

Council Policy

Policy Number: ply_FIN_Municipal_Property_Tax_Cancellation_Reduction_Refund_and_Deferr:

Municipal Property Tax Relief

Date Approved by Council:

Resolution No.:

Mayor:

County Commissioner:

1. Purpose

The purpose of this Policy is to establish the process whereby Council considers requests for municipal property tax cancellation, reduction, refund, or deferral pursuant to section 347(1) of the *Municipal Government Act*.

2. Revision History

<i>Approval Date</i>	<i>Revision Number</i>	<i>Modification</i>
30 November 2021	1.0	New Document
xx/xx/xxxx	2.0	

3. Persons/Areas Affected

Council
Administration
Taxpayers

4. Definitions

The following definitions and interpretations apply to this policy:

Administration means the County Commissioner or his delegates.

Council means the Council of Sturgeon County.

County means the Municipality of Sturgeon County.

County Commissioner means the Chief Administrative Officer of Sturgeon County.

Taxpayer means a person or business liable to pay property taxes to Sturgeon County.

Tax Relief is the discretionary cancellation, reduction, refund, or deferral of all or part of a property tax, or tax penalty, by Council.

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5. Policy Statement

- 5.1. Section 347(1) of the *Municipal Government Act* (MGA) states that, if Council considers it equitable to do so, it may, with respect to a particular taxable property, with or without conditions, cancel or reduce tax arrears, cancel or refund all or part of a tax, or defer the collection of a tax.
- 5.2. Section 203(2)(d) of the MGA states that Council may not delegate its power with respect to taxes under section 347.
- 5.3. To improve the efficiency of Council's consideration of taxpayer requests for Tax Relief, Council has established the following distinct processes:
 - 5.3.1. Requests for Tax Relief resulting from late payment of taxes.
 - 5.3.2. Requests for Tax Relief resulting from a fire loss.
 - 5.3.3. Requests for property tax exemption or deferral of non-residential (class 2) properties and machinery and equipment (class 4) in Alberta's Industrial Heartland.
- 5.4. Administration retains the ability to cancel, reduce, or refund all or part of a property tax or property tax penalty if it is determined that Administration has made an error, omission, or misrepresentation in the administration of the assessment and tax account in question.

6. Policy Guidelines

- 6.1. Requests for Tax Relief shall be made in writing to Administration.

Requests Made Due to Late Payment of Taxes

- 6.2. Upon receiving a written request for Tax Relief, Administration shall review the request and consider whether the request is eligible under the Tax Installment Payment Plan (TIPP) Bylaw where penalties are held in abeyance and subsequently cancelled if the Taxpayer meets the requirements of the program.
- 6.3. If the request is eligible, Administration shall contact the Taxpayer and provide the necessary information for the Taxpayer to enroll in TIPP.
- 6.4. If the Taxpayer enrolls in TIPP, the request is considered to have been addressed and Council will not consider it.
- 6.5. If the Taxpayer does not enroll in TIPP, the request will be considered in accordance with this Policy.

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Requests Made Due to Fire Loss

- 6.6. Upon receiving a written request for Tax Relief due to a fire loss and where the circumstances of the fire are not deemed to be suspicious, Administration shall bring the request directly to Council for consideration without requiring the Taxpayer to present to Council.
- 6.7. When presenting its recommendation, Administration shall consider the pro-rated municipal tax based on the reduced assessment value of the property and improvements due to the fire.

Requests for Non-Residential Property Tax Relief Eligible Under the Heartland Incentive Bylaw

- 6.8. Requests eligible under the Heartland Incentive Bylaw will be forwarded to the Program Officer designated by the County Commissioner. Requests will be processed in accordance with the requirements of the Heartland Incentive Bylaw.

Requests for Residential Property Tax Relief Based on Compassionate Grounds

- 6.9. Prior to being considered by Council, requests for Tax Relief on compassionate grounds shall be forwarded to Administration to determine if the Taxpayer is eligible for financial support through County or other agencies' programs.
- 6.10. Sturgeon County will not directly pay taxes but may provide other financial support.
- 6.11. Where the Taxpayer is ineligible for financial support through County or other agencies' programs, Administration shall schedule for the Taxpayer to present their request at a Council Meeting.
- 6.12. Council may consider requests for Tax Relief on compassionate grounds based on an extenuating circumstance that merits compassionate Tax Relief given the uniqueness and severity of the situation. Examples may include death in the immediate family, critical illness, or loss of employment.
- 6.13. At the discretion of the County Commissioner, and in accordance with the mandatory privacy provisions of the *Freedom of Information and Protection of Privacy Act*, presentation requests and Council deliberations on requests for Tax Relief may occur in closed session.
- 6.14. While the granting of property Tax Relief remains at the discretion of Council, the following categories of requests generally are deemed to not qualify for Tax Relief:
- 6.14.1. Failure to receive assessment and tax notices,
 - 6.14.2. Payment errors or delays, or
 - 6.14.3. Charges unrelated to annual properties taxes that may be applied to the tax roll.

7. Responsibilities

Taxpayers shall:

- Submit written requests pursuant to this Policy to Administration.
- Consider participating in Council meetings to provide sufficient information for Council to make a decision regarding the request.

Council shall:

- Consider requests for Tax Relief in accordance with this Policy.

Administration shall:

- Assist Taxpayers in submitting requests through the appropriate channels.
- In the event of a fire loss, provide sufficient information and a recommendation for Council to consider the request.

In all other instances, provide sufficient information to allow Council to make an informed decision.

8. Review Period

This Policy shall be reviewed by Administration at least every four years.

9. Cross Reference

Municipal Government Act section 347(1)

Bylaw 1536/21 – Tax Installment Payment Plan Bylaw

Bylaw 1552/21 – Heartland Incentive Bylaw