

NATIONAL ASSEMBLY
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1987, chapter 69
**AN ACT TO AMEND THE MUNICIPAL
TAXATION ACT AND THE AMUSEMENT
TAX ACT IN RESPECT OF
MUNICIPAL TAXES**

Bill 82

Introduced by Mr André Bourbeau, Minister of Municipal Affairs

Introduced 12 November 1987

Passage in principle 1 December 1987

Passage 10 December 1987

Assented to 14 December 1987

Coming into force: 14 December 1987

Acts amended:

Amusement Tax Act (R.S.Q., chapter D-14)

Municipal Taxation Act (R.S.Q., chapter F-2.1)



CHAPTER 69

An Act to amend the Municipal Taxation Act and the Amusement Tax Act in respect of municipal taxes

[Assented to 14 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. D-14,
s. 5,
repealed **1.** Section 5 of the Amusement Tax Act (R.S.Q., chapter D-14)
is repealed.

c. D-14,
s. 6.1,
added **2.** The said Act is amended by inserting, after section 6, the
following section:

Proof of ad-
mission **“6.1** The collector of the duty shall, at the request of the
municipality, prove that certain persons were admitted to the place
of amusement without charge or for a price of admission under the
price they would otherwise have paid, in particular, by means of a
complimentary ticket or season ticket, or that they have obtained such
a ticket which will allow them to be admitted without charge or for
a reduced price.

Presumption In the absence of the proof required under the first paragraph, the
collector is deemed to have collected, from such persons, the amount
of duty computed on the basis of the price of admission they would
otherwise have paid.”

c. F-2.1,
s. 81, am. **3.** Section 81 of the Municipal Taxation Act (R.S.Q., chapter F-2.1)
is amended by adding, at the end of the first paragraph, the following:
“However, where the unit is entered in the name of more than one
person, he may mail the notice and account to only one of them,
indicating therein that they are intended for the addressee and the other
persons, who may be designated collectively.”

c. F-2.1,
s. 232.1,
added

4. The said Act is amended by inserting, after section 232, the following section:

Provisions
applicable

“232.1 Nothing in sections 77 of the Savings and Credit Unions Act (R.S.Q., chapter C-4), 128 of the Cooperatives Act (R.S.Q., chapter C-67.2) and 6 of the Cooperative Syndicates Act (R.S.Q., chapter S-38) shall prevent the application of section 232 to a body to which one of them is applicable.”

c. F-2.1,
ss. 253.1-
253.26,
added

5. The said Act is amended by inserting, after section 253, the following:

“DIVISION IV.1

“ABATEMENT APPLICABLE TO REAL ESTATE
TAXES IN CASE OF A MAJOR
INCREASE IN THE TAXABLE VALUE

Abatement

“253.1 Any municipal corporation may, by by-law, provide for an abatement applicable to real estate taxes imposed for a fiscal period and based on the taxable value of eligible units of assessment.

Eligibility
for tax
abatement

“253.2 A unit of assessment is eligible for an abatement if the percentage of increase in its taxable value for the fiscal period considered, in relation to the preceding fiscal period, is greater than the percentage of increase fixed by by-law as the threshold of eligibility.

Combination
of assess-
ment units

Where a unit entered on the roll for the fiscal period considered results from the combination of several whole units entered on the roll for the preceding fiscal period, the sum of the taxable value of each such unit is deemed to be the taxable value, for the preceding fiscal period, of the unit resulting from the combination.

Exclusions

No unit that is a vacant land or results from the division of a unit entered on the roll for the preceding fiscal period may be eligible for an abatement.

Increase in
taxable
value

“253.3 To establish the percentage of increase of the taxable value of a unit of assessment, its taxable value entered on the roll for the fiscal period considered, as it exists on the date of preparation of the account for real estate taxes under section 81, is compared to its taxable value entered on the roll for the preceding fiscal period, as it existed at the end of that period, taking into account the alterations made to the roll before the preparation of the account.

Alteration
to the roll

For the purposes of the first paragraph, the value of all or part of an immovable added to the unit by an alteration to the roll pursuant to paragraph 7 of section 174 for the fiscal period considered is not

taken into account, unless the alteration also affects the roll for the preceding fiscal period.

Applicability The first two paragraphs apply subject to the second paragraph of section 253.5.

Threshold of eligibility “**253.4** The percentage of increase fixed by the by-law as the threshold of eligibility for the abatement must be equal to or greater than the higher of the following percentages:

(1) the percentage obtained by adding 10% and the total percentage of increase of the values entered on the rolls;

(2) the percentage obtained by multiplying the total percentage of increase of the taxable values entered on the rolls by 1.5.

Total percentage To establish the total percentage of increase of the values entered on the rolls, the sum of the values entered on the roll for the fiscal period considered, as it exists on the date of its deposit, is compared to the sum of the values entered on the roll for the preceding fiscal period, as it exists on the day before that deposit.

