

This Act is current to 30 November 2016.

LAND TAX DEFERMENT ACT
[RSBC 1996] CHAPTER 249

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Definitions

1 In this Act:

"actual value" means,

(a) in relation to an eligible property for a taxation year, the actual value of the property for the taxation year as set out, at the time of filing an application under section 5, in an assessment roll under the Assessment Act, and

(b) in relation to improvements referred to in the definition of "deferrable value" for a taxation year, the actual value of the improvements for the taxation year as included in the actual value of the eligible property as set out, at the time of filing an application under section 5, in an assessment roll under the Assessment Act;

"collector" means a collector of taxes appointed under the Community Charter, the Local Government Act, the Vancouver Charter or the Taxation (Rural Area) Act;

"deferrable value", in relation to an eligible property for a taxation year, means the amount by which the actual value of the eligible property for the taxation year exceeds the actual value for the taxation year of all improvements that are part of that property and that are not insured under a valid fire insurance contract issued by an insurer authorized under the Financial Institutions Act;

"dependent child" means a person who is a dependent child as described in section 1.1;

"eligible property" means

(a) an area of land with improvements on it, or

(b) a manufactured home and, if this is owned by the same person, an area of land on which the manufactured home is located,
that, under the regulations, the minister considers is in genuine use for residential purposes;

"improvements" means improvements as defined in the Assessment Act and includes a manufactured home;

"land" means land as defined in the Assessment Act;

"manufactured home" means any structure, whether ordinarily equipped with wheels or not, that

- (a) is designed, constructed or manufactured
- (i) to be moved from one place to another by being towed or carried, and
- (ii) to provide a dwelling house, and
- (b) is registered under the Manufactured Home Act;

"minister" includes a person designated in writing by the minister;

"owner" means

- (a) an owner as defined in the Community Charter,
- (b) the occupier of a dwelling unit in a building, the owner of which is a corporation, if
- (i) the occupier of the dwelling unit owns capital stock in the corporation equivalent in value to the dwelling unit, and
- (ii) the dwelling unit is the principal residence of the occupier, or
- (c) the person in whose name a manufactured home is assessable and taxable under the Manufactured Home Tax Act;

"parcel" means a lot, block or other area in which land is held, or into which land is subdivided;

"principal residence" means the usual place where an individual makes his or her home;

"registered charge" means a charge within the meaning of the Land Title Act that is registered or filed in a land title office;

"registered security interest" means a security interest within the meaning of the Personal Property Security Act that is perfected by registration of a financing statement in the registry under that Act;

"spouse" means

- (a) a person who is married to another person, or
- (b) a person who
- (i) is living with another person in a marriage-like relationship, and
- (ii) has been living in that relationship for a continuous period of at least 2 years;

"surviving spouse" means a person who was the spouse of another person at the time of death of the other person and who is not currently the spouse of another person;

"tax" means tax levied by a municipality or the Crown on eligible property, but does not include tax arrears, penalties, delinquent tax, utility user fees or interest on any of them;

"tax Act" means,

- (a) in relation to eligible property that is not a manufactured home,
 - (i) the Community Charter or the Local Government Act, as applicable, if the eligible property is in a municipality,
 - (ii) the Vancouver Charter, if the eligible property is in the City of Vancouver, and
 - (iii) the Taxation (Rural Area) Act, if the eligible property is in a rural area, or
 - (b) in relation to eligible property that is a manufactured home, the Manufactured Home Tax Act.
- Dependent child

1.1 (1) A person is a dependent child for the purposes of this Act if the person

(a) is dependent for financial support on an owner of eligible property, and
(b) is in a class of persons

(i) described in subsection (2), (3) or (4) of this section, or
(ii) included by regulation under section 18 (2) (h).

(2) A person who is, at any time in the calendar year in which an application is made for an agreement under section 2, under the age of 18 years is a dependent child if one of the following circumstances applies:

(a) the person lives full time with the owner in the eligible property;
(b) the person lives, under a shared parenting arrangement, at least part time with the owner in the eligible property;

(c) the person does not live with the owner in the eligible property, but the owner pays support for the person.

(3) A person who is a child or stepchild of an owner of eligible property is a dependent child if one of the following circumstances applies:

(a) the minister is satisfied that, at any time in the calendar year in which an application is made for an agreement under section 2, the person is or will be enrolled at an educational institution;
(b) the person is a person with disabilities as defined in the regulations.

(4) A person is a dependent child if

(a) an agreement was made previously under section 2 on the basis of the person being a dependent child,
(b) the owner of eligible property continues to owe an amount under the agreement, and
(c) either of the circumstances described in subsection (3) (a) or (b) applies to the person.

