

Township of Brock Corporate Policy



Policy Name: Property Tax Collection Policy

Policy Type: Finance

Policy Number: F24

Reference:

Date Approved:

Date Revised:

Approval By:

Point of Contact: Property Tax Collector | Manager of Accounting

1. Purpose / Background

The purpose of this policy is to outline standardized processes that will ensure a transparent and efficient process for the billing and collection of property taxes.

2. Policy Statement

The Corporation of the Township of Brock (“the Municipality”) collects property taxes from property owners on behalf of the Township, the Region of Durham, and the area school boards. The Municipality is responsible to ensure effective collection of property taxes in accordance with the *Municipal Act, 2001*.

This policy is implemented in accordance with governing legislation and any incongruence between the policy and the governing legislation, the provisions of the governing legislation will prevail.

3. Scope / Application

This policy establishes all aspects of the collection process and identifies the responsibilities for tax billing and collection in accordance with:

- Township of Brock Budgetary and Policy Requirements
- Township of Brock Customer Service Standards
- Township of Brock By-laws
- The Municipal Act, 2001*
- The Municipal Affairs Act*
- The Assessment Act*
- The Education Act*
- Farm Debt Mediation Act*
- Any new legislation pertaining to property tax collection.

This policy is written in compliance with the *Municipal Act, 2001* (“M.A.”), related to Ontario Regulations made under the M.A. and applicable Township of Brock by-laws, as amended from time to time.

4. Definitions

Cancellation Price – is the amount equal to all the tax arrears owing at a given point in time in respect of land, together with all current real property taxes owing, including all penalties and interest and all levy and collection costs incurred by the Municipality after the registration of a tax arrears certificate under M.A. (S. 373).

Collection Costs – is the total costs incurred by the Municipality to obtain further information for collection purposes in compliance with the regulations during the tax sale registration process. This includes, and is not limited to, title search fees, corporate search fees, registered mail, administrative charges, legal costs, registration fees, tax sale administration fees and the like.

Due Date – is the date that the property tax bill (interim, final and supplementary) installments are due to be paid to the Municipality. These may also include pre-authorized tax payment plan due dates as outlined on the tax bills of property owners that have opted into those payment programs.

Extension Agreement – is an agreement between the Municipality and the ratepayer (or party of interest) to extend the period of time in which the cancellation price is to expire. This agreement freezes the tax sale registration (“T.S.R.”) process. An extension agreement outlines the details of the payment plan set in place to remit payments on the Township of Brock T.S.R. file to clear the balance owing. This type of agreement becomes void if one payment is missed, and the Brock T.S.R. file continues from the point where the agreement was frozen in the tax sale process.

Interest – are the amounts added to the unpaid levies from prior years in accordance with M.A. (S. 345).

Municipal Property Assessment Corporation (“M.P.A.C.”) – is responsible for accurately assessing and classifying properties in Ontario in compliance with the *Assessment Act* and regulations set by the Government of Ontario.

Penalties – are the amount added to the unpaid levies from current year in accordance with M.A. (S. 345).

Preauthorized Debit Payments (“P.A.D.”) – are automated payment plans administered by the Municipality on behalf of the property owner. Registration to the program through application is required.

Property Taxes – are the total amount of levies calculated for the Municipality, Region and School Board purposes and includes all amounts added to the tax roll as permitted by the *Municipal Act, 2001*. Property taxes are calculated based on the current value assessment (“C.V.A.”) determined by M.P.A.C. multiplied by the tax rate as determined by the Municipality, Regional Council and the Minister of Finance in relation to education.

Property Tax Arrears – are the unpaid property taxes that remain unpaid after the due date has passed.

Tax Arrears Certificate (“T.A.C.”) – is the instrument registered at the land registry office on a parcel register. This document indicates that the described property will be sold by public sale if all property taxes are not paid to the Municipality within one year of the registration of this certificate.

Tax Sale Registration (“T.S.R.”) – is the process outlined in the *Municipal Act, 2001, Part XI – Sale of Land for Tax Arrears* where the Municipality follows a legislated process for dealing with the sale of land for tax arrears.