Exceptions For the purposes of the second paragraph, the following values are not taken into account:

(1) the value of a unit of assessment entered on one roll without the corresponding value appearing on the other;

(2) the value of a unit entered on a roll which, on the other, is combined with another unit or divided into several units, unless the combination or the division did not, in itself, entail any change in the value of the immovables concerned;

(3) the value of a unit that is a vacant land;

(4) the value of all or part of any immovable added to or withdrawn from a unit by way of an alteration to the roll for the preceding fiscal period pursuant to paragraphs 6 and 7 of section 174.

Abatement “**253.5** The amount of abatement is equal to the difference between the amount of real estate taxes that would, but for the abatement, be payable for the fiscal period considered in respect of an eligible unit of assessment and the amount that would be payable if the taxable value of the unit were a fictitious value equal to the taxable value entered on the roll for the preceding fiscal period established under the first two paragraphs of section 253.3, and increased by a percentage corresponding to the threshold of eligibility fixed by the by-law.

Percentage of increase	Notwithstanding the foregoing, the by-law may provide that, to establish the percentage of increase in the taxable value of the unit of assessment in view of determining whether it is eligible for the abatement for the fiscal period considered and computing the amount of such abatement, the value used, instead of the taxable value entered on the roll for the preceding fiscal period as established under the first two paragraphs of section 253.3, is the fictitious value which was used in computing the abatement for the preceding fiscal period or which would have been used if the alterations made to the roll after the date of preparation of the real estate tax account under section 81 for such fiscal period and before the date of preparation of the tax account for the year considered had been made before the first date.
Applicability	In no case may the second paragraph apply to a unit of assessment for more than three consecutive years.
Changes in taxable value	"253.6 When the effect of an alteration to the roll, or the preparation of a new roll to replace a roll that has been quashed or set aside, is to change the taxable value of an eligible unit of assessment, account must be taken of the abatement in establishing the amount of the resulting tax supplement or refund.
Eligibility	The same rule applies where the effect of an alteration to or the preparation of the roll renders a unit eligible or, as the case may be, not eligible for the abatement.
Duties of the assessor	"253.7 The municipal corporation may, by resolution, demand that the assessor establish the total percentage of increase of the values entered on the rolls, in accordance with the second and third paragraphs of section 253.4. It may in the same manner demand that he identify the units of assessment that would be eligible for the abatement on the assumption of any threshold of eligibility within the meaning of section 253.4 that it may indicate, or of any formula that it may indicate for establishing the percentage of increase in the value of the unit, in accordance with the first two paragraphs of section 253.3 or the second paragraph of section 253.5.
Copy	Where applicable, copy of the resolution shall be forwarded to the assessor by the municipality.
Account	"253.8 The amount of the abatement must appear on the account for real estate taxes imposed on every eligible unit of assessment.
Formula	When sending the tax account, the municipal corporation or municipality responsible therefor must inform the taxpayer of the formula used in establishing the amount of the abatement.
Provisions applicable	"253.9 Sections 253.1 to 253.8 apply to any unit of assessment whose taxable value is established in accordance with section 211, 214 or 231.1 of this Act or 33 of the Cultural Property Act (R.S.Q., chapter B-4).

Applicability However, they do not apply where the taxable value of a unit of assessment increases, from one fiscal period to the next, as a result of the application of the second paragraph of section 217 or because a provision referred to in the first paragraph no longer applies to such unit.

Provisions applicable **"253.10** Sections 253.1 to 253.8 apply to any unit of assessment that is exempt from tax in respect of which an amount is payable pursuant to section 205, the first paragraph of section 208, or section 210 or 254, except a unit of assessment described in any of the last three paragraphs of section 255.

Application of ss. 253.1-253.8 For the application of sections 253.1 to 253.8 to such a unit, the value that is exempt from tax is regarded as a taxable value, the amount payable in its respect is regarded as a real estate tax, and the first request for payment of that amount for the fiscal period is regarded as the account for real estate taxes prescribed under section 81.

Applicability Sections 253.1 to 253.8 do not apply to any other unit of assessment if its value ceases to be tax exempt from one fiscal period to the next.

Provisions applicable **"253.11** Sections 253.1 to 253.10 apply notwithstanding any inconsistent provision of a general law or special Act or any regulation made thereunder.

Applicability They do not apply in respect of school taxes levied by a municipal corporation or municipality.

"DIVISION IV.2

"AVERAGING OF REAL ESTATE TAX PAYMENT

Instalments **"253.12** A municipal corporation may, by by-law, allow eligible taxpayers to spread the payment of their real estate taxes over several fiscal periods.

