

Corporation of the Town of Deep River

BY-LAW NUMBER 52-2022

**A BY-LAW TO PROVIDE A WATER UTILITY BILL DEFERRAL PROGRAM FOR
LOW-INCOME SENIORS AND PERSONS WITH DISABILITIES.**

WHEREAS Section 8 (1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

WHEREAS Section 11(1) of the Municipal Act, S.O. 2001, Chapter 25, as amended, authorizes lower tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS the Council of the Corporation of the Town of Deep River wishes to implement a water deferral program;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Town of Deep River enacts as follows:

DEFINITIONS

1. In this By-Law:

"eligible person" means:

- i. A low-income person with disabilities who owns eligible property as defined in this By-Law; or
- ii. A low-income senior who owns eligible property as defined in this By-Law; or
- iii. The spouse of either i) or ii) who owns eligible property as defined in this By-Law; and
- iv. Who has continuously owned the eligible property for at least 12 months as of the date of the application.

"eligible property" means residential property that receives water utility services within the "residential property class" as defined by the *Assessment Act, R.S.O. 1990, c. A.31*, as amended and the regulations hereto, within the Town of Deep River including condominiums that is the principal residence of the owner but does not include condominium units forming part of or associated with a tourist commercial establishment;

"low-income person with disabilities" means a person who is in receipt of assistance paid under the *Ontario Disability Support Program Act, 1997*, as amended, or is eligible to claim deductions in tax returns;

"low-income seniors" means a person who is at least 65 years of age and who is in receipt of, or eligible to receive, payments under the Guaranteed Income Supplement (GIS), as established under Part II of the *Old Age Security Act (Canada)*, as amended;

"Municipality" means the Corporation of the Town of Deep River;

"principal residence" is as defined by the *Income Tax Act (Canada)*;

"Treasurer" means the Treasurer of the Corporation of the Town of Deep River.

GENERAL ADMINISTRATION

2. Applications made under this By-Law shall be made to the Treasurer of the Town of Deep River.
3. Applications shall include supporting documentation to establish the eligibility of the person seeking the deferral as determined by the Treasurer.
4. Applications shall include an authorization signed by the applicant authorizing third parties to release to the Treasurer all information the Treasurer may require to verify the accuracy of the information submitted by the applicant.
5. Applications shall only be accepted for the 2023 and following tax years. No applications for previous years shall be accepted.
6. The first application can be made at any time during the year.
7. Subsequent applications must be made annually by July 1st of the relevant tax year.
8. Applicants may also apply for property tax relief using the form set out in Schedule "A" from the County of Renfrew By-Law Number 35-12.

APPLICATION FOR DEFERRAL

9. An eligible person may make an application to the Treasurer during the current year's billing cycle for the deferral of water services utility bill for that current year's billing cycle on eligible property.
10. An application form to determine eligibility for a deferral shall be made available in physical and electronic form as determined and updated by the Treasurer on a regular basis.

EVALUATION OF APPLICATION FOR DEFERRAL

11. The Treasurer shall review each application for deferral and determine if the applicant and the property are eligible for a water utility bill deferral under this By-Law.
12. The Treasurer may, at any time, request the applicant to provide such additional information and documentation as the Treasurer may require in order to evaluate the application.
13. An application for deferral will not be processed if any required information is not provided.
14. The determination of the Treasurer as to the eligibility of the applicant and the eligibility of the property shall be final.

GRANT OF WATER UTILITY BILL DEFERRAL

15. Where the Treasurer has determined that an applicant and the property meet the requirements of this By-Law then a deferral of the water utility bills for the calendar year shall be granted, with the deferred amounts to be secured as a lien on the eligible property.
16. The amount of the water utility bill deferred, together with interest, shall be deferred until the eligible property is sold, at which time any deferred amounts together with accumulated interest thereon shall become a debt payable to the Municipality.
17. Where an applicant, or the applicant's spouse, each own what would otherwise be eligible properties pursuant to this By-Law, the deferral granted under this By-Law shall be limited to one of the otherwise eligible properties. The applicant, or the applicant's spouse shall elect which of their otherwise eligible properties shall receive the water utility bill deferral and such election shall not be changed without the consent of the Treasurer.
18. If, at any time, a person eligible for relief under this By-Law that has been granted a water utility bill deferral under this By-Law, ceases to be an eligible person, all relief ceases and all deferred tax amounts together with accumulated interest become a debt payable to the Municipality.
19. Water utility bill relief granted pursuant to this By-Law for the annual water billing cycle shall be limited to one (1) single family dwelling per owner.

