

# Collection of Property Taxes By-law

A-8 - Consolidated - November 19, 2007

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**OFFICE CONSOLIDATION  
UP TO AND INCLUDING AMENDMENT NO. A-8-07016 (Nov 19, 2007)**

**ADMINISTRATIVE**

**By-law A-8**

**A by-law to provide for the  
COLLECTION OF PROPERTY TAXES**

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*The Municipal Council of The Corporation of the City of London enacts as follows:*

**SHORT TITLE  
PROPERTY TAX COLLECTION BY-LAW**

**Part 1  
INTERIM PROPERTY LEVY**

**1.1 Levy - on whole assessment - calculation**

In each year, commencing in 1999, there shall be imposed, before the final tax billing for the year, a levy on the whole assessment for real property according to the roll as returned, at rates equal to 40% of the previous year's total rates for all purposes and such rates shall be expressed as a percentage and shall be rounded to 6 decimal places.

**1.2 Payment - two instalments - set out**

The payment of the levy under section 1.1 of this by-law is required to be made by two instalments:

- (a) the first of which shall be due on the last day of February in the year in which they are levied; and  
(b) the remainder of which shall be due on the last day of March in the year in which

they are levied;

and, if in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

**1.3 Interim Levy - calculation**

Notwithstanding section 1.1 of this by-law, all assessment in any commercial class, any industrial class or in the multi-residential class, other than assessment which is farm land awaiting development, shall have its interim levy for the years 1999 and 2000 calculated as follows:

total tax rate applicable in previous year	x	40%	x	assessed value for the year on the assessment roll as most recently revised	+	40% of any adjustment made to increase taxes under Part XXII.2 of the <i>Municipal Act</i> for the previous year	-	40% of any adjustment made to decrease taxes under Part XXII.2 of the <i>Municipal Act</i> for the previous year
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**1.4 Interim Levy - due date - certain classes**

Repealed by By-law A-8-98006

**1.5 Levy - on whole assessment - calculation - former City area**

Despite section 1.1, in 1998 in the area of the City of London as it existed on December 31, 1992, there shall be imposed, before the adoption of the estimates for the year, a levy on the whole assessment for real property according to the roll as returned, a rate equal to 42% of the previous year's total residential public mill rate for all purposes in the case of all residential assessment liable to taxation for general purposes, and at a rate equal to 60% of the previous year's total commercial public mill rate for all purposes in the case of all commercial assessment liable to taxation for general purposes other than business assessment.

**1.6 Levy - on whole assessment - calculation - annexed area**

Despite section 1.3 in 1998, in the merged area as defined in section 37 of the *London-Middlesex Act, 1992*, excluding the merged area comprising the City of London as it existed on December 31, 1992, there shall be imposed, before the adoption of the estimates for the year, a levy on the whole assessment for real property according to the roll as returned, at rates equal to 42% of the previous year's total residential public mill rate for all purposes in each merged area, excluding urban service area rates, in the case of all residential assessment liable to taxation for general purposes and equal to 60% of the previous year's total commercial public mill rate for all purposes in each merged area, excluding urban service area rates, in the case of all commercial assessment liable to taxation for general purposes other than business assessment.

**1.7 Interim Levy - calculation**

Where the rate otherwise authorized to be levied under this part exceeds the maximum permitted by Provincial regulation, then the maximum rate permitted by Provincial regulation shall be deemed to be the amount authorized to be levied on the property or portion of the property subject to Provincial regulation.

**1.8 Interim Levy - calculation**

For the year 2002 and subsequent years the interim levy for a property shall be calculated as 40% of the total amount of taxes for municipal and school purposes levied on the property for the previous year multiplied by a factor estimated by the City Treasurer representing the anticipated increase in combined municipal and education taxes for the year for a property in the residential class as determined in accordance with section 1.10.

**1.9 Interim Levy - calculation**

Notwithstanding section 1.8 where assessment was added to the collector's roll during the previous year, paragraph 3 of Section 370(3) of the *Municipal Act* shall apply.

