

CITY OF WHITEHORSE

BYLAW 99-44

A bylaw to authorise the City of Whitehorse to enter into agreements with senior citizens to defer property taxes.

WHEREAS section 246(1) of the *Municipal Act* provides for the levying of taxes; and

WHEREAS section 246(3) of the *Municipal Act* provides that Council may authorise the collector of taxes to enter into agreements with eligible senior citizen taxpayers for deferral of property taxes; and

WHEREAS section 245 of the *Municipal Act* provides that Council may by bylaw make grants to any person or association of persons; and

WHEREAS it is deemed desirable to offer the opportunity for senior citizens to defer their property taxes;

NOW THEREFORE the Council of the Municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. This bylaw may be cited as the “**Seniors’ Property Tax Deferment Bylaw**”.
2. Subject to this bylaw, an agreement may be made with an eligible senior taxpayer to defer payment of property taxes on an eligible residence in accordance with the Seniors’ Property Tax Deferment Act.
3. A senior may request to enter into an agreement to defer all or part of the property tax payable for current or subsequent years by filing the “Seniors’ Property Tax Deferment Application Form” and signing the “Seniors’ Property Tax Deferment Agreement” attached as Appendix A to this bylaw.
4. The maximum eligible to be deferred under this bylaw will not exceed seventy-five percent (75%) of the total assessed value of the eligible residence and in the case of mobile homes, will not exceed fifty percent (50%) of the assessed value of the mobile home.
5. All applicants will be required to provide proof of sufficient property insurance coverage.
6. Where a party to the agreement dies and his or her interest in the eligible residence is transferred to a surviving spouse who is over sixty (60) years of age, the agreement will not be terminated.

Seniors' Property Tax Deferment Bylaw 99-44

7. Penalties applied in accordance with the Assessment and Taxation Act prior to third and final reading of this bylaw will be repaid to eligible applicants in the form of a grant.
8. This bylaw shall come into force and effect upon the final passing thereof.

FIRST and SECOND READING: June 28, 1999
THIRD READING and ADOPTION: July 12, 1999

ORIGINAL BYLAW SIGNED BY:

"Kathy Watson", Mayor

"P. Burke", City Clerk

SENIORS' PROPERTY TAX DEFERMENT APPLICATION (FORM 1)

The personal information requested on this form is collected under the authority of the Seniors Property Tax Deferment Act and Regulations and will be used for processing your application.

Principal Applicant(s) Name(s)	Birth Date - Month/Day/Year	Telephone Number
1. (if more than one principal applicant)		
2.		
Co-Applicant Name	Relationship to the Principal Applicant(s)	
Location of Property (Property Address)		Postal Code
Mailing Address if different than the property address		Postal Code

Principal Applicant Declaration: I am or will be a senior (65 years of age or older) in this calendar year. I certify that I have been the owner, purchaser or lessee of this property, and the property is my (our) principal residence. The information given in this application is true and correct to the best of my knowledge.

1.	2.
Principal Applicant's Signature	Co- Applicant's Signature
Date	Date

Co-Applicant Declaration: I am an owner of the property for which the principal applicant(s) have applied for a Seniors Property Tax Deferment and am aware that the principal applicant(s) may enter into an agreement for a Senior's Property Tax Deferment with the City of Whitehorse.

Co-Applicant's Signature	Date
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Interest Charges

Simple interest will be charged on your deferred property tax at the Bank of Canada rate. Interest is charged from the date your application is approved or from your property tax due date (July 2), whichever is later.

INSTRUCTIONS FOR COMPLETING APPLICATION (FORM 1)

Applicant(s) Name(s)

Enter the name(s) and age(s) of the principal applicant(s) of the property. The principal applicant(s) must be an eligible senior. Enter the co-applicant names for all other owners of the property who are not eligible seniors and the relationship of the co-applicant to the principal applicant(s).

If you are the spouse of an eligible applicant and or are a registered owner, please include your name as a co-applicant even if you are not 65 years of age, as the deferment is transferable to a surviving (widowed) spouse.

Definition of a Spouse

A Spouse is a person who is legally married; or a person who is united to another person by a marriage that, although not a legal marriage, is valid by common law, or a person who has cohabitated with another person as a couple for at least twelve months.

**SENIOR'S PROPERTY TAX DEFERMENT AGREEMENT
(FORM 2)**

**City of Whitehorse
2121-2nd Avenue, Whitehorse, Yukon, Y1A 1C2.**

Please read, complete and sign this agreement for a deferral of your property taxes.

I, _____, and
(Principal Applicant - Print Name In Full)

I, _____
(Co-Applicant - Print Name In Full)

of, _____
(Property Address)

agree with the City of Whitehorse as represented by the Collector of Taxes on approval of my/our application to defer property taxes as follows:

I/We authorise you

- to verify the information provided by accessing relevant records held by the Land Title Office, the Personal Property Registry, the Property Assessment and Taxation Section and other sources as required;
- to register this agreement against my/our interest in the property in favour of the City of Whitehorse, noted on every Certificate of Title/Lease pertaining to the property, or in the case of the manufactured home, to register this agreement at the Personal Property Registry as a lien against my/our interest in the manufactured home in favour of the City of Whitehorse.
- if the property is a mobile home located on leased or rented land, to obtain the value of any charges registered against the title on the property from the registered charge holders in order to verify the minimum equity requirements for tax deferral.

I/We will repay all deferred taxes and simple interest accrued at the Bank of Canada Rate under this agreement that are outstanding at the date of termination of this agreement, according to the requirements of the **Seniors Property Tax Deferral Act**. All deferred taxes and interest must be fully repaid before the property/manufactured home can be legally transferred to a new owner (other than a surviving spouse) and/or, upon death of the agreement holder(s).

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SENIOR'S PROPERTY TAX DEFERMENT AGREEMENT (FORM 2)

(Continued from previous page)

I/We will notify the City of Whitehorse when the property ceases to be my/our principal place of residence, is sold, transferred or otherwise disposed of.

I/We agree that once the amount of deferred taxes equals 75% of the total assessed value of the property, additional taxes may no longer be deferred and I/We will be required to resume paying the current years property taxes.

In the case of a mobile home, the maximum deferrable taxes will be equal to 50% of the assessed value of the mobile home and appropriate home owner insurance is in place.

TRANSFER OF THE AGREEMENT TO A SURVIVING SPOUSE

The tax deferment agreement is only transferable to a surviving spouse. If a widow or widower is at least 60 years of age, but less than 65 years of age, the tax deferment agreement can be transferred to the surviving spouse and no immediate repayment of deferred taxes is required.

If a widow or widower is less than 60 years of age, the widow or widower can request the continuation of the accumulated deferment of property tax and interest on the condition that they resume paying the annual property taxes due and payable on the property. The widow or widower can apply for full deferment of property taxes once they have reached the age of 60 years.

Per section 12 (2) a/b/c of the Seniors Property Tax Deferment Act, **the amount of taxes owing on the day of signing this agreement is _____, the Bank Rate on this day is _____,** and the amount of taxes deferred after the making of this agreement and the amount of interest on these taxes shall be provided by the collector of taxes upon request.

Property Description and Location	Block	Lot	Quad	Group	Plan
Address	Title, Lease, or A/S		Assessment Roll Number		
Manufactured Home Registration Number		Make/Model		Year of Manufacture	
Applicant(s) Signature(s)					
1.					
Principal Applicant's Signature			Date		
2.					
Co-Applicant's Signature			Date		
Approval of Agreement					
Approved on behalf of the Collector of Taxes.					
Signature			Date		