5. Responsibilities

The Director of Finance | Treasurer, Deputy Treasurer, Tax Collector | Manager of Accounting, and Treasury staff are responsible to ensure that the property tax collection processes outlined in this policy are adhered to as well as all its applicable legislation.

The Tax Collector | Manager of Accounting is responsible for:

- Ensuring this policy remains in compliance with legislation;
- Ensuring Treasury staff are following this policy;
- Assessing overdue property tax accounts regularly to ensure tax collection processes are performed in accordance with this policy; and
- Ensuring, where appropriate, that the Current Value Assessment as determined by MPAC is correct.

The property owner is responsible for:

- Ensuring the current value assessment as determined by M.P.A.C. is correct;
- Ensuring the mailing address is correct;
- Ensuring the levies are paid by the due dates; and
- Ensuring the assessment roll content is correct with M.P.A.C.

6. Practice / Procedures

Billing

Property taxes will be billed by interim and final tax billings as established by the Township of Brock by-law annually and in accordance with the *Municipal Act, 2001*, as amended.

Property tax bills are mailed to the address of the property tax account as shown on the tax roll unless the ratepayer has submitted a written request to the Municipality requesting an alternate address. Tax bills may be sent to the ratepayer electronically, through E- Billing, in the manner specified by the Municipality if the ratepayer has chosen to receive the tax bill in this manner. M.A. (S. 343)

Bills sent by standard letter mail are considered delivered to and received by the addressee unless the mailing is marked “Return to Sender” by Canada Post. Where Canada Post fails to deliver the tax bill to the property owner, the responsibility rests with the property owner to contact the Municipality for a duplicate mailing and will incur the associated fee outlined in the Fees and Charges By-law. It is the ratepayer’s responsibility to ensure the mailing address is correct on their tax account. Failure to notify the Municipality of an address change in writing is not an error on behalf of the Municipality.

Tax Accounts subscribed to the E-Billing electronic mailing program are responsible for the correct and accurate email address maintenance in the E-Billing system. Treasury staff will cancel the E-Billing subscription where an E-Bill is returned undeliverable. Property owners subscribed to the E-Billing program are responsible for notification to the Township Treasury Department where an Interim or Final Tax Bill is not received in the months of January and June respectively.

Tax Accounts subscribed to the E-Billing program are responsible for notification of a change to the email on record, a cancellation of the E-Billing program and the sale of the property.

Mail Cycle and Important Dates

Month	Mailing Details
January	Interim Billing
February	1 st Installment Due Date
March	Reminder Notice #1
April	2 nd Installment Due Date
May	Reminder Notice #2
June	Final Billing
July	3 rd Installment Due Date
August	Reminder Notice #3
September	4 th Installment Due Date
October	Reminder Notice #4
November	Reminder Notice #5
November	Final Notice – Brock Tax Sale Registration Risk Notice

*Supplementary & Omitted tax bills will be mailed according to the M.P.A.C. submission schedule

Tax Accounts that enter the Tax Sale Registration will receive registered mail containing the Notice of Intent to Realize on Security / Notice of Intent of Secured Creditor. For Tax Accounts entering the Tax Sale Registration process, all mailing referenced in the table above to those tax accounts will pause except for the Municipal Act, Part XI Sale of Land for Tax Arrears requirements which will be sent registered mail to all parties with registered interest as recorded at the Land Registry Office.

Tax Bill Format – M.A. (S. 344)

The Municipal tax billing will meet all requirements of the provincially legislated standard tax bill. Arrears are included in the first installment due date amount. Installment due dates will be indicated on the payment stubs. Billing messages may be used to relay information to ratepayers (i.e.: penalty and interest charge rates).

Installments will also be established by Municipal by-law with two (2) installments for interim billing and two (2) installments for final billing.

Interim Billing - M.A. (S. 316)

Interim billing is based on 50% of the annualized taxes of the property for the previous calendar year. This does not include local improvement or special charges levied. If taxes levied on a property were for only part of the previous year because of assessment changes, an amount shall be added to the levies equal to the additional taxes that would have been levied on the property if the taxes had been levied for the entire year.

Final Billing – M.A. (S. 343)

Final billing is based on phased-in assessment value for the current year as provided by M.P.A.C., the tax rate applicable, local improvement charges, and any special charges levied. Final tax bills are produced after the passing of the annual municipal budget and are based on the rates established by the by-law to meet the budget requirements of the Municipality, the Region of Durham, and the Minister of Finance in relation to education.

