



**THE CORPORATION OF THE CITY OF MISSISSAUGA
BY-LAW 115-09**

**A By-law to provide for the Collection of the
Final Tax Levies for the Year 2009**

WHEREAS section 3 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, provides that all real property, with specific exceptions, is subject to assessment and taxation;

AND WHEREAS it is expedient to provide for the payment and collection of final tax levies for the year 2009 by instalments and to impose penalty and interest on all arrears of taxes pursuant to sections 342, 343, 345, 346, 347, and 355 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

NOW THEREFORE the Council of The Corporation of the City of Mississauga, ENACTS as follows:

1. (1) THAT the final levy for residential, farmland, pipelines and managed forests property taxes including local improvement assessments, school rates and other rents and rates for the year 2009 shall be due and payable to the Treasurer of The Corporation of the City of Mississauga in three instalments on July 2, August 6 and September 3.
- (2) NOTWITHSTANDING subsection 1(1), the final levy for real property taxes including local improvement assessments, school rates and other rents or rates for those properties subject to an agreement under the City of Mississauga Pre-Authorized Tax Payment Program shall be due and payable to the Treasurer of The Corporation of the City of Mississauga in three instalments on July 2, August 6 and September 3 for the due date plan, or six instalments for the monthly plan based on the taxpayer's selected withdrawal day of either the 1st, 8th, 15th or 22nd, or the next subsequent business day in the event any of the 1st, 8th, 15th or 22nd falls on a statutory holiday, of the months of July, August, September, October, November and December, 2009.
2. (1) THAT the final levy for commercial, industrial and multi-residential property taxes including local improvement assessments, school rates and other rents and rates for the year 2009 shall be due and payable to the Treasurer of The Corporation of the City of Mississauga in one instalment on August 6, 2009.
- (2) NOTWITHSTANDING subsection 2(1), the final levy for commercial, industrial and multi-residential property taxes including local improvement assessments, school rates and other rents or rates for those properties subject to an agreement under the City of Mississauga Pre-Authorized Tax Payment Program shall be due and payable to the Treasurer of The Corporation of the City of Mississauga in one instalment on August 6, 2009, for the due date plan, or five instalments for the monthly plan based on the taxpayer's selected withdrawal day of either the 1st, 8th, 15th or 22nd, or the next subsequent business day in the event any of the 1st, 8th, 15th or 22nd falls on a statutory holiday, of the months of August, September, October, November and December, 2009.
3. NOTWITHSTANDING sections 1 and 2, where the total final levy taxes to be imposed on a property would be less than twenty-five (25) dollars, the amount of actual taxes payable shall be zero.
4. (1) THAT realty taxes to be levied as a result of additions to the Tax Roll pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, shall be due and payable in 3 instalments provided that the first instalment shall be due not earlier than 21 days from the date of the mailing of the tax notice.

- (2) NOTWITHSTANDING subsection 4(1), where realty taxes are levied as a result of additions to the Tax Roll pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended, at such points during the year that it is impractical or otherwise not feasible for such taxes to be payable in three instalments, then these taxes shall be due and payable in one instalment provided that the instalment shall be due not earlier than 90 days from the date of the mailing of the tax notice.
5. THAT in the event of a default of payment of any instalment of taxes or any part of any instalment, the remaining instalment or instalments shall forthwith become due and payable.
6. THERE shall be added to the Tax Roll all or any arrears of charges, fees, costs or other expenses as may be permitted by applicable Provincial legislation and such arrears of charges, fees, costs or other expenses shall be deemed to be taxes, collected as taxes, or collected in the same manner as municipal taxes, as may be specifically authorized by the applicable statute.
7.
 - (1) THAT the Treasurer shall in accordance with By-law 889-82, as amended, add a percentage charge as a penalty for default of payment of any instalments prescribed in this By-law.
 - (2) THAT the Treasurer shall also add a percentage charge as interest in accordance with By-law 889-82, as amended.
8. THAT except as provided by section 347(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the Treasurer is hereby authorized to accept part payment from time to time on account of any taxes due and to give a receipt for such part payment, provided that acceptance of any such part payment does not affect the collection of any percentage charge imposed and collectable under the provision of By-law 889-82, as amended, in respect of non-payment of any taxes or any class of taxes or of any instalment thereof.
9.
 - (1) THAT the following institutions are hereby authorized to collect instalments of taxes to be credited to the Treasurer:
 - (a) All Schedule I and Schedule II banks pursuant to the *Bank Act*;
 - (b) Trust Companies incorporated under the laws of the Province of Ontario; and
 - (c) Credit Unions and Caisses Populaires.
 - (2) THAT the institutions described in subsection 9(1), upon receipt of a payment as described in subsection 9(1), shall provide a receipt to the payor and the City shall credit the tax account for the amount paid effective on the date of the institution's receipt to the payor.
 - (3) THAT taxes paid into a financial institution to the credit of the Treasurer of the City shall be accompanied by such information as may be required by the Treasurer, sufficient to identify the tax account against which the tax payment is to be applied.
 - (4) THAT where a payment by a payor into a financial institution to the credit of the Treasurer has been paid in error or has been applied to the wrong tax account as a result of an error, the Treasurer may, upon receipt of the written request of the financial institution or payor accompanied by such evidence as the Treasurer may require to establish the existence of said error, either refund or reverse and apply said payment to the correct tax account, upon such terms and conditions, including the posting of security by the financial institution or payor, as the Treasurer may require.
10. THAT the Treasurer is hereby authorized to mail every tax notice or cause the same to be mailed to the address of the property shown on the tax roll or an alternate address as directed in writing by the person taxed.

11. THAT if any section or portion of this By-Law is found by a court of competent jurisdiction to be invalid, it is the intent of Council for The Corporation of the City of Mississauga that all remaining sections and portions of this By-Law continue in force and effect.
12. THAT this By-law shall take effect upon the coming into effect of a By-law establishing tax ratios and tax rates for the year 2009 by the Council of The Corporation of the City of Mississauga.

ENACTED and PASSED this 22nd day of April, 2009.

Signed by: Hazel McCallion, Mayor and Crystal Greer, City Clerk