(5) Despite subsections (1) to (4), a person is not a dependent child if the person is within a class of persons excluded by regulation under section 18 (2) (h).

Agreement to defer taxes

2 (1) Subject to this Act and regulations, the minister may make an agreement with an owner who qualifies under this Act permitting the owner to defer paying all or part of the tax payable on the eligible property during the term of the agreement.

(2) If the minister makes an agreement under subsection (1), every Act, regulation and municipal bylaw

(a) respecting taxation of the eligible property referred to in the agreement, or
(b) respecting enforcement and collection of tax on that property,

is subject to the agreement until the agreement is terminated under this Act or under the agreement.

(3) If there is a conflict or inconsistency between an Act, regulation or municipal bylaw and the agreement, the agreement prevails and the Act, regulation or bylaw is suspended and of no effect to the extent of the conflict or inconsistency.

No agreement for Crown or municipal land used by others

2.1 The minister may not make an agreement under section 2 with an owner of eligible property in respect of tax payable for the 2012 or a subsequent taxation year if, in relation to the eligible property that is land, the owner holds or occupies that land in the manner referred to in section 228 [taxation of Crown land used by others] or 229 [taxation of municipal land used by others] of the Community Charter.

Limitation

3 (1) Despite section 2, each eligible property must be the subject of a separate agreement.

(2) [Repealed 2004-40-26.]

(3) An owner must not assign the owner's interest in the agreement or rights or benefits under it, and a purported assignment is void.

Termination of agreement

4 (1) An agreement made under section 2 terminates

(a) on the date the eligible property described in the agreement is disposed of,

(b) [Repealed 2004-40-27.]

(c) if tax on eligible property described in the agreement becomes tax in arrear or delinquent tax under the appropriate tax Act for a period of 6 months, or for a longer time determined by the minister,

(d) on a date requested in writing by the owner, or

(e) on a date set by the minister in a notice of termination given under section 5, whichever is the earliest date.

(1.1) Despite subsection (1), the agreement is not terminated under subsection (1) by reason only that a portion of the owner's interest in the eligible property is transferred to the spouse of the owner after an amending agreement is made under section 7.1.

(1.2) Despite subsection (1), the agreement is not terminated under subsection (1) by reason only that a portion of the eligible property is disposed of, by the owner, to a person if

- (a) the owner retains no interest in the portion disposed of,
- (b) the remaining portion includes a building or a manufactured home used for residential purposes as the owner's principal residence, and
- (c) the minister considers that the amount deferred under the agreement remains adequately secured.

(1.3) If subsection (1.2) applies,

- (a) the agreement made under section 2 continues, subject to this section and section 5 (5),
- (b) the remaining portion is deemed to be the eligible property that is the subject of the agreement, and
- (c) the minister must release the charge, as it applies to the portion disposed of, registered under section 7.

(1.4) Despite subsection (1), the agreement is not terminated under subsection (1) by reason only that the eligible property becomes subject to an easement, statutory right of way or similar interest.

(2) Despite subsection (1), the agreement is not terminated under subsection (1) if the eligible property

- (a) is transferred to the surviving spouse on death of the owner, or
- (b) is disposed of in the prescribed circumstances.

(3) Despite subsection (2), a subsequent deferral of tax is contingent on the transferee qualifying under section 5.

(4) The minister may extend the termination date of agreements in accordance with the regulations.

Application for agreement

5 (1) By filing an application in accordance with section 12 and the regulations, an owner of eligible property may request the minister to enter an agreement for the purpose referred to in section 2 if the following requirements are met:

- (a) the eligible property includes a building used for residential purposes as the owner's principal residence;
- (b) the owner has been ordinarily resident in British Columbia for not less than one year immediately before the date the owner applies under this Act;
- (c) the owner is a Canadian citizen or a permanent resident as defined in the Immigration and Refugee Protection Act (Canada);
- (d) the owner is, at any time during the year the owner applies,
 - (i) 55 years of age or older,
 - (ii) a surviving spouse, or
 - (iii) a person with disabilities as defined in the regulations;
- (e) any other requirement prescribed by regulation.

(2) Subsection (1) applies also to an owner of eligible property that is or that includes a manufactured home, if the owner

- (a) uses the manufactured home as the owner's principal residence, and
- (b) meets the qualifications set out in paragraphs (b) to (e) of that subsection.

