

THE CITY OF EDMONTON

BYLAW 12914

TAX PENALTY, INTEREST AND MONTHLY PAYMENT BYLAW

Whereas, pursuant to sections 344 and 345 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (MGA), Council may impose penalties on unpaid taxes at the rates set out in the bylaw, and pursuant to section 340 of the MGA, may permit taxes to be paid by installments. (S.2, Bylaw 13544, December 16, 2003)

Edmonton City Council enacts:

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

PURPOSE

- 1 The purpose of this Bylaw is to establish:
- (a) the due dates for payment of taxes;
 - (b) the rates of penalty to be imposed for failure to pay taxes by the due date;
 - (c) the rate of interest to be applied on overpayments of taxes; and
 - (d) the terms under which taxes may be paid in monthly installments.

DEFINITIONS

- 2 In this Bylaw, unless the context otherwise requires:
- (a) **“Bylaw”** includes all Regulations made by the Administration pursuant to the authority of this bylaw;
 - (b) **“City”** means the City of Edmonton;
 - (c) **“Council”** means the council of the City of Edmonton;
 - (d) **“Current Year”** is the year specified in Schedule A to this Bylaw;
 - (e) **“Previous Year”** is the year specified in Schedule A to this

Bylaw;

- (f) **“Tax Arrears”** means taxes that remain unpaid after December 31 of the year in which they are imposed;
- (g) **“Taxes”** includes property, business, business revitalization zone (BRZ), special and local improvement taxes, and all other taxes or charges lawfully imposed pursuant to the MGA or any other statute of the Province of Alberta;
(S.2, Bylaw 15561, November 26, 2010)
- (h) **“Taxpayer”** is the person liable to pay taxes as defined in sections 331 and 373 of the MGA.

**RULES FOR
INTERPRETATION**

- 3 The marginal notes and headings in this Bylaw are for reference purposes only.

REFERENCES

- 4 References to any bylaws, statutes or other enactment shall be deemed to include all amendments thereto, all regulations and orders thereunder and any successor bylaws, statutes or enactment.

PART II - OVERPAYMENT OF TAXES

**INTEREST ON
OVERPAYMENTS**

- 5 Where an overpayment exists on a tax account, monthly interest will be applied at the rates set out in Schedule A, subject to the following conditions:
- (a) interest will be paid at the end of each month, and will only be applied on overpayments which have remained on the Taxpayer’s account for the entire preceding month;
 - (b) interest will not be applied on overpayments in excess of two times the annual tax levy;
 - (c) upon receipt of a written request from the Taxpayer, the overpayment plus accumulated interest, will be refunded to the Taxpayer.

PART III - PENALTIES ON UNPAID TAXES

- CURRENT TAXES**
- 6 Any BRZ or property Taxes levied for the Current Year and remaining unpaid after the due date, are subject to penalties at the rates set out in Schedule A.
(S.3, Bylaw 15561, November 26, 2010)
- 7 Any supplementary or partial year's property or BRZ Taxes levied during the Current Year are due thirty (30) days from the date of mailing of the supplementary or subsequent tax notice. Any amounts remaining unpaid after the due date are subject to penalties at the rates set out in Schedule A, commencing the first day of the calendar month following the due date.
(S.4, Bylaw 15561, November 26, 2010)
- 8 Additional charges levied during the Current Year pursuant to sections 553, 553.1 and 553.2 of the MGA, or section 27(3) of the *Weed Control Act*, R.S.A. 2000, c. W-5, are due thirty (30) days from the date of mailing of the notice. Any amounts remaining unpaid after the due date are subject to penalties at the rates set out in Schedule "A", commencing on the first day of the calendar month following the due date.
(S.3, Bylaw 13544, December 16, 2003)
- 9 For the purposes of sections 6, 7 and 8 penalties will not be compounded during the year.
- TAX ARREARS**
- 10 Any Tax Arrears are subject to penalties at the rates set out in Schedule A.
- 11 For the purposes of section 10, Taxes remaining unpaid as of December 31 include accumulated penalties.

