

WESTSIDE DISTRICT MUNICIPALITY

BYLAW NO. 0021

A BYLAW TO AUTHORIZE A PROPERTY TAX PREPAYMENT AND UTILITIES
PRE-AUTHORIZED PAYMENT PLAN.

**CONSOLIDATED FOR CONVENIENCE TO
INCLUDE BYLAW 0021.01**

WHEREAS the Council of the Westside District Municipality may, pursuant to Section 235 of the *Community Charter*, allow for alternative municipal tax collection schemes; and

WHEREAS the bylaw may provide the terms for accepting and holding the money including interest on it and its rate; and

WHEREAS the Council of the Westside District Municipality deems it desirable to implement a property tax prepayment plan and utilities pre-authorized payment plan for the taxpayers and utility customers of the District of Westside;

THEREFORE BE IT RESOLVED that the Council of the Westside District Municipality, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as the "PROPERTY TAX PREPAYMENT AND UTILITIES PRE-AUTHORIZED PAYMENT PLAN BYLAW 2008 NO. 0021".

2. Definitions

- a) "Collector" means any person given authority by the District to collect monies for property taxes and utilities on behalf of the District;
- b) "District" means the Westside District Municipality, or the area contained within the boundaries of the said District;
- c) "Fiscal year" is a period of 12 consecutive months without regard to the calendar year. The fiscal year is designated by the calendar year in which it ends. The District of Westside's fiscal year begins on January 1 and ends December 31. The inaugural year will be for a period of thirteen months ending on December 31.
- d) "Prescribed Rate of Interest" is the quarterly interest rate as determined by the Lieutenant Governor in Council in accordance with Section 239(2) of the *Community Charter*.
- e) "Property Tax" means the total taxes assessed on the property, including amounts collected for the District and on behalf of other levels of government.

- f) "Taxpayer" is the person or persons responsible for payment of property taxes assessed on a property.
- g) "Utilities" means any District revenue earning work or utility and, without limitation, includes the collection or distribution of water, storm water, recycling, sewage or solid waste.
- h) "Utility Customer" means any person, any other municipal corporation, the Government of British Columbia or the Government of Canada whose property or any lessee or Occupant of such property, or any person who requests Utilities or has applied for an account or is otherwise responsible for paying such account for Utility services.
- i) "Utility Due Date" is the date that the Utilities must be paid by each billing cycle in accordance to the District's Utility bylaws.

3. General Conditions:

- 3.1. The taxpayers and utility customers of the District shall have the right to enter into a tax prepayment plan and utilities pre-authorized payment plan provided that there are no current outstanding balances, delinquent tax, or arrears tax balances outstanding.
- 3.2. A payment dishonoured and returned for any reason will be charged back to the tax or utility account, together with the applicable penalties applied, discounts forfeited and returned cheques (NSF) charges applied.

Bylaw 21.01, adopted February 9, 2010, deleted Section 3.3 in its entirety.

4. Pre-authorized Tax Payment Plan:

- 4.1. Council hereby establishes a monthly pre-authorized tax payment plan for the taxpayers of the District of Westside.
- 4.2. The taxpayers of the District may apply to the Collector of the District to have the right to enter into a pre-authorized monthly tax payment plan to provide for the payment of property taxes, in equal monthly instalments from August 10th of the year preceding to May 10th of the year in which current taxes are due, in an amount of not less than \$20.00 and not more than an amount which would total the estimated annual net taxes and rates as determined by the Collector.
- 4.3. The payment of property taxes on a monthly instalment basis shall commence upon the execution by the taxpayer of a form substantially as set forth in Schedule "A" attached hereto and forming part of this Bylaw, as amended from time to time. The form authorizes automatic deduction from the taxpayer's bank account, to the credit of the District, of monthly payments equal to the monthly payment calculated pursuant to Section 4.2 of this Bylaw and the form shall be deposited with the Collector of the District.
- 4.4. The difference between the taxes levied for the current year and the total of the pre-authorized instalments paid under the plan will be due on the tax due date of the current year. Any balance remaining unpaid after the tax due date of any year will be subject to the penalty provisions of the *Community Charter* and District bylaws.