**1.10 Factor Estimate**

The factor estimated by the City Treasurer in accordance with section 1.8 shall not exceed 1 plus the greater of:

- (a) the municipal tax rate increase percentage, if any, approved during Council budget deliberations for the year, expressed as a decimal; and
- (b) the annual consumer price index increase percentage, if any, for Ontario for the twelve months ending October, November, December with the particular end month being determined by the City Treasurer, expressed a decimal.

**Part 2  
INTERIM BUSINESS LEVY**

Repealed by By-law A-8-98003

**Part 3  
CURRENT TAXES AND RATES**

**3.1 Real property taxes - 3 instalments - due dates**

Except as provided by sections 1.2, 1.4, 3.3 and 3.5 of this by-law, the payment of real property taxes including local improvement assessments, sewer rents and rates, and all other rents or rates payable as taxes is required to be made by three instalments:

- a) the first of which shall be due and payable on the last day of June in the year in which they are levied;
- b) the second of which shall be due and payable on the last day of August in the year in which they are levied; and
- c) the third of which shall be due and payable on the last day of October in the year in which they are levied;

and, if in default of payment of any instalment by the day named for payment thereof, the subsequent instalment or instalments shall forthwith become payable.

**3.2 Business taxes - one instalment - July 15**

Repealed by By-law A-8-98006

**3.3 Taxes - Assessment Act - instalments - notice**

Taxes levied under sections 33 and 34 of the *Assessment Act, R.S.O. 1990, c. A.31*, as amended, shall be due in one or more instalments, the first of which shall be due not less than 21 days after the date of the mailing of the notice of taxes due.

**3.4 1994 additional payments - due dates**

In addition to the payment requirements for real property taxes and business taxes set out in sections 3.1 and 3.2 of this by-law, in 1994 the additional rates levied under section 2(b) of By-law No. A.-5397-528, as amended and under section 2(b) of By-law No. A.-5398-529, as amended, shall be paid in one instalment which shall be due in respect of business taxes on October 17, 1994, and in respect of real property taxes on October 31, 1994.

**3.5 Final billing - dates - determined by City Treasurer**

For the final billing for the year 1999 only, any taxation on assessment in the capped assessment area as defined in section 3.6 of this by-law shall be due in instalments and on dates to be determined by the City Treasurer.

**3.6 Definition - capped assessment area**

For the purposes of section 3.5 of this by-law and in accordance with subsection 399(11) of the *Municipal Act* "capped assessment area" means the properties or portions of properties in the City that consist solely of assessment in any commercial class, any industrial class or in the multi-residential class, other than assessment which is farm land awaiting development in those classes.

**3.7 Final billings - calculation - year 2000**

For the year 2000, where taxes for a property are determined under Division B of Part XXII.2 of the *Municipal Act*, the three instalments of the final billing shall be the positive amounts, if any, calculated as follows:

$$\text{Instalment due June 30} = (A - B) \times 1/3$$

$$\text{Instalment due August 31} = (A - B) \times 1/3 + (C - D) \times 1/2$$

$$\text{Instalment due October 31} = (A - B) \times 1/3 + (C - D) \times 1/2$$

Where:

- A = Year 2000 taxes for property calculated without restrictions imposed by Part XXII.2 of the *Municipal Act* plus any other charges on tax bill including local improvements and improvement area charges.
- B = the interim billing for the year 2000 for the property.
- C = increase, if any, in taxes otherwise determined required by Part XXII.2 of the *Municipal Act* for the year 2000.
- D = decrease, if any, in taxes otherwise determined required by Part XXII.2 of the *Municipal Act* for the year 2000.

### **3.8 Due in one instalment - August 31 - certain circumstances**

Despite section 3.7 of this by-law for the year 2000, if the amount D exceeds  $(A - B) \times 2/3$ , then the final billing shall be due in one instalment on August 31 where A, B and D are as defined in section 3.7 of this by-law.

### **3.9 Separate billing of different property classes**

The Commissioner of Finance and Administration and City Treasurer is hereby authorized to direct the billing of any class of real property separately from any other class including the separate billing of Cap Adjustments.