(2.1) By filing an application in accordance with section 12 and the regulations, an owner of eligible property may request the minister to enter an agreement for the purpose referred to in section 2 in respect of tax payable for the 2009 or 2010 taxation year if the following requirements are met:

- (a) the eligible property includes a building used for residential purposes as the owner's principal residence;
- (b) the owner has been ordinarily resident in British Columbia for not less than one year immediately before the date the owner applies under this Act;
- (c) the owner is a Canadian citizen or a permanent resident as defined in the Immigration and Refugee Protection Act (Canada);
- (d) the owner declares that the owner is, at the time of the application, facing financial hardship related to economic conditions;
- (e) any other requirement prescribed by regulation.

(2.2) Subsection (2.1) applies also to an owner of eligible property that is or that includes a manufactured home, if the owner

- (a) uses the manufactured home as the owner's principal residence, and

(b) meets the qualifications set out in paragraphs (b) to (e) of that subsection.

(2.3) By filing an application in accordance with section 12 and the regulations, an owner of eligible property may request the minister to enter an agreement for the purpose referred to in section 2 in respect of tax payable for the 2010 and subsequent taxation years if the following requirements are met:

- (a) the eligible property includes a building used for residential purposes as the owner's principal residence;
- (b) the owner has been ordinarily resident in British Columbia for not less than one year immediately before the date the owner applies under this Act;
- (c) the owner is a Canadian citizen or a permanent resident as defined in the Immigration and Refugee Protection Act (Canada);
- (d) the owner declares that the owner is, at the time of the application, paying financial support for a dependent child;
- (e) any other requirement prescribed by regulation.

(2.4) Subsection (2.3) applies also to an owner of eligible property that is or that includes a manufactured home, if the owner

- (a) uses the manufactured home as the owner's principal residence, and
- (b) meets the qualifications set out in paragraphs (b) to (e) of that subsection.

(2.5) An owner to whom subsection (2.3) applies must, on request, provide evidence, satisfactory to the minister, that the owner is paying financial support for a dependent child.

(3) An owner of eligible property

- (a) whose 1974 net tax on the eligible property increased by more than 20% over the 1973 net tax,
- (b) whose total land and improvements in British Columbia had a market value on December 31, 1973 of not more than \$500 000,
- (c) who was the owner of the eligible property on December 31, 1973, and continues as owner,
- (d) who has paid the tax in full up to and including the taxation year before the year for which the application is made, and
- (e) who
 - (i) has been ordinarily resident in British Columbia for not less than one year immediately before the date the owner applies under this Act, and
 - (ii) is a Canadian citizen or has been lawfully admitted to Canada under the Immigration and Refugee Protection Act (Canada) for permanent residence, or
 - (f) that is a corporation incorporated solely in Canada and registered in British Columbia under the Business Corporations Act for not less than one year immediately before the date it applies under this Act and qualifies under paragraphs (a) to (d)

may, by filing an application as prescribed by section 12 and the regulations, request the minister to enter an agreement for the purpose referred to in section 2.

(4) If the minister makes an agreement under subsection (3), the amount of tax that may be deferred under it in each year

- (a) must not exceed,
 - (i) in 1974, 85%,
 - (ii) in 1975, 70%,
 - (iii) in 1976, 55%,
 - (iv) in 1977, 40%,
 - (v) in 1978, 25%, and
 - (vi) in 1979, 10%

of the amount by which the 1974 net tax payable on the eligible property exceeds 120% of the 1973 net tax paid on that property, and

(b) must not include an increase in tax over the amount of tax in the 1973 taxation year caused by a change in the physical characteristics of the eligible property, or by new construction or development in, on or to the eligible property.

(5) Despite subsections (1) to (4),

(a) if the total of

- (i) the outstanding tax liability against the eligible property,
- (ii) the registered charges against the eligible property, and
- (iii) in the case of eligible property that is or includes a manufactured home, the registered security interests against the manufactured home

is more than a prescribed percentage of the deferrable value of the eligible property for the taxation year for which the application is made, a deferral agreement must not be made, and

(b) if the minister considers that

(i) the tax that is payable is inadequately secured,

(ii) the amount deferred under an agreement is inadequately secured, or

(iii) a requirement established by the regulations for continuation of the agreement is not met,

the minister may, despite the agreement, by notice in writing to the owner, suspend further deferral of tax or terminate the agreement.

(6) If eligible property is held in joint tenancy or tenancy in common, at least one of the owners must qualify under this Act.

(7) If an owner of eligible property has made an agreement under section 2 with the minister, the owner is not required to qualify under the same subsection in this section as the owner previously qualified under in order to be permitted a subsequent deferral of tax under the agreement.

Approval of application and agreement

6 (1) If the minister is satisfied that the owner qualifies under this Act, and determines the amount of tax that may be deferred and the terms of the deferral, the minister may approve the application.

