

BYLAW 6426

\*\*\*\*\*

A BYLAW OF THE CITY OF LETHBRIDGE TO  
PROVIDE INCENTIVES FOR THE PREPAYMENT OF TAXES,  
TO SET RATES AND IMPOSE PENALTIES ON UNPAID TAXES  
AND ESTABLISH A DEFERRAL OF TAXES.

\*\*\*\*\*

WHEREAS pursuant to Section 339 of the *Act*, Council, may, by Bylaw, provide incentives for prepayments on account of property Taxes before a date or dates to be fixed in the Bylaw;

AND WHEREAS, pursuant to Sections 344 and 345 of the *Act*, Council may impose penalties on unpaid Taxes at the rates set out in the Bylaw;

AND WHEREAS, pursuant to Section 347 of the *Act*, Council may defer the collection of a tax when it considers it equitable to do so;

NOW THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE ENACTS AS FOLLOWS:

**PART I – TITLE, PURPOSE AND DEFINITIONS**

1 (1) This Bylaw may be cited as the “2024 Incentives for Prepayments, Penalties and Tax Deferral Bylaw”.

**Purpose**

2 (1) The purpose of this Bylaw is to establish:  
(a) Due Dates for payment of Taxes;  
(b) the rates of incentive to be applied on prepayment of Taxes;  
(c) the rates of penalties to be imposed for failure to pay Taxes by the Due Date;  
(d) the option for the deferment of tax increases exceeding 10% of the Previous Year’s annualized Taxes, excluding Taxes resulting from new construction.

**Definitions**

3 (1) In this Bylaw, unless the context otherwise requires:  
(a) “**Act**” means the *Municipal Government Act*, R.S.A. 2000 c. M-26;  
(b) “**Additional Charges**” are charges that are added to the Tax Roll in accordance with provincial legislation;  
(c) “**Assessed Person**” means the assessed person as defined in s. 284 (1)(a) of the *Act*;  
(d) “**City**” means the corporation of the City of Lethbridge;  
(e) “**City Tax Collector**” means the City Assessor, a designated officer appointed by City Council pursuant to the provisions of the *Act*;  
(f) “**Council**” means the municipal Council of the City of Lethbridge;

- (g) "**Current Year**" is the year specified in Schedule A to this Bylaw;
- (h) "**Due Date**" is the date or dates that Taxes are due to be paid to the City;
- (i) "**Previous Year**" is the years specified in Schedule A to this Bylaw;
- (j) "**Tax Arrears**" means Taxes that remain unpaid after December 31 of the year in which they are imposed;
- (k) "**Tax Roll**" is the tax roll maintained by the City in accordance with Section 327 of the *Act*.
- (l) "**Taxes**" include annual and supplementary property, business improvement area, special, amended, partial year, local improvement levy, amounts deemed by law to be Taxes due to the event of non-payment, and all other Taxes or Additional Charges lawfully imposed pursuant to the *Act* or any other statute of the Province of Alberta, and include dishonoured cheque fees;
- (m) "**Taxpayer**" is the person liable to pay Taxes as defined in Sections 331 and 373 of the *Act* and includes an entity that has been authorized by a Taxpayer to pay Taxes to the City on behalf of the Taxpayer, monthly or otherwise, and includes a mortgage holder;
- (n) "**Year**" means calendar year.

- 4 (1) All Taxes imposed and levied under the authority of Section 353 of the *Act* shall be paid on the last business day of June of the Current Year, and all other Taxes for the Current Year shall be paid on or before the said date unless otherwise specifically provided for.
- 5 (1) The City Assessor, as a designated officer, is hereby appointed the Tax Collector for the City of Lethbridge.
- 6 (1) The City Tax Collector shall, on or before May 29 in the Current Year, prepare a Tax Roll and shall proceed to collect the Taxes specified therein and shall deposit all tax monies collected with the City Treasurer.

## PART II – INCENTIVE FOR PREPAYMENT OF TAXES

- 7 (1) Where a Taxpayer makes a prepayment towards the Taxes prior to February 28 or 29 (if applicable) of the Current Year, an incentive shall be applied at the rate set out in Schedule A as follows:
  - (a) an incentive shall be calculated daily and paid from the date of payment in the Current Year until the last business day of June of the Current Year;
  - (b) an incentive shall not be applied on overpayments in excess of the annual Taxes for the Previous Year;
  - (c) upon receipt of a written request from the Taxpayer, before Taxes are levied and paid in the Current Year, the prepayment will be refunded to the Taxpayer, and no incentive shall be given;
  - (d) despite subsection (1)(c) a refund may be refused where a tax certificate under Section 350 of the *Act* has been issued on a property, or where there is no credit remaining on the account, or where there is an outstanding balance on another Tax Roll of the Assessed Person and/or Taxpayer;
  - (e) if the land and improvements are sold at any time during the period of prepayment, all prepayments plus incentive shall remain on the property tax account; and

- (f) this section does not apply to tax accounts enrolled in the Tax Installment Payment Plan (TIPP).

