

THE REGIONAL MUNICIPALITY OF HALTON

BY-LAW NO. 21-26

A by-law to provide property tax increase deferrals for low-income seniors and low-income persons with disabilities who are owners of real property in the region of Halton and to repeal By-law No. 9-25.

WHEREAS Section 319(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter the “Municipal Act, 2001”), requires the Council of The Regional Municipality of Halton (herein referred to as “Regional Council”) to pass a by-law providing for deferral of all or part of tax increases on property in the residential property class for persons assessed as owners who are, or whose Spouses are, low-income seniors or low-income persons with disabilities as defined in the By-law;

AND WHEREAS Regional Council deems it in the public interest to continue the property tax increase deferral program and to repeal and replace By-law No. 9-25.

NOW THEREFORE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HALTON HEREBY ENACTS AS FOLLOWS:

A. Definitions

1. In this By-law:

- (a) “Combined Family Income” means the total income from all sources as set out in the Notice(s) of Assessment prepared by the Canada Revenue Agency for all Eligible Person(s) residing in an Eligible Property;
- (b) “Eligible Person” means:
 - i. a registered property owner who is 65 years of age or older as of December 31 for the taxation year for which the deferral is requested and whose Combined Family Income does not exceed the Income Threshold;
 - ii. a registered property owner who, in the taxation year for which the deferral is requested, is in receipt of disability assistance paid under a government program, such as the *Ontario Disability Support Program Act, 1997*, S.O. 1997, c. 25, Schedule B, as amended, or the *Canada Pension Plan Act*, R.S.C. 1985, c.8, as amended, and/or private insurer disability benefits and whose Combined Family Income does not exceed the Income Threshold ;
 - iii. the Spouse of a person identified in (i) or (ii);

- (c) “Eligible Property” means residential real property located in the Region of Halton that is lived in by and is the Principal Residence of the Eligible Person(s).
- (d) “Halton Region” means The Regional Municipality of Halton;
- (e) “Income Threshold” means the amount of \$69,500 or less annually;
- (f) “Local Municipality” means, as the context provides, any of the City of Burlington, Town of Halton Hills, Town of Milton, and/or Town of Oakville;
- (g) “Local Treasurer” means the person appointed as the treasurer of a Local Municipality or their designate;
- (h) “Principal Residence” means the same as defined in the *Income Tax Act*, R.S.C. 1985, c. 1 (5th Supp.);
- (i) “Regional Treasurer” means the treasurer for Halton Region or their designate;
- (j) “Spouse” means a person;
 - (1) to whom another person is married, or
 - (2) with whom another person is living outside marriage in a conjugal relationship, if the two persons,
 - (i) have cohabited for at least one year,
 - (ii) are together the parents of a child, or
 - (iii) have together entered into a cohabitation agreement under section 53 of the *Family Law Act*, R.S.O. 1990, c. F.3, as amended.
- (k) “Tax Increase” is the difference between the total annual taxes for municipal and school purposes in the taxation year for which the deferral is requested and the total annual taxes for municipal and school purposes in the preceding year;

B. Request for Deferral

2. The Regional Treasurer may designate such persons as may be necessary to implement the provisions of this By-law.
3. An Eligible Person must, on or before 45 days after the date of the Local Municipality mailing the final tax bill for the Eligible Property, make an application to the respective Local Treasurer for consideration of a property tax deferral of the Tax Increase for the current taxation year.

4. An application for property tax deferral must be in writing and on the form prescribed by the Regional Treasurer from time to time for this purpose.
5. An application for which deferral is sought shall be submitted to the Local Treasurer of the Local Municipality within which the Eligible Property is located.
6. An application must include documentation in support thereof to establish that the applicant is an Eligible Person and that the property with respect to which the application is made is an Eligible Property. Without limiting the generality of the foregoing, each application shall include:
 - (a) identification of the Eligible Property for which consideration for a property tax deferral is requested ;
 - (b) proof of age (if applicable);
 - (c) proof that the applicant is in receipt of assistance and/or a disability benefit as set out in paragraph 1(b)(ii) (if applicable); and
 - (d) the Notice(s) of Assessment prepared by Canada Revenue Agency for any and all Eligible Persons residing in the Eligible Property for the year previous to the year in which an application for a property tax deferral is made under this By-law.
7. An application must include an authorization signed by the applicant and by the applicant's Spouse (if applicable) and/or common law partner (if applicable) authorizing the release by third parties of all information the Regional Treasurer or Local Treasurer may require verification of any information submitted with the application.

C. Evaluation of Application

8. Upon receipt of an application for property tax deferral, the Local Treasurer shall review the application and determine whether or not the applicant and the property are eligible for a property tax deferral under this By-law.
9. The Local Treasurer or Regional Treasurer may, at any time, request the applicant to provide such additional information and/or documentation as may be required to evaluate the application and the application shall not be further processed until satisfactory information and/or documentation has been received in a satisfactory form.
10. In the event that an applicant fails to provide the information requested by the Regional Treasurer or Local Treasurer within one month of the date of the request, the application shall be deemed to have been abandoned and shall not be further processed.