Eligibility **"253.13** A taxpayer is eligible for the averaging of his tax payments if the percentage of increase in the amount of real estate taxes that he is required to pay for a fiscal period, in relation to the preceding fiscal period, is greater than the percentage of increase fixed by by-law as the threshold of eligibility.

Exception Notwithstanding the foregoing, the by-law may provide that the payment of real estate taxes imposed on units of assessment of any category determined therein cannot be the subject of averaged payment; in that case, such taxes are not subject to this division.

Percentage of increase **"253.14** To establish the percentage of increase in the amount of real estate taxes payable by the taxpayer, the amount claimed on

the tax account provided for in section 81 for the fiscal period considered is compared to the total amount claimed for the preceding fiscal period in all the accounts mailed before the date of preparation of the first mentioned account.

Application For the purposes of the first paragraph,

(1) the amount claimed for the period considered shall not include the amount carried over from a previous fiscal period, the interest on that amount or an amount resulting from an alteration made to the roll under paragraph 7 of section 174, unless the alteration also affects the roll for the preceding fiscal period;

(2) the total amount claimed for the preceding period shall not include the amount carried over from a previous fiscal period, the amount that may be carried over to a subsequent period, whether or not it has been so carried, or the interest on either of those amounts.

Eligibility
for aver-
aging

"253.15 The percentage of increase fixed by the by-law as the threshold of eligibility for averaging the tax payments must be equal to or greater than the percentage obtained by adding 10% to the percentage of increase of the taxation revenues of the municipal corporation.

Increase in
tax
revenues

To establish the percentage of increase of the taxation revenues of the corporation, the total amount of revenues referred to in paragraph 1 of section 234 showing in the budget for the fiscal period considered is compared to the total of such revenues showing in the budget and any supplementary budget for the preceding fiscal period.

Annexation
and amalga-
mation

Where the total taxation revenues are reduced or increased by reason of the constitution of a new municipal corporation, an amalgamation, an annexation or any other modification of the territory of the municipal corporation, the corporation shall establish the percentage of increase of its taxation revenues as if its territory had been the new territory during the two fiscal periods.

Deferred
payment

"253.16 A taxpayer eligible for the averaging of his tax payments may carry over to a subsequent fiscal period the payment of that part of the amount of his real estate taxes for the period considered which exceeds the amount of his taxes for the preceding period, computed in accordance with section 253.14, and which is in excess of the threshold of eligibility fixed by the by-law.

Tax pay-
ments

An eligible taxpayer who fails to pay his real estate taxes for the fiscal period considered or, as the case may be, the first instalment thereof or, subject to section 253.17, who pays the full amount of such taxes or instalment is deemed to waive the averaging of his tax payments under this section.

Deferred
payment

"253.17 The payment of any supplementary real estate tax account for the fiscal period considered that is sent after the preparation of the account provided for in section 81 and before the end of the fiscal period may be carried over to a subsequent fiscal period, if the taxpayer is already eligible for the averaging of his tax payments, whether or not he availed himself of that right in respect of his last account.

Deferred
payment

Where a supplementary real estate tax account for the fiscal period considered is sent at the time referred to in the first paragraph to a taxpayer who is not already eligible for tax payment averaging, payment of part of the account may be carried over to a subsequent fiscal period provided the account does not result from an alteration made to the roll under paragraph 7 of section 174 and the amount thereof is such that, if it had been added to the amount of the account provided for in section 81 for the application of section 253.14, the taxpayer would have been eligible and would have been entitled to carry over the payment of part of that amount. In that case, the taxpayer is deemed to be eligible and may defer the payment of that part of his supplementary account.

Encum-
brance

"253.18 The privilege attached to real estate taxes shall encumber the unit of assessment to secure payment of the amount the payment of which is carried over, with accrued interest, from the time the taxpayer avails himself of the right to average the payment of his taxes.

Interest

"253.19 Any payment of real estate tax which is carried over to a subsequent fiscal period shall bear interest at the rate fixed by the by-law.

Rate of
interest

That rate must, when fixed, be lower than the rate applied by the municipal corporation to real estate tax arrears.

Rate of
interest

That rate cannot be changed for part of a fiscal period; each successive rate is valid for a whole fiscal period.

Interest

Interest ceases to accrue on the date of preparation of the account on which the capital amount payable pursuant to the first paragraph of section 253.21 or section 253.22 is entered. It ceases to accrue on all or part of the capital amount paid before the preparation of the account.

Deferred
payment

"253.20 Any deferred payment of real estate tax, including interest, shall be payable in equal yearly instalments in the course of the three fiscal periods following the period for which such taxes were imposed.

Deferred
payment

Notwithstanding the foregoing, the by-law may provide that a deferred payment of real estate tax, including interest, is payable in

equal yearly instalments in the course of the two ensuing fiscal periods, or payable in full during the next fiscal period.