### **PART III – INCENTIVE FOR OVER PAYMENT OF TAXES**

- 8 (1) When an overpayment on a Tax Roll exists, other than an account enrolled in TIPP or a prepayment was made before the end of February of the Current Year, no incentive will be applied to the property tax account unless the credit remains on the account until the following tax Year. Any overpayment in excess of the annual taxes for the Current Year will not get the incentive the following tax Year.
- (2) Notwithstanding subsection (1), if there is an overpayment on a tax account that is enrolled in TIPP or on a tax account where a prepayment was made after the end of February of the Current Year, no incentive will be applied to the property account.
- (3) Upon receipt of a written request form the Taxpayer, any overpayment, before taxes are levied and paid in the current year, will be refunded, and no incentive shall be given.
- (4) Despite subsection (3) a refund may be refused where a Tax Certificate under Section 350 of the *Act* has been issued on a property or where there is an outstanding balance on another Tax Roll of the Assessed Person and/or Taxpayer.
- (5) In no case shall an overpayment be refunded to a prior Taxpayer or Assessed Person on a property or business for which Taxes have been overpaid if the property has sold or otherwise transferred, unless the prior Taxpayer or Assessed Person has the written consent of the current Assessed Person to the City, or any other documentation the City may request.

### **PART IV – PAYMENT OF TAXES AND PENALTIES ON UNPAID TAXES**

- 9 (1) Payment of all Taxes shall be made by every taxable person to the Assessment and Taxation Department in the Lethbridge City Hall located at 910 – 4<sup>th</sup> Avenue South, Lethbridge, Alberta.
- 10 (1) Any payment of Taxes for the Current Year that is received by the City after the Due Date shall be deemed to be received by the Due Date if:
- (a) the payment is received by the City mail, and the envelope is stamped by a postmark as being processed on or before the Due Date; or
  - (b) the payment is received by the City through online banking, and the property owner can show proof of date payment made on or before the Due Date.
- 11 (1) Any 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.

- 12 (1) Any supplementary or partial year's property Taxes levied during the Current Year are due thirty (30) days from the date of mailing of the supplementary or amended tax notice. Any amounts remaining unpaid after thirty (30) days from date of mailing are subject to penalties at the rates set out in Schedule A, commencing the first day of the calendar month following the thirty (30) days from date of mailing.
- 13 (1) Additional Charges levied during the Current Year are due in accordance with the annual tax payment Due Dates. 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.
- 14 (1) Notwithstanding sections 11, 12, and 13, the Tax Manager may, at their sole discretion, choose not to apply to the tax account a penalty in the amount of TWENTY DOLLARS (\$20.00) or less.
- 15 (1) Any Taxes in the Current Year, deferred under the Property Tax Deferral Program, are not subject to penalties. If the deferred Taxes are not paid in accordance with the conditions of the Property Tax Deferral Program, the Taxes levied for the Current Year and remaining unpaid after the Due Date are subject to the penalties at the rates set out in Schedule A.

#### **PART V – PENALTIES ON TAX ARREARS**

- 16 (1) Any Tax Arrears are subject to penalties at the rates set out in Schedule A.
- 17 (1) Any Taxes, other than Current Year deferred under the Property Tax Deferral Program and remaining unpaid as of December 31, are subject to penalties at the rates set out in Schedule A.
- 18 (1) For the purposes of Sections 16 and 17, Taxes remaining unpaid as of December 31 include accumulated penalties.
- 19 (1) Notwithstanding sections 16 and 17, the Tax Manager may, at their sole discretion, choose not to apply to the tax account a penalty in the amount of TWENTY DOLLARS (\$20.00) or less.
- 20 (1) Section 15 does not apply to tax accounts enrolled in the Tax Arrears Payment Plan.

#### **PART VI – PROPERTY TAX DEFERRAL PROGRAM**

- 21 (1) Provided that Taxes are not otherwise in default, a Taxpayer may elect to defer payment of any Current Year property tax increase in excess of TEN PERCENT (10%) of their annualized Previous Year property Taxes unless the increase in excess of 10% resulted from new building or improvements to the property.
- 22 (1) The deferred amount, calculated as the Current Year Taxes less the Previous Year's Taxes, may be paid in one of two ways:


- (a) the deferred amount can be paid in full by December 1 of the Current Year without late payment penalties being applied. The application deadline under this option is June 28 of the Current Year; or
- (b) the property owner may elect to pay the deferred amount in 10 equal installments, through the TIPP program, from August 1, 2024 to May 1, 2025 by providing the Tax and Assessment Department with 10 preauthorized monthly installments. Provided that all installments are honored, no late payment penalties will be applied.