Supplementary & Omitted Assessment Billing – M.A. (S. 341)

Supplementary tax bills are issued and mailed in the same manner as interim and final tax bills with the exception that it is a separate levy where a by-law is not required. The number of installments and due dates of the supplementary bills will be determined by the Tax Collector | Manager of Accounting. Penalties and interest charges will be assessed on supplementary taxes that are owing past their due date, consistent with other Township due dates.

There are two sections of the *Assessment Act* that allow for taxation of taxable property not included in the annual revised assessment roll. These deal with omissions and additions to the tax roll.

- Section 33 of the *Assessment Act* allows for the taxation of real property that has been omitted from the return roll. The provision allows for taxation in the current year, plus a maximum of the two preceding years.
- Section 34 of the *Assessment Act* allows for the taxation of assessment that has increased in value or has been added after the return of the last revised assessment roll. These taxes apply to the current year only.

Delivery of Tax Bills – M.A. (S. 343)

Property tax bills and notices are mailed to the address of the property as shown on the tax roll unless the ratepayer advises the municipality, in writing, an alternate mailing address, or has subscribed to E-Billing. Use of the alternate mailing address/E-Billing continues until it is revoked in writing or ownership of the property changes.

A bill or notice sent by standard letter mail is considered delivered to and received by the addressee unless Canada Post returns the mailing sighting “Return to Sender” and an error in the mailing address is evident. Ratepayers are responsible to notify the Municipality, in writing, of any changes to a mailing address(s). Failure to notify the Municipality of an address change in writing is not an error on behalf of the Municipality.

This document is available in alternate formats upon request.

Please contact the Clerk’s Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

Tax Accounts subscribed to the E-Billing electronic mailing program are responsible for the correct and accurate email address maintenance in the E-Billing system. Treasury staff will cancel the E-Billing subscription where an E-Bill is returned undeliverable. Property owners subscribed to the E-Billing program are responsible for the notification of Treasury staff where an Interim or Final Tax Bill is not received in the months of January and June respectively. Tax Accounts subscribed to the E-Billing program are responsible for notification of a change to the email on record, a cancellation of the E-Billing program and the sale of the property.

Legislative requirements surrounding tax billing assist with the processing of the tax collections. Despite all efforts made, if an error or omission in the form or substance of a tax bill occurs, it does not invalidate any proceedings for the recovery of taxes.

Important Dates

Due dates for the payment of property taxes are determined in relation to the approval of the budget by Council and the passing of the levying by-law.

Pending fluctuations because of the budget approval process or other unforeseeable delays, tax billing due dates will normally be as follows:

- Interim bill: In February / in April – as determined by the annual Interim Billing By-Law. Pre-authorized debit payment plan withdrawal dates would apply where property owner has submitted the required documents.
- Final bill: In July / in September as determined by the annual Final Billing By-Law. Pre-authorized debit payment plan withdrawal dates would apply where property owner has submitted the required documents.

The Municipality may have a minimum bill if the amount owing is twenty- five dollars (\$25) or less on a tax bill. In this case, the taxpayer shall pay the full amount in one installment on the specified due date, being the first installment date. The second installment date will not apply.

Ownership Changes – A.A. (S. 17(1))

The Provincial Land Registry System is the service for the legal determinant of the ownership of land. The names of the owners on the property tax account are to agree with the ownership registered at the Land Registry Office on the parcel register.

The Municipality requires the instrument (deed / transfer of land) registered at the Land Registry Office be submitted to Treasury staff for processing. This includes removing a name from ownership, changing a name on title or adding a name to ownership for all tax accounts. A letter submitted to the Township of Brock by a law office does not contain all the pertinent information required for ownership changes to be processed. The Township of Brock will ONLY change the tax account ownership from the instrument registered at the Land Registry Office (also known as the deed). The Municipality will process ownership changes as contained on the instrument registered at the Land Registry Office, property owners are to ensure the names and mailing address are correctly contained on this legislated document when completing the transaction with their lawyer. The property owner is responsible to ensure that their tax account has the correct mailing address.

