THE CITY OF WINNIPEG

BY-LAW NO. 194/2004

A By-law of THE CITY OF WINNIPEG to provide for the payment of real and personal property taxes and business taxes by instalments.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1. This By-law may be referred to as the "Tax Instalment Payment Plan (T.I.P.P) By-law".

Definitions

2. In this By-law

"general assessment" means a general assessment referred to in *The Municipal Assessment Act*.

"instalment" means the monthly payment of taxes under the Plan.

"tax rate by-law" means a by-law enacted by Council setting and imposing tax rates for real and personal property taxes and for business taxes in any year.

"Plan" means the Tax Instalment Payment Plan described in this By-law.

"supplementary tax" means a supplementary tax imposed pursuant to *The City of Winnipeg Charter*.

"Tax Collector" has the same meaning as in *The City of Winnipeg Charter*.

Plan as alternative form of tax payment

3(1) A Tax Instalment Payment Plan is hereby created by which a taxpayer may pay real or personal property taxes or business taxes or any combination of those taxes by instalments.

3(2) Subject to section 6 and subsections 11(2) and 12(3), the Tax Penalty By-law does not apply to any real or personal property taxes or business taxes payable under the Plan.

3(3) Taxes paid under the Plan are not eligible for any form of interest or discount.

Eligibility for Plan

4 Taxes are payable under the Plan where a taxpayer

(a) submits the following to the Tax Collector at least two weeks prior to the first day of the month in which the taxpayer chooses to begin paying instalments under the Plan:

(i) a completed application form provided by the Tax Collector;

(ii) an authorization sufficient to cause a financial institution to electronically debit the taxpayer's account and pay to the City of Winnipeg a specified amount for each instalment under the Plan as determined in accordance with section 6; and

(b) ensures that the real or personal property taxes or business taxes in respect of which the application is made are not in arrears for the preceding calendar year.

Payments under Plan

5(1) Instalments payable under the Plan are due on the later of

(a) January 1st of each year; or

(b) in the case of supplementary taxes, the first day of the second month following the month in which a supplementary tax notice is mailed by the tax collector;

and, subject to section 9, on the first day of each succeeding month.

5(2) Subject to subsection (3), a taxpayer may begin to pay instalments under the Plan on the first day of any month during a calendar year.

5(3) Subject to subsection (4), where a taxpayer begins to pay instalments under the Plan after the due date referred to in clauses (1)(a) or (1)(b), as the case may be, a late payment fee is hereby imposed that is equal to 2% of the total of the instalments that would have become due prior to the date that the payments commence as determined by the appropriate formulae set out in section 6.

5(4) Where

(a) title to real or personal property is transferred; and

(b) taxes imposed on the real or personal property have been paid under the Plan to the date of transfer;

the late payment fee imposed under subsection (3) is not applicable if the new taxpayer complies with section 4.

Calculation of instalment amounts

6(1) Subject to subsection (2), where a taxpayer begins paying instalments under the Plan in any year prior to the enactment of the tax rate by-law for that year, the monthly instalment payable under the Plan is determined by the following formula:

$$(TPY + LF + ST + P) \div N = I$$

where

(a) "TPY" equals the real or personal property taxes or business taxes imposed for the preceding calendar year or, in the year of a general assessment, a sum estimated by the Tax Collector to be the real or personal property taxes or business taxes that will be imposed for the current year;

(b) "LF" equals any applicable late payment fee imposed under subsection 5(3);

(c) "ST" equals any supplementary taxes imposed;

(d) "P" equals any applicable penalties imposed under the Tax Penalty By-law;

(e) "N" equals the number of instalments applicable; and

(f) "I" equals the amount payable in each instalment.

6(2) Notwithstanding subsection (1), where a taxpayer begins paying instalments under the Plan in any year prior to the enactment of the tax rate by-law for that year, the amount of each instalment after the date that taxes are due in a year is determined by the following formula:

$$(TCY + LF + ST + P - IP) \div N = I$$

where

(a) "TCY" equals the real or personal property taxes or business taxes imposed for the current calendar year;

(b) "LF" equals any applicable late payment fee imposed under subsection 5(3);

(c) "ST" equals any supplementary taxes imposed;

(d) "P" equals any applicable penalties imposed under the Tax Penalty By-law;

(e) "IP" equals the total sum paid to date by way of instalments;

(f) "N" equals the number of remaining instalments applicable; and

(g) "I" equals the amount payable in each instalment.

6(3) Where a taxpayer begins paying instalments under the Plan in any year after the enactment of the tax rate by-law for that year, the monthly instalment payable is determined by the following formula:

$$(TCY + LF + ST + P) \div N = I$$

where

(a) "TCY" equals the real or personal property taxes or business taxes imposed for the current calendar year;

(b) "LF" equals any applicable late payment fee imposed under subsection 5(3);

(c) "ST" equals any supplementary taxes imposed;

(d) "P" equals any applicable penalties imposed under the Tax Penalty By-law;

(e) "N" equals the number of instalments applicable; and

(f) "I" equals the amount payable in each instalment.

6(4) Where the amount payable in each instalment changes due to the application of subsection (2), the Tax Collector must, before the date that taxes are due in a year, notify the taxpayer of the new amount payable in each instalment.