Bylaw 21.01, adopted February 9, 2010, deleted Section 4.5 in its entirety and replaced it with the following:

- 4.5. Monthly tax prepayments are not refundable. If the subject property is sold, the Tax Department will provide a statement that will indicate the total payments to date, including interest earned pursuant to this bylaw. The Collector will determine if a refund is permitted under extraordinary circumstances.
- 4.6. Upon receipt of the said monies, the collector is empowered and required to credit the account, or accounts, toward which such monies are paid, with the amount thereof together with interest thereon paid by the District.
- 4.7. Provided that there are no taxes in arrears, the interest rate payable under this tax prepayment plan shall be at a rate equal to the prescribed rate of interest as determined by Section 239(2) of the *Community Charter*, such interest to be calculated and credited to the taxpayers benefit based upon the daily balance in the taxpayer's account during the current month.
- 4.8. Once established, the property tax prepayment plan will continue on a yearly basis as defined by section 4.2 of this bylaw unless a taxpayer participating in this prepayment plan withdraws from the plan in writing, sells the property the tax prepayment plan pertains to, or has two dishonoured tax prepayments within the District's current fiscal year.

Bylaw 21.01, adopted February 9, 2010, deleted Section 4.9 in its entirety and replaced it with the following:

- 4.9. In the event that an unpaid utility account or a charge against the property is added to the tax account as arrears on January 1st of the subject year, any tax prepayments in the account will be applied against these arrears and the interest on prepaid taxes reduced proportionately. The Collector may cancel this pre-authorized payment plan for taxes in this event.

5. Utility Pre-Authorized Payment Plan

- 5.1. Council hereby establishes a pre-authorized payment plan for the District of Westside utility customers.
- 5.2. Utility customers participating in this utility pre-authorized payment plan shall provide the Collector with the authority to debit their bank accounts with the utility amount owing, net of the discount, on the date it becomes due and payable.
- 5.3. Any dishonoured and returned utility pre-authorized payments will be charged back to the utility account, together with the applicable penalties, returned cheques (NSF) charges, and lost discounts, and may also result in, disconnection notices and/or withdrawal of services pursuant to the District's utility bylaws.
- 5.4. The pre-Authorized payment plan shall commence upon the execution by the utility customer of a form substantially as set forth in Schedule "A" attached hereto and forming part of this Bylaw, as amended from time to time. The form authorizes automatic deduction from the utility customer's bank account, to the credit of the District.

Bylaw 21.01, adopted February 9, 2010, deleted Section 5.5 in its entirety and replaced it with the following:

- 5.5. Once established, the utility pre-authorized payment plan will continue on an ongoing basis unless a utility customer participating in this pre-authorized payment plan withdraws from the plan in writing, sells the property the pre-authorized payment plan pertains to, or has one dishonoured pre-authorized payment within the District's current fiscal year.

PASSED FIRST READING 2008-SEP-09
PASSED SECOND READING 2008-SEP-09
PASSED THIRD READING 2008-SEP-09
ADOPTED 2008-SEP-30

MAYOR

DIRECTOR CORPORATE
SERVICES

Bylaw No. 0021.01 adopted February 9, 2010 deleted Schedule 'A' in its entirety and replaced it with the following Schedule 'A':



SCHEDULE 'A' TO BYLAW NO. 0021.01

Finance Department
2760 Cameron Road, West Kelowna, BC, V1Z 2T6
Taxes: (778) 797-8860, Email: taxes@districtofwestkelowna.ca
Utilities: (778) 797-8850, Email: utilitybillings@districtofwestkelowna.ca
Fax: (778) 797-8851

PRE-AUTHORIZED DEBIT (PAD) AGREEMENT FORM

Last Name First Name

Last Name First Name

Address

City Province Postal Code

I/We hereby authorize

Name of Financial Institution

Branch Address

Bank Number Transit Number Account Number

Important Note: For verification purposes, please enclose a personal cheque marked "VOID".

Type of Service: (Check One)

() Personal () Business

- To debit my/our account indicated above **according to our billing frequency** for all utility payments payable to the DISTRICT OF WEST KELOWNA, and I/We the undersigned have read and agree to the terms and conditions of the Utility Billing Pre-Authorized Payment Plan.

Utility Account Number _____

- I/We the undersigned have read and agree to the terms and conditions of the Property Tax Pre-Authorized Payment Plan, and hereby authorize(s) the DISTRICT OF WEST KELOWNA to draw pre-authorized monthly payments from my/our account for the prepayment of taxes on the 10th day for 10 consecutive months from August till May.