Terms of
payment

Where a yearly instalment is paid in accordance with the first paragraph or with the provisions of the by-law made pursuant to the second paragraph, section 253.19 applies to the balance.

Separate
entries

“253.21 Any amount payable in the course of a fiscal period under section 253.20 shall be entered separately on the real estate tax account provided for in section 81 for that period.

Balance

Any balance that is not payable is showed on the account for information purposes.

Capital and
interest

Capital and interest are shown separately on the account.

Statement

Any particular which, according to this section, must be entered on the account may be entered on a statement attached to the account, which shall refer thereto. The statement is deemed to form part of the account.

Transfers

“253.22 Notwithstanding section 253.20, any balance remaining on a deferred payment of real estate tax, including interest, shall be payable by the taxpayer who, before the date prescribed in the said section or in the by-law, transfers the unit of assessment on which the taxes were imposed.

Account to
the trans-
feror

The municipal corporation or the municipality responsible for sending the tax accounts may send a specific account to the transferor after amending the roll following the transfer of the unit of assessment. The account shall show the capital and interest separately.

Encum-
brance

The application of this section does not affect the privilege accessory to real estate taxes which is a charge on the unit of assessment to secure payment of the balance referred to in the first paragraph.

Single in-
stalment

“253.23 Every amount showed as payable on the account in accordance with section 253.21 or 253.22 must be paid in a single instalment.

Exigibility

Any such amount is due at the expiry of the time prescribed in the Act governing the municipal corporation in respect of real estate tax payment. If the amount is not paid, it bears interest from the expiry of the time prescribed, at the rate applicable to real estate tax arrears. The prescription period then begins to run.

Number of
payments

"253.24 To determine whether real estate taxes may be paid in more than one instalment in the course of a fiscal period, section 252 and the by-law passed under paragraph 4 of section 263 apply, subject to the following adaptations:

(1) no account is taken of any amount the payment of which is carried over to a subsequent fiscal period;

(2) if a taxpayer eligible for the averaging of his tax payments elects to carry over to a subsequent fiscal period the payment of part of the amount of real estate taxes imposed for the fiscal period, account is taken only of the balance of the taxes the payment of which is not carried over to a subsequent period.

Tax account

The real estate tax account of an eligible taxpayer must set out each of the possible alternatives with regard to the payment of taxes in one or more instalments, whether or not the taxpayer elects to defer the payment of part of his taxes to a subsequent period.

Formula

When sending the tax account, the municipal corporation or municipality responsible therefor must inform the taxpayer of the formula used in establishing the amount the payment of which may be deferred to a subsequent fiscal period, and of the rules governing the payment of that amount, including interest, in case of deferment.

Advance
payment

"253.25 A taxpayer eligible for the averaging of his tax payment may, at any time before it becomes payable, pay all or part of the amount of any deferred payment with accrued interest.

Partial pay-
ment

Any partial payment is first applied to the interest. Sections 253.19 to 253.24 then apply to the balance.

Provisions
applicable

"253.26 Sections 253.12 to 253.25 apply notwithstanding any inconsistent provision of any general law or special Act or any regulation or by-law made thereunder.

School taxes

They do not apply in respect of school taxes levied by a municipal corporation or municipality."

c. F-2.1,
s. 266,
repealed
Effect

6. Section 266 of the said Act is repealed.

7. Sections 1 and 2 have effect for the purposes of all municipal fiscal periods beginning with the fiscal period 1988.

Effect

8. Section 4 has effect from 1 January 1987.

Business tax Any business tax imposed for the municipal fiscal period 1985 or 1986, by reason of an activity described in section 77 of the Savings and Credit Unions Act, 128 of the Cooperatives Act, or 6 of the Cooperative Syndicates Act, on an institution to which one of such sections applies, is null.

Refund Every municipality shall, within 90 days after receiving a written application therefor, refund, without interest or costs, any amount of business tax unduly paid by an institution. In case of default, the amount to be refunded bears interest at the rate applicable to real estate tax arrears from the expiry of the prescribed time.

Powers The municipality has, to effect the refund, the same powers as those it has to effect a payment ordered by a court.

Business tax accounts Notwithstanding the first paragraph, no municipality or urban or regional community responsible for sending business tax accounts may send, after 12 November 1987, such an account for the municipal fiscal period of 1987 to an institution contemplated in the second paragraph that is not governed by the Savings and Credit Unions Act.

Effect 9. Section 5 has effect for the purposes of all municipal fiscal periods, beginning with the fiscal period 1988.

Information For the purposes of the fiscal period 1988, the information which, according to a provision enacted by section 5, must appear on the municipal real estate tax account may be entered on a separate sheet attached to the account to which it refers.

Coming into force 10. This Act comes into force on 14 December 1987.