

1981

c 98 City of North York Act, 1981

Ontario

This Bill was passed by the Legislature after the the 31st day of December, 1980 and before the Revised Statutes of Ontario, 1980 came into force. It is shown here in the form in which it was passed, before its revision by the commissioners under the authority of section 4 of The Statutes Revision Act, 1979. It is published in its revised form as chapter 98 in the public acts section of this volume.

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BILL Pr14

1981

(Chapter 98)

An Act respecting the City of North York

WHEREAS The Corporation of the City of North York, Preamble
 herein called the Corporation, hereby applies for special
 legislation in respect of the matters hereinafter set forth; and
 whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the City of North York;
- (b) "municipal taxes" means taxes imposed for municipal and school purposes in respect of real property assessed as residential or farm property and includes local improvement or other special rates;
- (c) "owner" means a person assessed as the owner of residential real property and includes an owner within the meaning of *The Condominium Act, 1978*;
- (d) "personal residence" means the residence ordinarily inhabited by the owner.

1978, c. 84

2.—(1) Notwithstanding any general or special Act, the council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the City of North York a uniform credit or refund in an amount of \$150 per year against municipal taxes for the years 1981, 1982 and 1983 in respect of the residential real property, if the owner or the spouse of the owner or both,

Tax credit
and refund
authorized

- (a) occupies or occupy the property in respect of which municipal taxes are imposed as his, her or their personal residence;

- (b) has or have attained the age of sixty-five years or such greater age as the by-law may provide;
- (c) has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit; and
- (d) is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada).

R.S.C. 1970,
c. O-6

Conditions

(2) The following conditions apply to a credit or refund authorized under subsection 1:

1. No credit or refund shall be allowed to an owner in respect of more residential real property than one single family dwelling unit in any year.
2. No credit or refund shall be allowed to any person who has not made application therefor in the year in which the municipal taxes in respect of which the credit or refund is claimed become due and payable.
3. A credit shall be allowed for municipal taxes imposed on any real property only on payment of the remaining portion of such municipal taxes.
4. No refund shall be allowed for municipal taxes imposed on any real property in any year unless such municipal taxes have been paid in full in that year.
5. Where the municipal taxes payable by an owner in the year, before any credit or refund, are less than an amount equal to the sum of \$150 plus the amount of the maximum grant that may be paid to the owner or his or her spouse under section 2 of *The Ontario Pensioners Property Tax Assistance Act, 1980*, the credit or refund shall be the amount by which such municipal taxes exceed the amount of such maximum grant.

1980, c. 18

Exception

(3) Notwithstanding paragraph 4 of subsection 2, where the amount of an allowable credit of municipal taxes in any year is greater than the amount of the municipal taxes unpaid in that year, the difference between such amounts may be refunded and the unpaid portion may be allowed as a credit.

3. A by-law passed under subsection 1 of section 2 may, Additional powers

- (a) provide for the continuation of the credits or refunds to the surviving spouse of a deceased person to whom a credit or refund was allowed, if the spouse otherwise qualifies for the credit or refund except for the qualification set out in clause *c* of subsection 1 of section 2; and
- (b) prescribe such regulations with respect to the administration of the by-law, not inconsistent with this Act, as the council of the Corporation may consider proper.

4.—(1) The amount of any credit or refund allowed from time to time under a by-law passed under subsection 1 of section 2 shall be a lien in favour of the Corporation upon the real property in respect of which the credit or refund has been allowed and the lien shall have priority over, Lien

- (a) any encumbrance upon the property arising before or after the date of registration of the notice mentioned in subsection 3 if the encumbrancer is a relative by blood or marriage of the person to whom the credit was allowed; and
- (b) any other encumbrance upon the property arising after the date of registration of the notice mentioned in subsection 3.

(2) The amount of the lien shall become due and be paid to the Corporation upon any change in ownership of the real property except, Idem

- (a) where the new owner is the husband, wife, brother or sister of the person to whom a credit or refund was allowed and is a person entitled to a credit or refund under a by-law passed under this Act; or
- (b) by way of a mortgage other than a sale or foreclosure under the mortgage.

(3) Where a by-law passed under subsection 1 of section 2 is in force, forthwith after a credit or refund has been allowed under the by-law for the first time in respect of any real property or for the first time after a lien under this Act in respect of any real property has been discharged, a notice signed by the treasurer of the Corporation stating that a credit or refund has been allowed together with a description of the real property sufficient for Notice of lien and discharge of lien

registration shall be registered in the proper land registry office and, upon payment in full to the treasurer of the Corporation of the amount of all outstanding credits and refunds allowed in respect of the property, a certificate of the treasurer of the Corporation showing the payment shall be similarly registered, and thereupon the lien in respect of the real property is discharged.

Forms (4) A notice of lien under subsection 3 may be in Form 1 and a certificate of payment under that subsection may be in Form 2.

Commencement 5. This Act comes into force on the day it receives Royal Assent.

Short title 6. The short title of this Act is *The City of North York Act, 1981*.

Form 1

NOTICE OF LIEN

The City of North York Act, 1981

The Treasurer of The Corporation of the City of North York

HEREBY GIVES NOTICE That a credit or refund has been allowed under By-Law No. of the said municipality made under Section 2 of *The City of North York Act, 1981* to

insert name(s) of owner(s) {
.

in respect of the real property situate in the City of North York in The Municipality of Metropolitan Toronto in the Province of Ontario being composed of the whole (or part) of:

Lot (Block)

in Concession

or according to Plan No.

for use if registered in a registry office { registered in the Registry Office for the
Registry Division of
as described in Registered Instrument No.

for use if registered in an office of land titles { registered in the Office of Land Titles
at
as Parcel No. in the
Register for

AND that any credit or refund allowed from time to time is a lien in favour of The Corporation of the City of North York upon the above-mentioned real property in accordance with *The City of North York Act, 1981*.

Dated at North York this day of 19....

.....
Treasurer

INQUIRIES concerning the discharge of the lien should be addressed to the Treasurer, City of North York, 5100 Yonge Street, Willowdale, Ontario, M2N 5V7.

Form 2

CERTIFICATE OF PAYMENT

The City of North York Act, 1981

The Treasurer of The Corporation of the City of North York

HEREBY CERTIFIES That all amounts due to the said municipality under Section 2 of *The City of North York Act, 1981*, have been paid in full by, or on behalf of,

insert name(s) {
of owner(s) {

in respect of the real property situate in the City of North York in The Municipality of Metropolitan Toronto in the Province of Ontario being composed of the whole (or part) of:

Lot (Block)

in Concession

.....

or according to Plan No.

for use if registered in a registry office { registered in the Registry Office for the
Registry Division of
as described in Registered Instrument No.

for use if registered in an office of land titles { registered in the Office of Land Titles
at
as Parcel No. in the
Register for

AND that the lien, described in the Notice of Lien registered as Instrument No., is hereby discharged.

Dated at North York, this day of 19....

.....
Treasurer

