

The Corporation of the City of Peterborough

By-Law Number 23-060

Being a By-law to levy and collect taxes for municipal, education and business improvement area purposes for the year 2023, to impose a penalty charge for non-payment of 2023 taxes, to provide for interest to be added to tax arrears, to establish that the City of Peterborough has now exited the Capping program for the Commercial, Industrial and Multi- Residential classes

Whereas Section 290 of the **Municipal Act, S. O. 2001**, c.25 as amended (the “Act”), provides for a local municipality in each year to prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality including amounts sufficient to pay all debts of the municipality falling due within the year, amounts required to be raised for sinking funds or retirement funds and amounts required for any board, commission or other body;

And Whereas Subsection 312 (1) of the Act provides that the general local municipal levy is the amount the local municipality decided to raise in its budget for the year under Section 290 on all rateable property in the municipality;

And Whereas Subsection 312 (2) of the Act provides that for the purposes of raising the general local municipal levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes;

And Whereas Subsection 312 (6) of the Act provides that the tax rates levied on the different property classes must be in the same proportion to each other as the tax ratios established for the property classes are to each other;

And Whereas Subsection 308 of the Act provides a set of tax ratios shall be established;

And Whereas Subsection 313 of the Act provides that the local municipality shall specify, through a by-law, the percentage reductions of the tax rates for municipal purposes for subclasses of property classes prescribed by regulation where the regulations require tax rates to be reduced by a percentage within a range described in the regulations;

And Whereas Section 342 (1) of the Act stipulates municipalities may pass by-laws providing for the payment of taxes in one amount or by instalments and the date or dates in the year for which the taxes are due;

And Whereas Ontario Regulation 73/03 as amended by Ontario Regulation 62/17 prescribes the manner of determining taxes and requires any budgetary increase which cannot be passed on to the Commercial, Industrial or Multi-Residential property classes because the average tax ratio for the class or classes exceed prescribed thresholds to become a special levy on other classes;

And Whereas through confirming By-law 23-033, being a by-law to confirm the proceedings of Council at its meeting held January 30, 2023, Council approved the 2023 operating budget;

And Whereas through confirming By-law 23-033, being a by-law to confirm the proceedings of Council at its meeting held January 30, 2023 which established property tax classes, tax ratios, tax reduction percentages for mandated subclasses for commercial and industrial properties and the assessment roll for 2023 taxation purposes;

And Whereas through confirming By-law 16-070, being a by-law to confirm the proceedings of Council at its meeting held June 13, 2016 adopted the new Business Tax Capping options which allowed municipalities to exit the capping program through a 4-year phase out beginning in 2016 and ending in 2019. The City of Peterborough has now exited the capping program for properties in the Commercial, Industrial and Multi-Residential Tax Classes.

And Whereas paragraph 1 of Subsection 257.7 (1) of the Education Act, as amended, requires every municipality in each year to levy and collect the tax rate prescribed by the Minister of Finance for school purposes on residential property and business property taxable for school purposes in the municipality according to the last returned assessment roll;

And Whereas Section 257.7 (3) of the Education Act, as amended, provides that Section 313 of the Act which provides for percentage reductions of tax rates for subclasses of property classes, applies with necessary modifications with respect to the rates levied under Section 257.7 (1) on land in a municipality;

And Whereas Ontario Regulation 64/19 prescribes the tax rates for school purposes on residential and business property taxable in the City of Peterborough for the year 2023;

And Whereas Section 355 of the Municipal Act allows Council to pass a by-law where, in any year, the total amount of the taxes to be imposed on a property would be less than an amount specified by Council, the amount of the actual taxes payable shall be zero;

And Whereas Section 208 (1) of the Act stipulates a municipality shall annually raise the amount required for the purposes of a board of management of a Business Improvement Area;

And Whereas the estimate of all sums required by the Downtown Business Improvement Area of the Corporation of the City of Peterborough, as defined by By-law 1980-154 during the year 2023 amounts to \$343,229;

And Whereas the estimate of all sums required by the East City/Ashburnham Business Improvement Area of the Corporation of the City of Peterborough, as defined through By-law 1989-002, during the year 2023 amounts to \$18,363;

And Whereas Section 326 of the Act provides that a local municipality may, through a by-law, identify a special service and designate an area of the municipality in which the residents and property owners receive, or will receive, additional benefit from that special service that is not received or will be received in other areas of the municipality;