This document is available in alternate formats upon request.
Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

Severances / Consolidations – M.A. (S. 356)

Property owners may apply for severances of their properties under the authority of *The Planning Act*. If granted by the Township of Brock Planning Department, the assessment values must be split between all the parcels of land. As part of their legislated services, M.P.A.C. divides the assessment information.

Under the authority of *The Municipal Act* (S. 356), the Treasurer may divide the assessment roll into the parcels being severed and direct the property taxes accordingly.

As severed portions of the land are often sold, the Municipality will not recalculate the property taxes for a part year. It is understood that the seller's and purchaser's lawyers would allocate the levies accordingly during the sale process. The allocation of levies will be shown on the "statement of adjustments" provided to the property owners by the law office completing the title transfer.

Consolidations are processed by M.P.A.C. at the written request of the property owner. Property owners should contact M.P.A.C. directly.

A severance or consolidation of a Land Registry Office parcel (contains parcel identification number) does not constitute a consolidation or severance of a tax roll.

Payments

Payment methods include online banking, telephone banking, pre- authorized debit payment plans, mortgage companies (on behalf of a ratepayer), cash, debit card, cheques, and post-dated cheques, at financial institutions and Treasury counter located at the Brock Township, 1 Cameron Street East, Cannington, ON L0E 1E0.

A payment is considered made once the funds have been received or receipted by the Municipality. Online payments require three to five business days to process, and ratepayers are responsible for allowing their financial institution processing time to submit the payment to the Municipality. Ratepayers are responsible for any fees and charges that may be imposed when making payments.

Post-dated cheques will be accepted and held by Treasury staff until the date indicated on the cheque. Should the payer request that the post-dated cheque not be processed, the Municipality is to be contacted in writing at least fourteen (14) business days prior to the date indicated on the cheque. As per the User Fees and Charges By-Law, there is an administrative fee involved in removing the post-dated cheque from being processed.

Pre-Authorized Debit Payment Plans (P.A.D.)

The Municipality currently offers three (3) pre-authorized debit payment plans ("P.A.D.")

1. Installment due dates (as provided on the Interim tax bill and Final tax bill).
2. Monthly – first of each month | Eleven (11) months of the year (beginning in January through to November).
3. Arrears – the 20th of the month – bridge plan clears arrears ONLY (Terms to be approved by Tax Collector).

This document is available in alternate formats upon request.

Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

All changes to pre-authorized debit payment plan applications must be submitted in writing fourteen (14) days prior to the effective change. P.A.D. applicants must ensure the tax accounts have a zero balance to be eligible for the pre-authorized debit payment program. Failure to bring the tax account to a zero balance will result in the P.A.D. program being removed from the tax account. Cancellation of pre-authorized debit payment plans must be received in writing fourteen (14) days prior to the end date.

Dishonored P.A.D. payments are treated in the same manner as other forms of payment, with the same administration fees involved. The financial institution will charge their dishonored payment fee for the failed attempt. The Municipality will charge a user fee in accordance with the Fees and Charges By-law. The dishonored payment and administrative fee must be paid outside of the P.A.D. plan. The tax account will automatically be removed from the P.A.D plan when there are two (2) dishonoured payments within a year.

Additional charges added to the tax account, if any, will not be automatically withdrawn from the bank account and payment for such charges must be remitted separately by the specified due date. Examples of additional charges may include unpaid invoices from other Township of Brock business units such as Property Standards Orders, Region of Durham delinquent water and sewer charges, and other collection matters as outlined in the Municipal Act, 2001, as amended. Supplementary and Omitted bills generated on tax accounts already on a P.A.D. program is not automatically entered in the P.A.D. program assigned to the tax account. Payment must be made outside of the P.A.D. program.

P.A.D. plan users must submit their request in writing to stop the pre-authorized debit payment plan. There are online forms available for all P.A.D. applications, changes and stop payment. The P.A.D. program follows the [Canadian Payments Association Rule H1 regulations](#).

Dishonored Payments

Payments that are rejected and/or returned by any financial institution will be charged an administration fee as per the User Fees and Charges By-Law. After two (2) returned payments, cheques or pre-authorized payments will no longer be available to the property owner for a minimum of two (2) years. Cash, certified cheques and/or money orders will be accepted. An exception to this termination of access to the plan would be if the account was paid up to date within 6 months from the date of the initial dishonored date.

