



Province of Alberta

SENIORS' PROPERTY TAX DEFERRAL ACT

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Alberta Regulation 85/2013

Extract

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Definitions

1 In this Regulation,

- (a) "Act" means the *Seniors' Property Tax Deferral Act*;
- (b) "applicant" means an individual who applies for a property tax deferral loan;
- (c) "*Lloydminster Charter*" means the Charter enacted under section 3 of the *City of Lloydminster Act*, filed in Alberta as AR 212/2012;
- (d) "taxation year" means a year in which qualifying property taxes are payable in respect of an eligible residence.

Definitions of terms in Act

2 For the purposes of the Act,

- (a) "owner" means
 - (i) in respect of a property that is an eligible residence that consists of a parcel of land and the improvements to it,

- (A) an individual who is registered under the *Land Titles Act* as an owner of the fee simple estate in the land, or
 - (B) an individual who meets the criteria established by the Minister,
- and
- (ii) in respect of a property that is an eligible residence that does not include a parcel of land, an individual who meets the criteria established by the Minister in respect of that type of property;
 - (b) “primary residence” means a property in Alberta that is the place where an eligible property owner ordinarily resides and that is assigned the assessment class “class 1 — residential” under the *Municipal Government Act* or the *Lloydminster Charter*, as the case may be.

Qualifying property taxes

3 A tax under Part 10 of the *Lloydminster Charter* is prescribed for the purposes of section 3(b) of the Act.

Eligible property owners

4(1) The age prescribed for the purposes of section 2(a) of the Act is 65 years.

(2) For the purposes of section 2(a) of the Act, an individual must meet each of the following eligibility requirements:

- (a) the individual must be a Canadian citizen or a permanent resident of Canada;
- (b) the individual must reside in Alberta on the date on which an application for a property tax deferral loan is made and must have resided in Alberta for the 3-month period immediately preceding that date;
- (c) the individual must be an owner of the eligible residence in respect of which the individual is applying for a property tax deferral loan;
- (d) the eligible residence in respect of which the individual is applying for a property tax deferral loan for a taxation year must be the individual’s primary residence for that taxation year.

Surviving family members

5(1) For the purposes of section 2(b)(i) of the Act, an individual who was the spouse or adult interdependent partner of an individual referred to in section 2(a) of the Act when that individual died is a surviving family member of that individual.

(2) For the purposes of section 2(b)(iii) of the Act, a surviving family member must meet each of the following eligibility requirements:

- (a) the individual must have attained the age of 55 years;
- (b) the individual must meet each of the eligibility requirements set out in section 4(2)(a) to (d).

Property tax deferral loan

6(1) In this section, “assessment” means the assessment for a property that is an eligible residence as shown on the assessment roll prepared under the *Municipal Government Act* or the *Lloydminster Charter*, as the case may be, for the taxation year in respect of which an application for a property tax deferral loan is made.

(2) An application for a property tax deferral loan must be in the form approved by the Minister and must be signed

- (a) by each eligible property owner who is applying for the loan, and
- (b) for the purposes set out in subsection (4)(b), by every other owner of the eligible residence.

(3) An applicant for a property tax deferral loan shall provide the Minister with any information required by the Minister in respect of the application.

(4) A property tax deferral loan may be made only if

- (a) the equity of the owners, including any owners who are not eligible property owners, in the property that constitutes the eligible residence equals or exceeds 25% of the assessment of the eligible residence, as determined in accordance with subsection (5),
- (b) each person who is an owner, including each owner who is not an eligible property owner, of the property that constitutes the eligible residence has agreed to be bound by the terms and conditions applicable to the property tax deferral loan and signed the portion of the application setting out those terms and conditions,

- (c) the applicant provides the Minister with any information required by the Minister in respect of the application, and
- (d) the applicant provides evidence satisfactory to the Minister that the applicant will be able to repay the property tax deferral loan.

(5) For the purposes of subsection (4)(a), the value of the equity of the owners in an eligible residence is determined by the formula

$$E\% = \left(\frac{A - B}{A} \right) \times 100$$

where

- E is the equity of the owners in the eligible residence, expressed as a percentage of the assessment;
- A is the assessment of the eligible residence for the taxation year in which the application for property tax deferral loan is made;
- B is the total amount of encumbrances outstanding in respect of the eligible residence.

(6) If the Minister is satisfied that the applicant is eligible for a property tax deferral loan and that the requirements of the Act and this Regulation have been met, the Minister may approve the application.

(7) Where the Minister approves an application for a property tax deferral loan, the application form signed by the persons referred to in subsection (2) constitutes the property tax deferral loan agreement.

(8) A property tax deferral loan is subject to the terms and conditions set out in the property tax deferral loan agreement.

Security interests and enforcement

7(1) The Crown in right of Alberta may file a caveat against the certificate of title to an eligible property owner's eligible residence for the amount of the debt owing under section 4(4) of the Act.

(2) The charge under section 5(1) of the Act has the same priority from the date of filing of a caveat under subsection (1) of this section as a mortgage under the *Land Titles Act* and may be enforced in the same manner as a mortgage.

(3) Where a property tax deferral loan is due and payable and is not paid, a mortgagee of the eligible residence may pay any amount owing in respect of the property tax deferral loan and add that amount to the amount owing to the mortgagee under the mortgage.

Loan due

8(1) For the purposes of section 6(1)(c) of the Act, a property tax deferral loan becomes due and payable on the occurrence of any of the following:

- (a) the eligible residence in respect of which the loan was made ceasing to be the eligible property owner's primary residence;
- (b) the Minister determining that the person to whom the property tax deferral loan was made was not entitled to the property tax deferral loan.

(2) Where a property tax deferral loan becomes due and payable, it is due and payable without further notice or demand.

Expiry

9 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on March 31, 2023.

Coming into force

10 This Regulation comes into force on the coming into force of the *Seniors' Property Tax Deferral Act*.



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