- 23 (1) The deadline for applying under the option outlined in s. 22(1)(b) is June 28 of the Current Year. To be eligible for this option, Taxpayers must sign up (or already be participating) in TIPP for payment of 2025 property Taxes.
- 24 (1) In the event that all the deferred Taxes are not paid when due in accordance with sections 22 and 23, Sections 10 and 15 will apply on any unpaid Taxes.
- 25 (1) A Deferral of 2024 Property Tax Application is attached as Schedule B to this Bylaw.

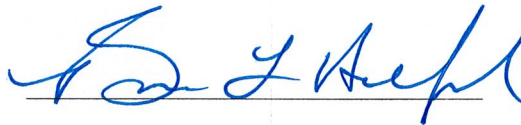
**PART VII – GENERAL**

- 26 (1) Bylaw 6385 is repealed.
- 27 (1) This Bylaw shall come into force and effect on the 1st day of January 2024.

READ A FIRST TIME this 28 day of November, A.D. 2023

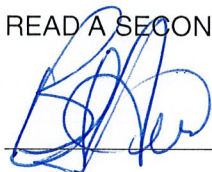
  
\_\_\_\_\_

MAYOR

  
\_\_\_\_\_

CITY CLERK

READ A SECOND TIME this 12 day of December, A.D. 2023

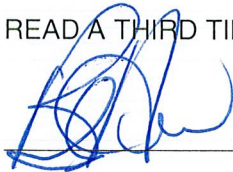
  
\_\_\_\_\_

MAYOR

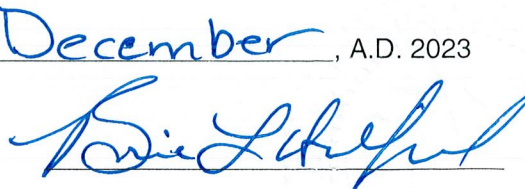
  
\_\_\_\_\_

CITY CLERK

READ A THIRD TIME this 12 day of December, A.D. 2023

  
\_\_\_\_\_

MAYOR

  
\_\_\_\_\_

CITY CLERK

SCHEDULE A

Bylaw 6426

TAX PENALTIES AND INTEREST

Part I – Titles, Purpose and Definitions

“Current Year” means	2024
“Previous Year” means	2023 and prior years
Due Date – Annual Taxes	June 28, 2024

Part 2 – Incentive on Prepayments

Incentive on Prepayments paid prior to February 28 or 29	2.00% per annum calculated from date of payment to June 28, 2024.
--	---

Part 3 – Penalties on Unpaid Taxes

Current Taxes	June 29 – 7%
	August 1– 1%
	September 1– 1%
	October 1– 1%
	November 1– 1%
	December 1– 1%
	Total - 12%
Supplementary Taxes	August 1– 1%
	September 1– 1%
	October 1– 1%
	November 1– 1%
	December 1– 1%
Taxes Remaining Unpaid from Previous Years	12% per annum calculated daily

SCHEDULE B  
BYLAW 6426  
DEFERRAL OF 2024 PROPERTY TAX

DATE: \_\_\_\_\_

ROLL NUMBER: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

CALCULATION OF AMOUNT ELIGIBLE FOR DEFERRAL	
2024 TAX	= \$ _____
Less (2023 ANNUALIZED TAX \$ _____ + 10%) = \$ _____	
DEFERRED AMOUNT of	\$ _____

OPTION "A" \_\_\_\_\_ OR OPTION "B" \_\_\_\_\_ (Choose "A" or "B")

"A" the deferred amount can be paid in full by December 1, 2024, without late penalties being applied. The deadline for applying under this option is June 28, 2024.

"B" the property owner may elect to pay the deferred amount in 10 equal installments from August 1, 2024 to May 1, 2025 by providing the Tax and Assessment Department with 10 preauthorized monthly installments. Provided that all payments are honored, no late payment penalties will be applied. The deadline for applying under this option is June 28, 2024. To be eligible for this option, taxpayers must sign up (or already be participating) in the Tax Installment Payment Plan (TIPP) for payment of 2025 property tax.

IN THE EVENT THAT ALL THE DEFERRED TAXES ARE NOT PAID WHEN DUE IN ACCORDANCE WITH THIS DEFERRAL PROGRAM, THEN AND IN THAT EVENT, SECTIONS 10 AND 15 OF BYLAW WILL APPLY ON ANY UNPAID TAXES.

TAXPAYER'S SIGNATURE: \_\_\_\_\_

TAXPAYER'S NAME: \_\_\_\_\_

(PLEASE PRINT)

- PLEASE PROVIDE A COPY TO THE TAXPAYER

FOIP: Your personal information is being collected for the purpose of deferral calculating and collecting taxes. Any personal information received is being collected and used pursuant to section 33(c) and section 39(1)(a) of the *Freedom of Information and Protection of Privacy Act* and your personal information will be managed in accordance with the *FOIP Act*. If you have any questions about the collection, use and disclosure of information, please contact the City's FOIP Coordinator at 403-320-3821.