PART IV - PAYMENT OF TAXES ON A MONTHLY BASIS

- MONTHLY PAYMENTS**
- 12 Current Taxes may be paid in monthly installments by automatic bank withdrawal on the first day of each calendar month commencing January 1, subject to the following terms and conditions:

- (a) at the date of application, the tax account must not indicate Tax Arrears from a Previous Year;
 - (b) for property Taxes, the monthly installment for the months of January through June will be based on 1/12 of the estimated tax levy;
 - (c) for BRZ Taxes, the monthly installment for the months of January through March will be based on 1/12 of the estimated tax levy;
 - (d) for the remaining months of the year, the monthly installment will be adjusted based on the actual tax levy after deducting payments made according to section 12(b) or 12(c);
 - (e) monthly accounts are not subject to penalties or interest except where application is received after December 31 of the Previous Year. In addition to the penalties imposed according to Part III of this Bylaw, an initial payment is required at the date of application, equal to the total of all past due installments plus a late payment penalty based on the initial payment amount at the rate set out in Schedule A; and
(S.1, Bylaw 15839, September 14, 2011)
 - (f) if a supplementary tax levy is billed after September 1 of the Current Year, and reflects supplementary months greater than the number of months remaining in the year, the payment term may be extended into the following year.
(S.6-10, Bylaw 15561, November 26, 2010)
- 13 An alternative payment plan may be accepted by the City, if in its opinion:
- (a) it is of equal cash value to the City based on present value calculations, as the monthly payment plan outlined in sections 12 of this Bylaw; and
 - (b) the installment schedule will result in a minimum of 50% of the Current Year's Taxes being paid by June 30.
(S.12, Bylaw 15561, November 26, 2010)
- 14 With respect to sections 12 and 13 of this Bylaw, where any two installments are not honoured by the payer's bank, the monthly payment plan will be cancelled without further notice and the balance of Taxes at the cancellation date will be subject to

penalties as provided by sections 6 and 10 of this Bylaw.

PART V - GENERAL

REPEALS	15	Bylaws 11162 and 12468 are repealed.
EFFECTIVE DATE	16	This Bylaw comes into force on January 1, 2013.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, S.A. 2000, c.L-26 and Bylaw No. 12005, and printed under the City Manager's authority.)

Bylaw 12914 passed by Council November 27, 2001:

Amendments:

- Bylaw 13227, December 16, 2002
- Bylaw 13544, December 16, 2003
- Bylaw 13873, November 30, 2004
- Bylaw 14138, November 29, 2005
- Bylaw 14438, December 12, 2006
- Bylaw 14797, December 18, 2007
- Bylaw 15065, November 19, 2008
- Bylaw 15340, December 01, 2009
- Bylaw 15561, November 26, 2010
- Bylaw 15839, September 14, 2011

SCHEDULE A – TAX PENALTY, INTEREST AND MONTHLY PAYMENT

BYLAW 12914

Part 1

“Current Year” means 2012
“Previous Year” means 2011

	<u>Property</u>	<u>BRZ</u>
Due Date – Annual Taxes	June 30	March 31
<u>Part 2 – Interest on Overpayments</u>		
Interest on Overpayments	0.09% per month	0.09% per month
<u>Part 3 – Penalties on Unpaid Taxes</u>		
Current Taxes	Penalties/Property	Penalties/BRZ
	July 4 – 7%	April 3 – 4%
	September 1 – 3.5%	May 1 – 1.25%
	November 1 – 3.5%	June 1 – 1.25%
	<hr style="border-top: 1px solid black;"/> TOTAL – 14%	July 1 – 1.25%
		August 1 – 1.25%
		September 1 – 1.25%
		October 1 – 1.25%
		November 1 – 1.25%
		December 1 – 1.25%
		<hr style="border-top: 1px solid black;"/> TOTAL – 14%
Supplementary/Partial Year Taxes	1.25% per month	1.25% per month
Additional Charges	1.25% per month	1.25% per month
Taxes Deferred under the Senior Citizens’ Property Tax Deferral Program – Current and Previous Years	0.46% per month	N/A
Taxes Remaining Unpaid from Previous Years	1.25% per month	1.25% per month
<u>Part 4 – Payment of Taxes on a Monthly Basis</u>		
Late Payment Penalty on Initial Payment (late applications only)	2%	2%
(S.2, Bylaw 15340, December 01, 2009)		
(S.15, Bylaw 15561, November 26, 2010)		
(S.2, Bylaw 15839, September 14, 2011)		