

Authority: Strategic Policies and Priorities Committee Report No. 10, Clause No. 22,
as amended and adopted by City of Toronto Council on June 11, 1999
Enacted by Council: June 11, 1999

CITY OF TORONTO

BY-LAW No. 377-1999

**To provide for paying Interest on Overpayments of Taxes
resulting from Assessment Appeals.**

WHEREAS subsection 37(6) of the *Assessment Act* provides that where the result of the final determination and disposition of the complaints, appeals or proceedings increases, reduces or otherwise alters the assessment, the taxes levied and payable with respect to the assessment shall be adjusted accordingly and any overpayment resulting from the adjustment shall be refunded by the municipality; and

WHEREAS subsection 6(1) of the *Municipal Interest and Discount Rates Act* that a local municipality may pass by-laws to provide for paying to persons to whom overpayments are refunded under subsection 37(6) of the *Assessment Act*, interest on the overpayments at such rate as the council may determine and different rates may be paid for different successive periods from the day that overpayments were made or such other day as may be set out in the by-law until the day they were refunded or such other day as may be set out in the by-law; and

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

1. Interest upon refunds of overpayments of taxes made to any person under subsection 37(6) of the *Assessment Act* for taxes levied on or after January 1, 1998 shall be paid from 30 days after the receipt by the City of Toronto of the Assessment Review Board's Notice of Decision until the day the overpayment is refunded, and at an annual rate calculated in accordance with section 4 hereof.

2. Interest upon refunds of overpayments of taxes made to any person under subsection 37(6) of the *Assessment Act* for taxes levied before January 1, 1998 in respect of property located in the former City of Toronto,

- (a) shall be paid for each year prior to 1998 in which the overpayment remained outstanding at the rate of interest fixed by by-law of the former City of Toronto for that year and in accordance with Article VIII of the former City of Toronto's Municipal Code, as amended.
- (b) shall be paid for 1998 and each year after 1998 in which the overpayment remained outstanding in accordance with section 4 hereof.

3. Interest upon refunds of overpayments of taxes made to any person under subsection 37(6) of the *Assessment Act* for taxes levied before January 1, 1998 in respect of property located in the former City of North York,

- (a) shall be paid in accordance with the former City of North York's By-law Number 29097, as amended.

(b) shall be paid for 1998 and each year after 1998 in accordance with section 4 hereof.

4. Interest shall be paid for 1998 and each year after 1998 in which an overpayment of taxes remains outstanding, at a rate of interest which is the average annual rate paid by the Banks listed in Schedule I of the *Bank Act (Canada)* on guaranteed investment certificates with a one-year term, as determined from time to time by the Chief Financial Officer and Treasurer.

5. Subsection 320-26 of the former City of Toronto's Municipal Code shall be amended by inserting "and before January 1, 1998" after "January 1, 1992".

6. Section 2 of the former City of North York's By-law Number 29097 shall be amended by inserting "and on or before December 31, 1997" after "January 1, 1984".

ENACTED AND PASSED this 11th day of June, A.D. 1999.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)