6(5) The Tax Collector may adjust the amount payable in each instalment pursuant to subsections (1), (2) and (3), by increasing it to the nearest full dollar amount and by adjusting the amount payable in the final instalment to discharge the tax imposed in full.

No penalty for the month TIPP payments begin

7. Notwithstanding section 4 of the Tax Penalty By-law No. 5796/91, no penalty shall be added to personal or real property taxes or business taxes on the first day of a month in which instalments are paid under the Plan.

Early payment

8. A taxpayer may pay a lump sum towards the payment of taxes at any time during the year and, where the taxpayer does so, the lump sum payment is deducted from the taxes imposed for the purposes of calculating the amounts

payable in each instalment under section 6.

Number of instalments

9(1) Subject to subsection (2),

(a) real and personal property taxes payable under the Plan are payable in 12 equal monthly payments; and

(b) business taxes payable under the Plan are payable in 10 equal monthly payments.

9(2) Notwithstanding subsection (1), a taxpayer may choose to vary the number of instalments payable under the Plan but must pay

(a) at least 7 instalments for real and personal property taxes; and

(b) at least 6 instalments for business taxes

in a calendar year.

9(3) In order to vary the number of instalments payable under the Plan, a taxpayer must, at least 2 weeks prior to the beginning of a month, notify the Tax Collector of the number of monthly instalments the taxpayer has chosen to pay under the Plan in that calendar year.

9(4) Where a taxpayer varies the number of instalments payable under the Plan in the course of a calendar year, the amount determined to be payable in each subsequent instalment under section 6 is adjusted by dividing the balance of taxes, supplementary taxes, penalties and fees payable under the Plan equally between the instalments remaining in the year.

9(5) Where a taxpayer varies the number of instalments payable under the Plan, the number of instalments as varied applies in subsequent years unless the taxpayer notifies the Tax Collector otherwise in accordance with subsection (3).

Supplementary taxes

10(1) Subject to subsection (2), where supplementary taxes are imposed in respect of real or personal property taxes or business taxes payable under the Plan, those supplementary taxes may be paid in the instalments remaining in the current calendar year in such equal amounts as are required to fully pay the supplementary taxes in that year.

10(2) Where supplementary taxes are imposed after the final instalment in a year has been paid, the supplementary taxes may be paid in equal amounts as part of the monthly instalments for the subsequent year.

Other charges

11(1) Subject to subsection (2), where charges or amounts other than supplementary taxes are added to real or personal property taxes or business taxes payable under the Plan, the charges or amounts are payable as part of the next instalment under the Plan.

11(2) Where charges or amounts other than supplementary taxes are added to real or personal property taxes or business taxes payable under the Plan after the final instalment in a year, the charges or amounts are not payable under the Plan and are subject to the Tax Penalty By-law.

Taxes no longer payable under TIPP

12(1) Taxes are no longer payable under the Plan if:

(a) the taxpayer fails to make payment of an instalment under the Plan on the first day of a month and fails to make arrangements satisfactory to the Tax Collector for payment of the missed instalment within 30 days; or

(b) the taxpayer fails twice in a calendar year to make payments of instalments under the Plan on the first day of a month.

12(2) Taxes are no longer payable under the Plan two weeks after a taxpayer provides written notice to the Tax Collector of the taxpayer's intention no longer to pay real or personal property taxes or business taxes under the Plan.

12(3) Where real or personal property taxes or business taxes are no longer payable under the Plan, the Tax Penalty By-law, including the due date for taxes and penalty provisions, immediately applies to the real or personal property taxes or the business taxes.

12(4) Where real or personal property taxes or business taxes are no longer payable under the Plan, they do not again become payable under the Plan until the next calendar year.

Service of documents

13(1) Pursuant to section 119 of *The City of Winnipeg Charter*, the requirements for service of a decision, notice or other document under this By-law are varied by this section.

13(2) Subject to subsection (3), a decision, notice or other document that is required to be given to a taxpayer may be served by mailing a copy of the decision by ordinary mail to the address maintained by the Tax Collector for the purpose of issuing the tax notice for the real or personal property or the business.

13(3) Where a taxpayer has provided his or her address when applying to pay taxes under the Plan, a decision of the Tax Collector concerning the application may be given to the taxpayer by mailing a copy of the decision by ordinary mail to the address so provided.

13(4) A document mailed in accordance with this section is deemed to have been received by the taxpayer three days after the day it was mailed in accordance with clause 117(2)(b) of *The City of Winnipeg Charter*.

By-law No. 6048/92 repealed and replaced

14(1) The Tax Instalment Payment Plan By-law No. 6048/92 is hereby repealed.

14(2) This By-law replaces The Tax Instalment Payment Plan By-law No. 6048/92 and a reference by any by-law, policy, resolution or other document to The Tax Instalment Payment Plan By-law No. 6048/92 is deemed to be a reference to this By-law.

Transition

15 All real and personal property taxes and businesses taxes that were payable by instalments under The Tax Instalment Payment Plan By-law No. 6048/92 continue to be payable by instalments under this By-law without the need for a new application or additional action by the taxpayer.

DONE AND PASSED, in Council assembled, this day of , 2004.

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Mayor

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City Clerk

Approved as to content:

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City Treasurer

Certified as to form:

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for City Solicitor/Manager of

Legal Services