Receipts / Proof of payment

Reproduction of documents supporting payments and levy amounts will be charged an administration fee as per the User Fees and Charges By-Law. In the year of purchase/sale of a property, the Municipality does not provide documentation since the law office completes the property tax allocation on the owners' behalf. The Municipality is not involved in the allocation and is not privy to the details of the transfer. The property owner should use the statement of adjustments as provided by the law office retained for the purchase/sale of the property.

Application of Payments– M.A. (S. 347)

Property tax payments are applied in accordance with legislation. The payment is first applied against any late payment charges according to the length of time the charges have been outstanding, with the charges that have been outstanding the longest being discharged first.

This document is available in alternate formats upon request.
Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

The payment is then applied in the same manner against the property taxes owing, with the property taxes that have been outstanding the longest being discharged first.

Once a tax arrears certificate ("T.A.C.") has been registered on title against a property, partial payments are not accepted unless the property owner and the Municipality has entered into an extension agreement. If there is no extension agreement in place, a partial payment received on a tax account with a T.A.C. registered will be returned or refunded as appropriate.

Refunds/Overpayments

Tax account refund requests must be submitted in writing and be accompanied with the proof of payment and statement of adjustment, where applicable. Refunds are reviewed by Treasury staff and approved by the Tax Collector | Manager of Accounting, if all the eligibility criteria are met. Tax accounts with a balance owing will not be eligible for refund. Refunds will be issued to the current owner of the property. Property owners are encouraged to review their tax account prior to real estate transactions.

All levy adjustments and tax rebates processed during the year will be applied to outstanding levies. A refund may be requested in writing on property tax accounts with credit balances only.

Misapplied Payments

Erroneous payments made to a tax account require a written request to correct the payment application. These corrections are subject to an administrative fee in accordance with the User Fees and Charges By-Law.

Late Payment Charges / Collection Costs – M.A. (S. 345)

Tax arrears are subject to late payment charges, the current year is imposed penalties, while the previous years are imposed interest. A penalty is imposed on the unpaid levies the first business day of each month the levies remain unpaid. In addition, as long as the property taxes remain unpaid, interest will be added on the first business day each month thereafter. Penalty and interest charges cannot be waived, except where a Township error has occurred. All collection costs incurred by the Municipality to obtain information for collection purposes and/or collect tax arrears are payable by the property owner and are added to the tax account. Bailiff fees may be charged and collected by the bailiff directly, where applicable.

Tax Rolling – M.A. (S.398)

Ontario legislation provides multiple provisions for the collection of delinquent receivables whose area of jurisdiction includes any part of the Township of Brock. Tax rolling, often referred to as property tax liens or transfers to tax, contain provisions in the following:

Municipal Act, 2001, Building Code Act, 1992, Clean Water Act, 2006, Development Charges Act, 1997, Drainage Act, Environmental Protection Act, Fire Protection and Prevention Act, 1997, Health Protection and Promotion Act, Housing Development Act, Lakes and Rivers Improvement Act, Line Fences Act, Nutrient Management Act, 2002, Ontario Heritage Act, Ontario Water Resources Act, Planning Act, Safe Drinking Water Act, 2002, Shoreline Property Assistance Act, Tile Drainage Act and Weed Control Act.

This document is available in alternate formats upon request.

Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

Delinquent charges are transferred to property tax accounts in compliance with its applicable provision, invoice details or Township of Brock policy. The treatment of the transferred delinquent charge is deemed taxes and must adhere to its own legislated provision with regards to the priority lien status. Each delinquent charge added to the tax roll including the tax rolled item and the administrative fee as outlined in the User Fees and Charges By-law.

Once an item is transferred to the property tax accounts, it is treated as property taxes for collection purposes and interest and penalties for non-payment will apply.

Timing

Delinquent charge submissions are received by Treasury staff between the first and the tenth of February through to November. Tax rolling is paused during the months of January and December. Tax rolling provisions are verified, and eligible charges are transferred to the tax accounts by the fifteenth of the month where permissible.