And Whereas the Act further provides that Council may pass by-laws regarding the payment of taxes;

And Whereas Section 345 of the Act states Municipalities may pass by-laws to impose late payment charges for the non-payment of taxes or any instalment by the due date and interest charges, not to exceed one and one-quarter (1.25) per cent each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes;

And Whereas Section 347 of the Act sets out procedures for allocation of payments;

And Whereas Section 345 (6) of the Act states a local municipality shall pay interest at the same rate and in the same manner as interest is paid under Subsection 257.11 (4) of the Education Act on overpayments arising as a result of, an error of a municipality, certain changes under the Assessment Act and property class changes;

And Whereas it is now desirable to issue final 2023 tax bills for all property classes taking into account all of the above:

Now Therefore, The Corporation of the City of Peterborough by the Council thereof hereby enacts as follows:

- 1. The municipal tax rates, education tax rates, current value assessment, tax ratios, tax reduction percentages for mandated subclasses for commercial and industrial properties, and the resulting tax levies for Municipal and Education purposes as set out in Schedule A are adopted for the year 2023.
- 2. The estimates of all sums required by the Downtown Business Improvement Area of the Corporation of the City of Peterborough during the year 2023 totalling \$343,229 are hereby adopted and the 2023 rates to be levied on commercial and industrial properties within the Downtown Business Improvement Area to raise the required sum will be as follows:

Class	Rate
Commercial Taxable	0.2476%
Commercial Vacant Units	0.2476%
Industrial Taxable	0.2476%
Industrial Vacant Units	0.2476%

- 3. The estimates of all sums required by the East City/Ashburnham Business Improvement Area of the Corporation of the City of Peterborough during the year 2023 totalling \$18,363 are hereby adopted, and the 2023 rates to be levied on commercial and industrial property within the East City Business Improvement Area to raise the required sum will be as follows:

Class	Rate
Commercial Taxable	0.1345%
Commercial Vacant Units	0.1345%
Industrial Taxable	0.1345%
Industrial Vacant Units	0.1345%

- 4. An annual charge of \$135.60 to be added to the 2023 property tax bills for properties abutting rear laneways in the Avonlea subdivision as referenced in By-laws 13-096, 17-037 and 19-027.
- 5. Properties where the total final tax levy is less than five (5) dollars, the amount of actual taxes payable shall be zero (0).
- 6. Payment of all taxes levied under authority of this by-law, including local improvements and all other charges payable as taxes, shall be paid into the Office of the Treasurer of the Corporation of the City of Peterborough, on or before the due date or into any Branch of any Canadian Chartered Bank or Trust Company, to the credit of the Corporation of the City of Peterborough, in two approximately equal instalments as indicated in the following schedule:

Ward No:	First Instalment Due Date	Second Instalment Due Date
All Wards	July 31, 2023	September 29, 2023

- 7. On application to the City of Peterborough, a taxpayer may pay taxes by a monthly pre-authorized payment plan, payable on the City’s last working day of each month. In the event of the default of payment on the pre-authorized payment plan, enrollment in the plan shall be terminated and the final tax levy

shall be due and payable on the instalment dates as set out in Section 6.

8. The immediate payment of any instalments may be required if earlier instalments are not paid on time.
9. The penalty charge for non-payment of said taxes on or before the respective due dates shall be at the rate of one and one-quarter (1.25) percent of the amount outstanding on the first day of default plus an additional one and one-quarter (1.25) percent of the amount of taxes unpaid on the first day of each calendar month thereafter in which the default continued, but not after the 31st day of December of the year in which the taxes are levied.
10. In addition, statutory interest at the rate of one and one-quarter (1.25) percent per month on any unpaid taxes shall be added from the 31st day of December in the year in which the taxes are levied, and an additional one and one-quarter (1.25) percent on the first day of each calendar month thereafter shall be added until such taxes are fully paid.
11. Part payments of taxes will be accepted and shall be credited first to all penalties and interest outstanding, and then to the oldest tax arrears until the whole of the remainder of the payment has been credited against such taxes.
12. Persons entitled to refunds for overpayments resulting from successful Assessment Appeals, shall receive interest at the same rate and in the same manner as interest is paid under Subsection 257.11 (4) of the Education Act (the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the Bank Act (Canada) at the date of default.
13. This by-law comes into force on the date of the final passing thereof.

By-law passed this 23rd day of May, 2023.

Jeff Leal, Mayor

John Kennedy, City Clerk