Town of Portugal Cove-St. Philip's

Collections By-Law

Pursuant to the authority conferred in sections 7 and 8 of the *Towns and Local Service Districts Act, 2025*, the Town Council of Portugal Cove-St. Philip's has adopted the following By-Law on the 2nd of April 2026.

1.0 TITLE

1.1 This document shall be known and cited as the Town of Portugal Cove-St. Philip's Collections By-Law.

2.0 PURPOSE

2.1 This by-law outlines the framework and procedures for collecting taxes and fees as imposed by the Town of Portugal Cove-St. Philip's.

3.0 INTERPRETATIONS

3.1 "Act" shall mean Towns and Local Service Districts Act, 2025.

3.2 "Council" shall mean the Town Council of Portugal Cove-St. Philip's.

3.3 "Fees" shall mean the charge for services provided by the Town such as but not limited to Water and Sewer fees.

3.4 "Fiscal" shall mean January 01 to December 31 of the current calendar year.

3.5 "Taxes" shall mean Business Taxes, Property Taxes, Gross Revenue Tax, Tourist Accommodation Tax and any other taxes imposed by the Town.

3.6 "Town" shall mean the Town of Portugal Cove-St. Philip's.

3.7 "Arrears" shall mean outstanding taxes, fees and interest.

4.0 APPLICATION

4.1 This By-Law applies to the collection of all taxes and fees, including interest applied, on residential, multi-residential, commercial and business accounts.

5.0 PROCEDURE

5.1 CURRENT YEAR

The Town will post the annual tax levy by January 31 each year.

5.1.1 Payment of Taxes

(a) Tax Invoices will be sent out no later than January 31 of every fiscal year. Property owner(s) are responsible to ensure the Town has their current mailing address on file.

(b) It is the responsibility of the property owner(s) to understand their tax, fee and interest obligations regardless of any error in the issuance of notification from the Town.

(c) Taxes and fees imposed by Council are due to be paid on or before March 31 of the fiscal year, unless changed by a Council motion.

5.1.2. Payment Methods

Payments can be made by any of the following means:

(a) In-person at the Town Hall.

(b) Electronically via online banking.

(c) Over the phone.

(d) By pre-authorized payment plan.

(e) Paid by your mortgage provider (property owner must arrange with their bank.)

5.1.3. Payment Plans

(a) Payment plan applications are available for payment of the current year taxes. Upon approval of the payment plan, payments must commence as per the approved application. Balances must be paid in full by December 31 of the fiscal year.

(b) Payment plans for prior year's taxes will be considered on a case-by-case basis.

(c) Should a payment be rejected and/or returned as insufficient funds, the property owner(s) will be subject to a $45 admin fee. The property owner(s) will have five (5) days to resubmit the payment.

(d) Defaulting on a payment plan will be considered as cancellation of the plan. Cancelled payment plans are then subject to retroactive interest.

5.2. INTEREST

5.2.1 Taxes not paid in full by the due date are subject to a one percent (1%) simple interest rate which will be applied on the first day of every month thereafter.

5.2.2 Applied interest will not be removed.

5.2.3 Interest shall be waived only if a payment plan is in place prior to the due date and is maintained as agreed.

5.3 ARREARS & ENFORCEMENT OF PAYMENT OF TAXES AND FEES

5.3.1 Where a real property tax, water and sewer fee or a local improvement fee is in arrears for 18 months, the Town Clerk shall serve a notice of arrears on the owner, mortgagee, judgement creditor, lienholder or other person having a charge or encumbrance upon or against the real property to which the real property taxes, water and sewer fees or local improvement fees apply.

5.3.2 The Town may initiate the following actions to enforce the payment of taxes and fees:

(a) Seizure of Rent - the Town may seize all or a portion of the rent payable by tenants of the real property that is subject to a real property tax, business tax, water and sewer fee or local improvement fee as per section 159 of the Act.

(b) Disconnection of Service - the Town may disconnect the service of a water system, sewer system or water and sewer system provided to the person who owes the tax, fee, assessment, fine or charge to the Town as per section 160 of the Act.

(c) Collection as Civil Debt – the Town may sue for and collect by an action in the name of the Town as a civil debt due to the Town as per section 161 of the Act.

(d) Arrears Sale – the Town Council shall by resolution, direct that real property be sold by arrears sale as per the Town of Portugal Cove-St. Philip's Arrears Sale By-Law and division 9 of the Act.

(e) Notwithstanding subsection 5.3.2(d), Council shall not initiate or proceed with an arrears sale of a property that is confirmed to be an occupied primary residence of the property owner.

5.4. TAX DISCOUNTS

5.4.1 Annually, Council shall, by resolution, establish a discount with respect to imposed taxes, as per Section 112 of the Act.

6.0 REPEALS

6.1 November 15, 2022. Motion #2022-352.

7.0 AMENDMENTS

7.1 March 23, 2023. Motion #: 2023-078.
7.2 April 22, 2025. Motion #: 2025-133.
7.3 April 2, 2026. Motion # 2026-096.

8.0 INITIAL EFFECTIVE DATE / RESOLUTION

8.1 November 15, 2022. Motion #2022-352.

Dave Bartlett, Mayor

Claudine Murray, Town Clerk