REPAYMENT

20. An eligible person who has been granted a water utility bill deferral under this By-Law, ceases to be an eligible person, at the earliest of the following:
 - i. The applicant no longer meets the program eligibility requirements; or
 - ii. The eligible property is sold or transferred; or
 - iii. Upon death of the applicant, unless the applicant is survived by a spouse who continues to qualify for the program, as the deferral is not transferable to the estate of the deceased; or
 - iv. The date at which the cumulative total amounts for the water utility bill deferral, including fees and interest, combined with the Property Tax Deferral Program (County of Renfrew By-Law 35-12) including fees and interest exceed 40% of the assessed value of the property.

21. If an eligible person either no longer meets the program eligibility requirements; or misses the deadline for the current year's water utility bill deferral, then the amount due payable is only for the current year's water utility bill. All prior years' balances held as a lien against the eligible property will continue to accrue interest until one of the earliest of the following:
 - i. The eligible property is sold or transferred; or
 - ii. Upon the death of the applicant, unless the applicant is survived by a spouse who continues to qualify for the program, as the deferral is not transferable to the estate of the deceased; or
 - iii. The date at which the cumulative total amounts for the water utility bill deferral, including fees and interest, combined with the Property Tax Deferral Program (County of Renfrew By-Law 35-12) including fees and interest exceed 40% of the assessed value of the property.

22. Where a deferred amount becomes payable under this By-Law, and the amounts due are not immediately repaid, such outstanding amount shall be subject to interest and penalties in accordance with applicable by-laws and the Municipal Act.

INTEREST

23. Interest on the total deferred amount will be charged at an annual compounding interest rate equal to the Bank of Canada Prime Lending Rate plus 2%.

24. Where the lien balance and interest become due during the calendar year interest will be charged up until the balance owing is paid in full. Interest owing will be prorated for the number of days outstanding, with the interest rate used for the current year being the Prime Lending Rate plus 2% as of January 1st of that year.

FEES

25. A non-refundable application fee of \$100 will be charged to the tax account of the applicant upon receipt of the application.

- 26. A non-refundable fee of \$50 for subsequent year applications will be charged to the tax account.
- 27. Applicants will be charged for all legal costs associated with the water utility bill deferral. All legal costs will be charged to the tax account.

LIEN UPON LANDS

- 28. The amount of relief in the form of water utility bill deferral granted pursuant to this By-Law shall be a lien upon the eligible property in accordance with the provisions of s.319(14) and 349 of the Municipal Act, 2001.

INTEGRITY PROVISIONS

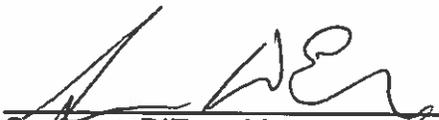
- 29. Every person who, pursuant to this By-Law:
 - i. Files a fraudulent application; or
 - ii. Fails to fully disclose their financial circumstances in support of an application; or
 - iii. Fails to notify the Treasurer of a change in financial circumstances as required herein;
- Is guilty of an offence and is liable to prosecution and on summary conviction is liable to a fine not exceeding \$10,000

GENERAL

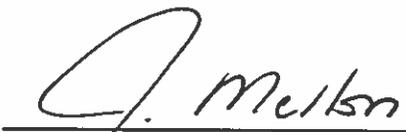
- 30. Nothing in this By-Law derogates from any lien arising under any predecessor to this By-Law.
- 31. This by-law shall come into force and take effect upon the passing thereof.

READ A FIRST AND SECOND TIME THIS 2ND DAY OF NOVEMBER, 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 2ND DAY OF NOVEMBER, 2022.



Suzanne D'Eon, Mayor



Jackie Mellon, Clerk