

THE CORPORATION OF THE CITY OF BROCKVILLE

By-Law Number 089-2010

*Being a By-Law to Authorize the Execution of a Tax Arrears Extension Agreement
Pursuant to Section 378 of the Municipal Act, 2001 (541 Stewart Blvd.)*

WHEREAS Section 378 of The Municipal Act provides that a municipality may by by-law authorize an agreement with the owners of land extending the time period during which the cancellation price can be paid to redeem a property that has been registered for tax sale under said act; and

WHEREAS a tax arrears certificate has been registered against the land municipally known as 541 Stewart Boulevard and legally described as PIN 44185-0005LT PT LT 14 Con 2 Elizabethtown as in LR107053 in the City of Brockville, County of Leeds; and

WHEREAS the owners of the said land have made application to the City for an agreement to extend the period of time in which the cancellation price payable on the land is to be paid.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

1. THAT an agreement be entered into by the Corporation with the owners of the said land to provide an additional period of time in which the cancellation price payable on this land is to be paid beyond December 1, 2010.
2. THAT the Agreement be in substantially the same form and contain the same terms and conditions as set out in Schedule "A" attached hereto and forming part of this by-law.
3. THAT the Mayor and Treasurer be authorized to execute the extension agreement on behalf of the Corporation.

Given under the seal of the Corporation
of the City of Brockville and passed
this 14th day of December 2010.



MAYOR

CLERK

This agreement made this _____ day of December 2010

Between:

The Corporation of the City of Brockville

(herein called the "Corporation")

and

Catherine Ann Mailloux and Mark Raymond Mailloux

(herein called the "Owner")

WHEREAS the Owner is the registered owner of the lands in the City of Brockville, municipally known as 541 Stewart Blvd. and more particularly described as PIN 44185-0005LT PT LT 14 Con 2 Elizabethtown as in LR107053 in the City of Brockville, County of Leeds (the "Lands");

AND WHEREAS, as a result of the realty taxes being in arrears in respect of the Lands, a Tax Arrears Certificate was registered on December 1st, 2009 as Instrument LE21438;

AND WHEREAS the amount owing with respect to the cancellation price and estimated 2010 taxes, are \$12,601.40;

AND WHEREAS the *Municipal Act*, 2001, as amended, shall continue to apply to the collection and enforcement of all tax arrears and all taxes; and

AND WHEREAS, pursuant to Section 378 of the *Municipal Act*, 2001, a municipality may, by by-law, authorize an extension agreement to be entered into to extend the period of time in which the cancellation price in respect of the Lands is to be paid, and the City deems it appropriate to enter into an extension with Owner upon the terms and conditions hereinafter set forth;

NOW AND THEREFORE THE PARTIES HERETO AGREE AS FOLLOWS:

1. The Owner agrees to pay the City the sum of \$1,000.00 for November 2010, \$1,500.00 for December 2010, and \$1,000.00 each month commencing January 1st, 2011, and continuing until December 31st, 2011, when the cancellation price, as well as current taxes which accrue during that time, will have been fully paid. The owner acknowledges that the payments listed above include all arrears, penalties, interest, costs, as well as current taxes falling due during the extended period of this agreement, in accordance with the Amortization Schedule attached hereto as Attachment A.
2. So long as the Owner continues to pay the monthly payments provided for in paragraph 1, the City, without waiving any statutory rights or powers, shall not

proceed to take any other enforcement steps pursuant to Section 371 of the *Municipal Act*, 2001.

3. In the event that the Owner defaults in payment as required by this Agreement, this Agreement, upon written notice being given to the Owner, shall be terminated and shall cease to be considered a subsisting agreement, and Owner shall be placed in the same position as before this Agreement.
4. In the event that the Owner makes all payments required pursuant to this agreement, and has made arrangements for the future payment of taxes, the Treasurer shall forthwith register a Tax Arrears Cancellation Certificate in respect of the Lands.
5. Notwithstanding anything contained in this agreement, the Owner, or any other person may, at any time, pay the entire balance of the cancellation price. Upon receipt of such payment by the City, and arrangements having been made for the future payment of taxes, the Treasurer shall forth register a Tax Arrears Cancellation Certificate in respect of the Lands.
6. Any notice required to be given to the Owner shall be fully and sufficiently given if sent by registered mail to the following address:

Cathy Mailloux
Mark Mailloux
4491 Lords Mills Rd
Prescott On
K0E 1T0

7. This agreement shall endure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective hands and seals.

SIGNED SEALED AND DELIVERED
IN THE PRESENCES

Witness

Cathy Mailloux

Witness

Mark Mailloux

ON BEHALF OF THE CORPORATION:

Mayor

Treasurer

Attachment A

Payment Schedule:

November	18	\$1000.00
December	1	\$1000.00
	16	\$ 250.00
	30	\$ 250.00
January	1	\$ 500.00
	14	\$ 250.00
	28	\$ 250.00
February	1	\$ 500.00
	11	\$ 250.00
	25	\$ 250.00
March	1	\$ 500.00
	11	\$ 250.00
	25	\$ 250.00
April	1	\$ 500.00
	8	\$ 250.00
	22	\$ 250.00
May	1	\$ 500.00

This payment schedule will continue until everything is paid in full.



INTEROFFICE MEMO CLERK'S DEPARTMENT

TO: D. Smith, Tax Collector
c.c. D. Cyr, Director of Finance

FROM: Sandra M. Seale, City Clerk

SUBJECT: Tax Arrears Extension Agreement, 541 Stewart Blvd.

DATE: December 16, 2010

Please find enclosed for execution two copies of the agreement between the Corporation of the City of Brockville and Catherine Ann Mailloux and Mark Raymond Mailloux. Once executed, please return one original copy to the Clerk's department. This original copy will be filed with the originating bylaw.

If you have any questions, please contact our department.