### **3.10 Property taxes – final instalments – due dates**

For the year 2001 and future years, the City Treasurer is authorized to delay due dates for the final instalments of property taxes and to set different due dates for properties in capped and uncapped assessment classes.

## **Part 4 NOTICE OF PAYMENT**

### **4.1 Mailing - delivery - by Treasurer - Tax Collector**

The Treasurer or the Tax Collector, as the case may be, is authorized to mail or deliver notices in accordance with the *Municipal Act*, or cause them to be mailed or delivered to the address of the residence or place of business of the person charged with the payment of a levy under section 1.1 or 2.1 of this by-law or taxes or instalment thereof.

### **4.2 Levies - payment - as directed**

The person charged with the payment of a levy under section 1.1 of this by-law or taxes or instalment thereof is directed to pay money payable to the municipality therefor to the Treasurer or Tax Collector as the case may be, or into any branch of any chartered bank or any branch of Canada Trust or Royal Trust within the City of London by the day named for payment thereof.

### **4.3 Payments - partial - accepted - procedure**

The Treasurer or Tax Collector, as the case may be, may accept part payment from time to time on account of any taxes and give a receipt therefor, but the acceptance of any such part payment shall not affect the imposition and collection of the penalty for non-payment of a levy under section 1.1 of this by-law or taxes or instalment thereof by the due date named for payment.

## **Part 5 GENERAL PROVISIONS**

### **5.1 Payment due - on weekend - holiday - procedure**

Whenever any day mentioned in section 1.2 or section 3.1 of this by-law falls on a Saturday, Sunday, Easter Monday, or a legal holiday under the Bills of Exchange Act (Canada), the payment shall be due on the immediate preceding day not being a Saturday, Easter Monday or a legal holiday.

### **5.2 Non-payment - penalty**

A percentage charge as a penalty for non-payment of a levy under section 1.1 of this by-law or taxes or instalment thereof equal to  $1 \frac{1}{4}$  percent shall be imposed on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the levy is made under section 1.1 of this by-law, or in which taxes are levied.

### **5.3 Non-payment - previous years taxes - penalty**

The Tax Collector shall add to the amount of all taxes due and unpaid interest at the rate of 1 ¼ percent per month for each month from the 31<sup>st</sup> day of December in the year in which the taxes were levied until the taxes are paid.

**5.4 Tax Collector - failure to collect - procedure**

In case the Tax Collector fails or omits to collect the taxes or any portion thereof by the day appointed for the return of the Collector's roll, the Tax Collector is authorized to continue the levy and collection of unpaid taxes and penalties and interest in the manner and with the power provided by law for the general levy and collection of taxes.

**5.5 City Treasurer - authority - tax assistance**

Pursuant to subsection 6(3) of the Ontario Regulation 291/94 as amended by Ontario Regulations 346/94 and 818/94, it is acknowledged that the City Treasurer may provide tax assistance to properties and businesses at the time of the interim billing during any of the years 1995 to 2003 inclusive, and that such tax assistance may be exercised by the City Treasurer, where deemed appropriate, in situations where the tax assistance for the year, having been calculated in accordance with the provisions of the Ontario Regulation 291/94, as amended, exceeds \$1,000.00

**5.6 Correction of interest and penalties arising from certain errors by Canada Post**

In those circumstances where an error in delivery of a tax bill by Canada Post results in return of the bill to the City, if the taxpayer pays the taxes billed on or before the end of the month following the due date, and requests cancellation of the interest and penalties, the Treasurer be authorized to cancel such interest and penalties.

**Part 6  
ENFORCEMENT**

**6.1 Fine - for contravention**

Any person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.

**Part 7  
REPEAL - ENACTMENT**

**7.1 By-law - previous**

By-law A.-5206-2 is hereby repealed.

**7.2 Effective date**

This by-law comes into force on November 15, 1993.

PASSED in Open Council on November 15, 1993.

T.C. Gosnell  
Mayor

K.W. Sadler  
City Clerk

First Reading - November 15, 1993  
Second Reading - November 15, 1993  
Third Reading - November 15, 1993