Treasury staff tax rolling is performed within the monetary threshold and/or a specified overdue period prior to tax rolling using the following guidelines:

Accounts Receivable – a threshold of fifty dollars (\$50.00) which includes a minimum overdue period of thirty (30) days for transferred charges.

7. Tax Arrears Collection

Property taxes are a secured special lien on land in priority to any other claim, except a claim by the Crown. Taxes may be recovered with costs as a debt due to the Municipality from the original owner and/or any subsequent owner of the property.

The Municipality will primarily use the following methods to collect tax arrears:

- Verbal communication
- Reminder Notices / Arrears Notices
- Notice of Intent to Realize on Security (also known as Farm Debt Mediation Notice)
- Final Notice before Tax Sale Registration
- Payment arrangements
- Issue notices to interested parties
- Bailiff services, where applicable
- Legal action, and
- Tax Sale Registration process

Differing collection processes have been established by these property types:

- **Collection Steps - Residential** – properties that are assessed in the residential or farm property classes
- **Collection Steps - Non-Residential** – properties with any portion of assessment in the commercial, industrial or multi-residential property class
- **Collection Steps - Crown Tenants** – properties owned by the Crown and leased to a taxable tenant; in accordance with section 18 of the *Assessment Act, R.S.O. 1990, c.A.31*, the property is assessed as though the tenant were the owner.

This document is available in alternate formats upon request.

Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

Collection Steps – All Property Types

Arrears Notice – In January each year, in accordance with legislation, a notice is sent to all property owners who owed taxes as of December 31st of the preceding year. The arrears will be shown as a balance forward on the Interim Tax Bill issued.

Reminder Notice – Reminder notices are mailed to all property owners with an overdue amount that is within the determined threshold amount used during that tax year. The reminder notice threshold is \$49.99 for reminder notices generated up to October, where this amount may be decreased to a minimum of \$10.00.

Payment Arrangements – Payment arrangements must include all tax arrears, current taxes, accruing estimates of future taxes and late payment charges and be sufficient to ensure payment in full is realized within a reasonable period. Late payment charges will continue to accrue during all such payment arrangements until full payment on the account.

Payment arrangements must clear the arrears within 12 months. Payment arrangements exceeding that period must be approved by the Tax Collector. Notwithstanding any such arrangements, third party payments will be accepted for payment on account (e.g. payment from a mortgage company).

If acceptable payment arrangements are negotiated, the account is monitored for compliance. Follow-up with the ratepayer is performed as required.

Once a payment arrangement has been approved and accepted, if a payment is returned the payment arrangement is deemed void. The ratepayer is advised that the payment is required in full either by cash, certified cheque or money order, or the next step in the collection process will be taken.

Collection Steps

In addition to issuing arrears notices and reminder notices each year, the following actions will be taken once a residential property owner is two (2) years in arrears:

Notice of Intent to Realize on Security – A secured creditor, under section 21 of the *Farm Debt Mediation Act*, requires Municipalities to serve a farmer with a Notice of Intent to Realize on Security before taking legal action to recover debts. The Notice of Intent to Realize on Security is deemed to be affected after a fifteen (15) day waiting period. The farmer may choose to apply to the Farm Debt Mediation Service during this period or any time afterwards. The Municipality is obliged to send the Notice of Intent to Realize on Security if the property owner may own or operate land that is farmed anywhere in Canada. Through the Farm Debt Mediation Service, a property owner may have the right to apply for a stay of proceedings, during which time creditors may not begin or continue recovery or seizure action against the property owner's assets.

Final Notice Prior to Tax Sale Registration – These notices are mailed to those residential property owners approaching two years of property tax arrears. This notice urges property owners to take action within thirty (30) days, by either making full payment of the taxes or negotiate suitable payment arrangements with the Municipality.

Notice to Interested Parties – If a property owner fails to respond to the Final Notice Prior to Tax Sale Registration, a property title search is carried out by the Municipality to identify all parties with a financial interest in the property. The Notice to Interested Parties advises the interested parties of the tax arrears outstanding and that the Municipality intends to proceed with a municipal tax sale. The interested parties have an opportunity to pay the arrears to protect their interest in the property.