Pre-authorized amount _____ Tax Roll Number _____

This authority is to remain in effect until the District of West Kelowna has received written notification at any time from me/us of its change or termination. This notification must be received at least five (5) business days before the next debit/payment. To obtain a sample cancellation form, or for more information on your right to cancel a Pre-Authorized Debit (PAD) Agreement, contact your financial institution or visit www.cdnpay.ca.

Date Signature

Date Signature

I/we have certain recourse rights if any debit does not comply with this agreement. For example, I/we have the right to receive reimbursement for any PAD that is not authorized or is not consistent with this PAD Agreement. To obtain a form for a Reimbursement Claim, or for more information on my/our recourse rights, I/we may contact my/our financial institution or visit www.cdnpay.ca.



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**PROPERTY TAX PRE-AUTHORIZED PAYMENT PLAN
TERMS AND CONDITIONS**

- Interest on the prepayment amount, will be applied as a discount (credit) against the property tax account.
- To participate in the plan, the property tax account must be current, meaning there can be no outstanding property taxes against the property.
- Interest will be reversed on dishonoured payments and an administration fee of \$30.00 will be debited to your tax account.
- **If the estimate of the monthly payment results in an underpayment of taxes, the balance must be paid by the tax due date to avoid penalty.**
- If the estimate results in an overpayment, it will automatically be applied to reduce next year's installment amount. If the subject property is sold, it is up to the discretion of the Collector to determine if a refund is permitted.
- Participation in this plan may automatically cease if two prepayments fail to be honoured by the taxpayer's financial institution within the District's Fiscal Year (January to December) or if the subject property is sold.
- Any taxes remaining unpaid on the taxpayer's account after the tax due date will be assessed a 10% penalty and will automatically cancel the taxpayer's participation in the plan. Reinstatement in this plan will occur when all outstanding taxes in this account are paid.
- Interest will be calculated pursuant to Section 4.7 of the Property Tax Prepayment and Utilities Pre-Authorized Plan Bylaw
- Ten equal payments will be processed and collected on the 10th day of each calendar month commencing in August of the year preceding the tax due date and ending in May of the year in which the taxes become due.
- During May of each year a statement will be included on the tax bill giving the balance in the account plus interest and the amount payable to fully pay the year's taxes. This amount will be due on the tax due date.
- The taxpayer may, in writing, cancel this arrangement at any time but there will be no refund of any payments made prior to the cancellation and the District will continue to pay interest on any amounts paid. This notification must be received at least five (5) business days before the next debit/payment.
- Monthly payments are based on an estimate only and are not a warranty or guarantee of the amount of taxes which may be levied.
- **IF ELIGIBLE, THE HOMEOWNER GRANT MUST BE CLAIMED AFTER RECEIPT OF THE TAX NOTICE AND PRIOR TO THE TAX DUE DATE. PARTICIPATION IN THE TAX PREPAYMENT PLAN IS NOT A SUBSTITUTE FOR CLAIMING THE GRANT.**
- The personal information on this form is collected under the authority of the *Community Charter*. The information will be used for the purpose of an operating program of the municipality.
- Under paragraph 14 of Revenue Canada Interpretation Bulletin IT-396/R of May 29, 1984, the interest earned and applied to taxes is considered as a reduction of the amount payable, and is not income for income tax purposes.

**UTILITY BILLING PRE-AUTHORIZED PAYMENT PLAN
TERMS AND CONDITIONS**

- An administration fee of \$30.00 will be debited to your utility account for all dishonoured payments.
- Participation in this plan will automatically cease if one prepayment fails to be honoured by the utility customer's financial institution. In order to reinstate the utility billing customer's account, a new Pre-Authorized Payment Authorization Form must be submitted along with a void cheque of the bank account to be debited.
- The utility customer may, in writing, cancel this arrangement at any time. This notification must be received at least five (5) business days before the next debit/payment.
- The utility customer will receive a bill showing all levies and charges. The bill will show the due date (15th of the month following) which is the date the preauthorized debit will be withdrawn from the utility billing customer's bank account, with the exception of the Annual Sewer or Water Debt charge which is withdrawn only once during the year on November 15th.
- The personal information on this form is collected under the authority of the *Community Charter*. The information will be used for the purpose of an operating program of the municipality.