

NOTICE PROVISIONS

Clerk

I. PURPOSE

The purpose of this policy is to establish standards for the giving of reasonable notice.

II. POLICY STATEMENT/GUIDELINES

The Municipal Act, 2001, as amended by Bill 130, Section 270 (1) para.4 requires that the municipality adopts and maintains a policy with respect to “the circumstances in which the municipality shall provide notice to the public and if notice is to be provided, the form, manner and times notice shall be given”.

The requirement to give reasonable notice to the public shall be deemed to be fulfilled upon completion of the actions dictated in this policy.

The manner and form of notice dictated in this policy shall be deemed minimum requirements. Additional methods of giving notice may be undertaken at the discretion of the Clerk.

The following shall be established as the Notice Classifications:

Group Notice #1

This area of notice infers to the personal notice to an individual or a limited number of people. It targets a very select group. It is recommended that this notice be sent by registered mail to the last known address or be hand delivered and/or published on the Town's website.

Group Notice #2

Advertisement published within the newspaper which is distributed to the public once a week for three consecutive weeks and published on the Town's website.

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Group Notice #3

Requires a notice to be published within the newspaper which is distributed to the public and which has regular subscribers with a minimum of one week (prior to the passing of the bylaw) and/or declared at an open meeting of Council that the subject will be placed on the next regularly scheduled meeting of the Council and/or published on the Town's web-site.

Group Notice #4

Give written notice of the content and the passage of the by-law to the appropriate parties, (ie. County Council/School Boards/Assessment Office). As a courtesy the municipality may post it on the Town's website.

Group Notice #5

By personal service and/or prepaid mail or by posting the notice on the land in a conspicuous place.

Group Notice #6

Requires a notice to be published within the newspaper which is distributed to the public and which has regular subscribers with a minimum of one week and/or declared at an open meeting of Council that the subject will be placed on the next regularly scheduled meeting of the Council and/or published on the Town's website.

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The following shall be established as the Notice Provisions – Statutory Notice Per Municipal Act, 2001 (Bill 130):

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 48	Change / naming of private roads	A local municipality may name or change the name of a private road after giving public notice of its intention to pass the by-law.		Public notice	#2
Section 81 (1)	Shut off of Public Utilities	Upon proposed shut-off by municipality of a public utility.	5 days		#5
Section 110 (8)	Tax Exemption By-law	<p>Upon the passing of a By-law under subsection (6), the Clerk of the municipality shall give written notice of the contents of the By-law to:</p> <ul style="list-style-type: none"> a) the assessment corporation b) the Clerk of any other municipality that would, but for the By-law, have had authority to levy rates on the assessment for the land exempted by the By-law; and c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the By-law. 		Written Notice	#4

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 173 (3)	Restructuring Proposal	<p>Before the Council of a municipality votes on whether to support or oppose a restructuring proposal, the Council shall or may, as applicable, do the following things when the proposal is being developed or after it is developed:</p> <ol style="list-style-type: none"> 1. Council shall consult with the public by giving notice of, and by holding, at least one public meeting. 2. Council shall consult with such persons or bodies as the Minister may prescribe. 3. Council may consult with such other persons and bodies as the municipality considers appropriate 	Prior to Council voting	Public notice	#3 also through Minister regulations
Section 206	Powers to establish Corporations (Business Improvement Areas) (BIA)	A board of management shall give reasonable notice to the general membership of the improvement area of a meeting to hold a vote before selecting the directors or for the purposes of a discussion on the proposed budget.		to general membership	#1
Section 210	BIA By-law	Prior to passing a By-law designating an area as an improvement area establish a board of management or to set levy upon rateable property in the improvement area.		Prepaid mail to the Board of Management of improvement area and every person assessed for rateable property within improvement area	#1

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 211	BIA - Repealing By-law	Council shall give notice to repeal a By-law if municipality received resolution or request.		A municipality shall give notice before passing a By-law and shall hold at least one public meeting.	#1
Section 295	Financial Statements - Publication	Within 60 days after receiving the audited financial statements of the municipality for the previous year.	60 days after receipt	Public Notice	#6
Section 331	Taxes on Eligible Properties	The local municipality shall mail to the owner of each eligible property the list of the comparable properties and the determination of taxes within 60 days after the date the list is received by the local municipality	Within 60 days	List of comparable properties	#5
Section 343	Notice of Tax Bill	The Treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due.	21 days prior to due date	Notice of Tax Bill	#5
Section 348	Determination of Tax Status	Upon making the determination of every tax account as of December 31 st of the preceding year	By February 28 th in each year	Notice of Tax Arrears & related late payment charges	#5
Section 350	Obligations of tenant - taxes owed	Taxes owed in respect of any land occupied by tenant		To tenant in writing requiring tenant to pay rent in respect of the land	#1
Section 351	Seizure personal property - Public Auction	When Treasurer sells all or part of seized personal property to recover taxes & costs of seizure	At time set by Treasurer	Public Notice	#1 & #3