Tax Arrears Certificate Registration – Municipal tax sale proceedings can begin once taxes have been in arrears for at least two (2) years. Once all other collection efforts have been exhausted, no payment agreements have been negotiated, and the Municipality still has been unable to secure payment of the tax arrears, the Municipality will start the tax sale registration process by registering the Tax Arrears Certificate on the parcel register at the Land Registry Office.

If full payment is not received within two hundred and eighty (280) days of the Tax Arrears Certificate registration, the Township issues a final notice to the property owner(s) and all interested parties within thirty (30) days after the expiry of the two hundred and eighty (280) day period. This final notice specifies the date on which the property will be advertised for public tender if the tax arrears remain unpaid or an extension agreement is not negotiated.

Once a Tax Arrears Certificate has been registered, only full payment of the cancellation price will be accepted unless an extension agreement has been negotiated. Full payment will be accepted up to the date of transfer of the property following a sale. In the event of non-payment, the Municipality will proceed with a municipal tax sale.

Collection Steps – Crown Tenants

When Crown property is leased to or occupied by a taxable tenant, the land is assessed as if the tenant were the owner and the tenant is then responsible for the payment of property taxes. The municipal tax sale provisions of the M.A. do not apply to Crown property.

In addition to issuing the arrears notice, once a Crown tenant's current year's taxes are in arrears the following action will be taken:

Legal Action – Legal action may be commenced where the company is viable, and it is cost effective to do so.

Application to the Crown – If all collection steps are exhausted, the Municipality shall make application to the Crown for payment of the tenant's tax arrears.

8. Cancellations and Write Offs

Cancellation of Late Payment Charges, Penalties and Interest

Late payment charges are cancelled only in the following circumstances:

- Taxes are adjusted under M.A.,
- S. 334 – Application for Cancellation,
- S. 354 – Write-off of taxes,
- S. 357 – Cancellation, reduction, refund of taxes, and
- S. 358 – Overcharges.

This document is available in alternate formats upon request.

Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

- Taxes are adjusted following a change in assessment under the *Assessment Act*.
- Penalty and/or interest were charged because of the Township's error or omission.

The amount of late payment charges cancelled is limited to the amount related to the tax reduction associated with the tax adjustment. This includes processing time once adjustment information is received by the Municipality, gross manifest errors or omissions by the Municipality.

Minimum Balance Write Off

A balance owing of less than \$4.99 on an account after payments are received for the month will automatically be written off on last business day of November, December and May, as it is uneconomical for the Municipality to pursue collection of these amounts.

Director of Finance | Treasurer's Write Off

In accordance with section 354 of the *Municipal Act*, Council may approve uncollectible taxes for write-off, on the recommendation of the Director of Finance | Treasurer.

9. Miscellaneous

Bankruptcy

When a property owner files for bankruptcy, the Municipality is a secured creditor, as the tax debt is a charge against the real property. The Municipality ranks in preference and priority to any other claims, except those of the Provincial and Federal Government. A letter is forwarded to the trustee advising them of the Municipality's claim and that it is assumed property taxes will be paid once the property is sold.

Discretion

To ensure that all taxpayers are treated fairly and equitably, the Director of Finance | Treasurer or his/her designate, has the authority to exercise discretion in the application of this policy where unusual circumstances are apparent, provided such discretion is in accordance with all applicable legislation.

Reporting

The Tax Collector | Manager of Accounting will maintain the following reports and provide them to the Director of Finance | Treasurer (or their designate) on the following basis.

	DESCRIPTION
Accounts in Arrears – Tax Sale Registration Report	Lists all properties against which a Tax Arrears Certificate have been registered, identifying the amount of arrears and redemption date of each and details of any Extension Agreements in place. (Annual Year End Report)
Age Analysis Report	Lists all properties with a balance owing

This document is available in alternate formats upon request.
Please contact the Clerk's Department at 705-432-2355 or clerks@Municipalityofbrock.ca.

broken down by levy year, penalties and interest. (Annual Year End Report)

Collections Report

Monthly details of Tax Arrears by collections by year

10. References

[Township of Brock – Property Tax website](#)

[Municipal Property Assessment Corporation](#)

[Municipal Act](#)

[Assessment Act](#)

[Farm Debt Mediation Act](#)

[Ministry of Municipal Affairs and Housing](#)