D. Granting of Tax Relief

11. Upon the determination by the Local Treasurer that the applicant and the property meet all the requirements set forth in this By-law. Deferral of property tax shall be granted in accordance with this By-law and for deferral of the Tax Increase.
 - (a) Payment of the Tax Increase, plus accumulated interest thereon, shall be deferred until:
 - (1) the Eligible Property is sold; or
 - (2) the Eligible Property is no longer the Principal Residence of the Eligible Person;at which time, the deferral period ends and the total deferred property taxes, plus accumulated interest thereon, become a debt payable to Halton Region and the Local Municipality in which the Eligible Property is situated.
 - (b) An Eligible Person, or their estate, who is in receipt of a property tax deferral pursuant to this By-law is required to give notice to the Local Treasurer within 60 days of any of the situations arising as set out in paragraph 11(a)(1) or (2) hereof.
12. The cumulative amount of all Tax Increase(s) deferred pursuant to this By-law, plus accumulated interest thereon, shall not exceed 75 per cent of the Current Value Assessment placed on an Eligible Property in any given taxation year.
13. The cumulative amount of all Tax Increase(s) deferred pursuant to this By-law, plus accumulated interest thereon, shall be shown on tax certificates issued in accordance with subsection 319 (8) of the Municipal Act, 2001.
14.
 - (a) Notwithstanding anything herein to the contrary, where an Eligible Person owns more than one Eligible Property, deferral of property taxes pursuant to this By-law shall be limited to only one of the Eligible Properties. Where an Eligible Person owns more than one Eligible Property, they shall be required to select which one of the Eligible Properties they wish to apply the property tax deferral.
 - (b) Where a selection has been made under paragraph 14(a) hereof, the selection shall not be changed without the consent of the applicable Local Treasurer, whose consent may be withheld for any reason.
15. Notwithstanding anything herein to the contrary, where an Eligible Property has registered owners other than Spouses, all registered owners must qualify as Eligible Persons to receive deferral of property taxes pursuant to this By-law.

E. Interest

16. Deferred property taxes for taxation years before 2001 shall bear interest, compounded annually, at a rate equal to the prime rate as of July 1 of each year for that respective taxation year.
17. For the purposes of calculating the interest payable with respect to property taxes deferred pursuant to this By-law during the deferral period, interest shall be calculated from the date the property taxes would, in the absence of the deferral, otherwise be due, up to and including the last day of the deferral period.
18. (a) A partial payment of deferred property taxes shall firstly be applied to outstanding accrued interest, and secondly to the deferred property taxes.
(b) Where deferred property taxes, plus accumulated interest thereon, become payable under paragraph 14 hereof and are not immediately repaid, such amounts shall be subject to interest and penalties in accordance with the Local Municipality's tax collection by-laws.

F. Distribution of Funds

19. Where property taxes are deferred pursuant to this By-law, adjustments shall be made between Halton Region, the Local Municipalities and the school boards in accordance with subsections 319 (6) and 319 (7) of the Municipal Act, 2001.

G. Lien upon the Lands

20. The amount of deferred property taxes plus accumulated interest thereon shall represent a lien against the respective property in accordance with subsections 319 (14) and 349 (3) of the Municipal Act, 2001.

H. Integrity Provision

21. Notwithstanding anything herein to the contrary, every person who contravenes any provision of this By-law or files a false application or fails to fully disclose their financial situation:
 - (a) is guilty of an offence and, upon conviction, is liable to a fine not exceeding the maximum as set out in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended;
 - (b) is ineligible for deferral of property taxes pursuant to this By-law for such period of time as the Local Treasurer may determine; and
 - (c) shall immediately repay all property taxes plus any accumulated interest, that were previously deferred and are no longer eligible to be deferred.

I. General

22. Questions as to the implementation of this By-law may be referred to the Regional Treasurer whose determination shall be final.
23. If any paragraph or paragraphs of this By-law or parts thereof are found by any court to be illegal or beyond the power of Regional Council to enact, such paragraph or paragraphs or parts thereof shall be deemed to be severable and all other paragraphs and parts of this By-law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found and this By-law shall be enacted as such.
24. Where the provisions of any other by-laws of Halton Region are inconsistent with the provisions of this By-law, the provisions of this By-law shall prevail.
25. THAT By-law No. 9-25 be and is hereby repealed.
26. THAT this By-law comes into force on the day it is passed.

READ and PASSED this 15th day of April, 2026.

REGIONAL CHAIR

REGIONAL CLERK

Report No. FN-08-26