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements
Subsection 356(12)	Division of Land into Parcels	<p>On or before September 30 of the year following the year in which the application is made, Council shall hold a meeting to consider the issue.</p> <p>Applicant and owners of any part of the land shall be notified of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, Council shall notify the applicants and owners of the decision and specify the last day for appealing.</p>	Within 14 days of decision	Applicant and ARB	#5
Section 357 (6)	Cancellation, reduction, refund of taxes	Within 14 days after making its decision, Council shall notify the applicants of the decision and specify the last day for appealing the decision	Within 14 days of decision	Applicant and ARB	#5
Section 358	Overcharges caused by a gross or manifest error	Treasurer to send copy of application to the Assessment Corporation and Assessment Review Board; and to notify applicant of invalid application	Notify applicant at least 14 days before the meeting	Applicant and ARB	#5
Section 359	Increase of taxes as a result of any undercharge caused by a gross or manifest error...but not an error in judgement in assessing the land	Upon application made by the Treasurer	Notify the person concerned at least 14 days before the meeting	In writing to the person in respect of whom the application is made	#5

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 374 (1)	Notice of Registration of Tax Arrear Certificate	<p>Within 60 days after the registration of a tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to the following persons:</p> <ol style="list-style-type: none"> 1. The assessed owner of the land. 2. Where the land is registered under the <i>Land Titles Act</i>, every person appearing by the parcel register and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b). 3. Where the <i>Registry Act</i> applies to the land, every person appearing by the abstract index and by the index of executions for the area in which the land is situate to have an interest in the land on the day the tax arrears certificate was registered, other than a person who has an interest referred to in clause 379 (7.1) (a) or (b). 	Within 60 days	Notice of Registration of certificate	#1

Section	Subject Matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements (minimum)
Section 379 (1)	Public Sale (Tax Arrears Certificate)	If the cancellation price remains unpaid 280 days after the day the tax arrears certificate is registered, the treasurer, within 30 days after the expiry of the 280-day period, shall send to the persons entitled to receive notice under section 374 a final notice that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate	within 30 days after the expiry of the 280-day period	Written notice owner and every person that have interest in the land as per Section 374	#1
Section 380 (3)	Payment into Court - proceeds of sale	After making a payment into court under subsection 380(2) (following sale of land)	within 60 days	Copy of a statement to the Public Guardian and Trustee and to the persons to whom the treasurer sent notice under subsection 379(1)	#1
Section 400 - Regulations	Fees and Charges imposed by a municipality on a person constitute a debt of the person ~ amount owing added to tax roll	Prior to passing a by-law imposing the fees and charges which have priority lien status which are added the tax roll.		Notice of intent to pass a By-law ~ In the manner and form and at the times as prescribed by the Minister	#6

Section	Subject Matter	When Notice is Required	Time Limits	Type of Notice Required (i.e.) - Public - Reasonable	Notice Requirements
Section 435(2)	Conditions Governing Power of Entry	<p>When notice is required, the notice must satisfy the following requirements:</p> <ol style="list-style-type: none"> 1. Be given to the occupier of the land in respect of which the power of entry will be exercised. 2. Must be given within a reasonable time before the power of entry is exercised. 3. Must be given by personal service in the case of a proposed exercise of a power of entry under section 79, 80 or 446 in respect of a room or place actually used as a dwelling. 4. In the case of a proposed exercise of a power of entry other than one described in paragraph 3, the notice must be given by personal service or prepaid mail or by posting the notice on the land in a conspicuous place. 	must provide reasonable notice of the proposed entry	inform occupier of the land by personal service or prepaid mail or by posting the notice on the land in a conspicuous place	#1
Section 441	Collection of unpaid licensing fines	Whenever any part of a fine for a contravention of a licensing by-law remains unpaid after the fine becomes due and payable under section 66 of the <i>Provincial Offences Act</i> .		Written notice specifying the amount of the fine payable and final date to pay (no less than 21 days after date of Notice)	#1
Section 447.1	Closing premises	Notice to the Attorney General of the intention of making an application to close a premises.	15 days notice to the Attorney General	Letter of application	#1