

Authority: Corporate Services Committee Report No. 2(18), March 4, 5 and 6, 1998
Intended for first presentation to Council: April 16, 1998
Adopted by Council: April 16, 1998

CITY OF TORONTO

BY-LAW No. 118-1998

To authorize the execution of a tax arrears extension agreement pursuant to section 8 of the *Municipal Tax Sales Act*, R.S.O., 1990, c. M.60.

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto shall enter into an agreement with Rochelle Litman, the owner of the land described as Parcel 12-1, Section M-1452, being Lot 12, Plan 66M-1452, being in the City of Toronto, in the Land Registry Office, against which land the City registered a tax arrears certificate on the 26th day of March, 1996, to extend the time period in which the cancellation price payable on this land is to be paid until June 30th, 1998.

2. This agreement shall be in substantially the same form and contain terms and conditions, subject to such amendments as may be required by the Chief Financial Officer and Treasurer and City Solicitor, as set out in Schedule "A" attached hereto and forming part of this By-law.

3. The Clerk and the Chief Financial Officer and Treasurer shall be authorized to enter into this agreement on behalf of the City.

4. This By-law shall become effective as of March 4, 1998.

ENACTED AND PASSED this 16th day of April, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE "A"

THIS AGREEMENT made in duplicate this 4th day of March, A.D., 1998.

BETWEEN:

CITY OF TORONTO

hereinafter called the "Corporation"

OF THE FIRST PART

- and -

ROCHELLE LITMAN

hereinafter called the "Owner"

OF THE SECOND PART

WHEREAS the Owner is the owner of the land in the City of Toronto described as the Parcel 12-1, Section M-1452, being Lot 12, Plan 66M-1452, in the City of Toronto, as set out in Instrument No. A698594 registered in the Land Registry Office for the Land Titles Division (No. 66).

AND WHEREAS the Owner's land was in arrears of taxes on the 31st day of December, 1996 in the amount of \$34,006.90 and a tax arrears certificate was registered in the Land Registry Office, as set out in Instrument No. E0695970, on the 26th day of March, 1997 in respect of the Owner's land;

AND WHEREAS the Owner's land is in arrears of taxes on the 1st day of March, 1998 in the amount of \$51,690.10;

AND WHEREAS under section 8 of the *Municipal Tax Sales Act*, R.S.O. 1990, c. M.60, a municipality may by by-law authorize an extension agreement be entered into by the Corporation with owners to extend the period of time in which the cancellation price in respect of the owners' land is to be paid;

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the premises and of the covenants and obligations hereinafter contained, it is hereby agreed as follows:

1. The Corporation hereby extends the period of time in which the cancellation price is to be paid to June 30th, 1998, providing the Owner is not in default hereunder.
2. Despite any of the provisions of this agreement, the *Municipal Act*, R.S.O. 1990, c. M.45, as amended, and the *Municipal Tax Sales Act*, R.S.O. 1990, c. M.60, as amended, shall continue to apply to the collection and enforcement of all tax arrears and all taxes, except that the Treasurer and the collector of taxes of the Corporation,

without waiving the statutory rights and powers of the municipality or of the Treasurer, shall not enforce collections of such tax payments by the sale of the land, during the time that this agreement is in force, so long as the Owner is not in default hereunder.

3. The Owner agrees to pay the Corporation the sums indicated in Appendix 1 attached hereto and forming part of this Agreement in accordance with the schedule of payments indicated thereon.
4. In the event that the Owner defaults in any payment hereunder or is in default of any covenant or condition hereunder and such default continues for a period of seven (7) days, the Treasurer shall give the Owner a notice in writing to remedy the default within a period of seven (7) days from the date of the said notice, and in the event that the Owner fails to remedy the said default within such period, this Agreement shall become null and void and shall cease to be a subsisting agreement as of the date of the default of payment, and, in any other case, as of the date of the Treasurer's notice in writing, and the Owner shall be placed in the position that they were in prior to the entering into of the Agreement.
5. Despite the provisions of paragraph 1, the Owner, or any other person, may on or before June 30th, 1998, pay the balance of the cancellation price and, upon receipt of the said payment by the Corporation, this agreement shall terminate and the Treasurer shall forthwith register a tax arrears cancellation certificate.
6. In the event that the cancellation price is not paid by June 30th, 1998, then the Owner agrees to consent to and will not object to the sale of the land by the City and shall consent to any court orders necessary to permit the City to sell the said land.
7. This agreement shall extend to and be binding upon and enure to the benefit of the parties and to their respective successors and assigns.
8. Any notice to be given to the parties hereto shall be sufficiently given if sent by registered or certified post to the following addresses:

to the Corporation:

City of Toronto
(Formerly, City of North York)
Finance Department
5100 Yonge Street
North York, Ontario
M2N 5V7
Attention: Mrs. Margo L. Brunning

to the Owner:

Rochelle Litman
16 Portsmouth Road
North York, Ontario
M2L 3W8

In WITNESS WHEREOF the Corporation has caused its Corporate seal to be affixed and attested to by its proper signing officers in that behalf, and the Owner has hereto set their hands and seals as of the day and the year first above written.

SIGNED, SEALED AND DELIVERED)
)

CITY OF TORONTO

per:

W.A. Liczyk
Chief Financial Officer and
Treasurer

per:

Novina Wong
City Clerk

IN THE PRESENCE OF:

ROCHELLE LITMAN

Witness

per:

Owner

APPENDIX "1"

CALCULATION OF PAYMENTS REQUIRED

UNDER EXTENSION AGREEMENT

AMOUNT

1. Outstanding taxes, penalty and interest charges on TAX ARREARS CERTIFICATE (to December 31, 1996)\$34,006.90

2. Additional taxes levied and interest charges subsequent to tax sale proceedings (includes 1998 interim levy only) (January 1, 1997 - June 30, 1998)18,959.16

TOTAL ESTIMATED AMOUNT TO BE PAID
UNDER EXTENSION AGREEMENT

\$52,966.06

TO BE PAID AS FOLLOWS:

1. 1 payment on June 30, 1998

\$52,966.06

\$52,966.06