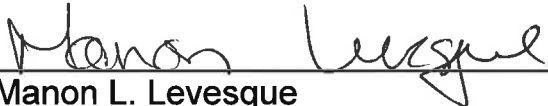
### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:**

1. That the municipality may provide for the deferral of the annual increase in taxes on property in the residential property class for low income persons who are seniors or disabled.
2. That for the purposes of this program, a low income senior is a person who is 65 years of age or older as of January 1st in the year of application (Provincial Senior Citizen Card is required) and in receipt of either the Federal Guaranteed Income Supplement (GIS) or the Ontario Ministry of Community and Social Services Guaranteed Annual Income System (GAINS).
3. That for the purposes of this program, a low income person with disabilities is one who meets the Provincial eligibility requirements for a disability pension under the Family Benefits Act (FBA) or the Ontario Disability Support Program (ODSP) or be in receipt of benefits under the Canada Pension Plan Act.
4. That an annual tax increase of less than \$100 shall for the purpose of this program not be deferred.
5. The tax relief granted pursuant to this by-law shall be in the form of a deferral of the annual eligible amount, provided that:
  - a) the residence is owned by a low income senior, low income person with disabilities or the spouse or partner of such person;

- b) the residence is lived in by and is the residence of the owner or the spouse or partner of the owner;
  - c) no tax relief granted pursuant to this by-law shall be allowed to an Owner in respect of more than one (1) residence in any year and the residence must be solely classified in the Residential tax classification;
  - d) a spouse is a person as defined in the Income Tax Act;
  - e) such owner or the spouse of such owner or both must have been the owner for at least one year preceding the date of application;
  - f) the owner or the spouse of such owner may only own one property in the City of Cornwall; and
  - g) in the case of multiple owners, all owners must meet eligibility requirements.
6. That an annual application shall be submitted to the office of the City Collector for consideration for a property tax deferral for the current taxation year, no later than August 31st of the current tax year.
  7. That tax relief approved under this program shall apply to current taxes and only be deferred when payment in full is received for any current or past year's amounts payable.
  8. The amount to be deferred will be shared proportionately with the applicable school board.
  9. That the amount of deferred property taxes related to lien registration, cannot exceed 25% of the current value assessment of the property.
  10. That upon request of a tax certificate of the property for which taxes have been deferred, said certificate shall show the amount of the deferred taxes.
  11. The deferred taxes form a priority lien on the property and shall become payable when:
    - a) the subject property is transferred, sold, bequeathed or otherwise disposed of;
    - b) the subject property is no longer the principal residence of the low income senior, low income person with disabilities or the spouse or partner of such person, or;
    - c) the person who previously qualified for the property tax deferral no longer qualifies as a low income senior, low income person with disabilities or the spouse or partner of such person.
  12. Where an amount deferred becomes payable and the amounts due are not immediately repaid, said amounts shall be subject to interest and penalties in accordance with the applicable tax collection by-laws.

13. Verification of documentation provided in conjunction with an application may be carried out independently at the discretion of the municipality.

Read before, signed sealed in Open Council this 9th day of October, 2018.

  
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Manon L. Levesque  
City Clerk

  
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Leslie O'Shaughnessy  
Mayor