(2) On approving the application, the minister must make an agreement with the owner as prescribed.

(3) The minister's decision respecting grant of a deferral under this Act is final.

Registration of agreement

7 (1) On receiving from the minister an agreement made under section 6, the registrar of the land title office must

(a) register it as a registered charge in favour of the government, having priority in accordance with section 11 (1), and

(b) note on every indefeasible or absolute title covering land described in the agreement an endorsement that the title is subject to an agreement under this Act.

(2) If an agreement is made under section 6 (2) with an owner referred to in section 5 (2), (2.2) or (2.4), the minister must register a financing statement, perfecting a security interest that has priority in accordance with section 11 (3), in the personal property registry established under the Personal Property Security Act in the form and manner prescribed under that Act.

(3) Sections 18, 43 (1) to (3), (6) to (8) and (12) to (15), 46 to 48, 51, 52 and 54 of the Personal Property Security Act apply to a registration under subsection (2).

(4) Registration of a financing statement as provided in subsection (2) is effective until discharged

(a) by registration of a financing change statement, or

(b) as provided in subsection (5) or (6).

(5) When the unpaid taxes, interest and penalties, if any, charged against the manufactured home in respect of which a registration has been made under subsection (2) have been paid, the minister must discharge the registration.

(6) If the registration is not discharged as required by subsection (5), the person registered under section 5 of the Manufactured Home Act as owner of the manufactured home to which the registration relates may require the registrar of the personal property registry to give a written notice to the minister stating that the registration will be discharged by the registrar on the expiry of 40 days after the day the registrar gives the notice to the minister, unless in the meantime the minister gives the registrar a court order maintaining the registration.

(7) If the minister has been given a notice under subsection (6) and fails to

(a) register a financing change statement discharging the registration, or

(b) obtain a court order maintaining the registration and fails to give the order to the registrar

before the expiry of the 40 days referred to in subsection (6), the registrar of the personal property registry may discharge the registration to which the notice relates.

(8) On application by the minister, a court may order that the registration referred to in subsection (6) be maintained or discharged.

Amending agreement and transferring to spouse

7.1 (1) In this section:

"amending agreement" means an agreement that amends an original agreement;

"original agreement" means an agreement made under section 2.

(2) By filing an application in accordance with subsection (3) and the regulations, an owner of eligible property who is deferring taxes under an original agreement and the spouse of the owner may request the minister to enter into an amending agreement if the following requirements are met:

(a) the owner declares that the owner intends to transfer a portion of the owner's interest in the eligible property to the spouse of the owner;

(b) the owner and the spouse of the owner agree to enter into the amending agreement requested under this subsection.

(3) An application under subsection (2) must be filed with the minister.

(4) If the minister is satisfied that the owner and the spouse of the owner have met the requirements in subsection (2), the minister may approve the application.

(5) On approving the application, the minister must

(a) make an amending agreement with the owner and the spouse of the owner as prescribed, and

(b) for the purposes of section 11 (1) (c) or (4) (b), provide consent for the transfer of a portion of the owner's interest in the eligible property to the spouse of the owner.

(6) An amending agreement made under subsection (5) takes effect when the transfer of a portion of the owner's interest in the eligible property to the spouse of the owner

(a) is registered in the land title office, or

(b) in the case of eligible property that is or that includes a manufactured home, is given effect by filing a notice of transfer under the Manufactured Home Act.

(7) An amending agreement must provide that the spouse of the owner is liable for all past and future taxes deferred under the original agreement and any interest on the deferred taxes.

(8) The minister's decision respecting an application under this section is final.

Registration of amending agreement

7.2 (1) On receiving from the minister an amending agreement made under section 7.1, the registrar of the land title office must register it as a modification to the registered charge created under section 7.

(2) If an amending agreement is made under section 7.1 with an owner referred to in section 5 (2), (2.2) or (2.4), the minister must amend the financing statement registered under section 7 (2) by registering a financing change statement in the personal property registry established under the Personal Property Security Act in the form and manner prescribed under that Act.

Payment on termination

8 (1) On termination of the agreement under section 4 or 5, all tax levied on the eligible property described in the agreement, payment of which was deferred under the agreement, without further notice or demand, must immediately become due and payable together with interest compounded yearly at

(a) the rate set under the agreement, or

(b) 8% a year if no rate is set under the agreement,

but less any amount paid on account of the tax.

(2) Despite subsection (1), on and after April 1, 1986 the interest rate is the simple interest rate prescribed by the minister and, in respect of taxes deferred before April 1, 1986, the prescribed interest rate must be applied only to the balance of principal as at March 31, 1986.

(3) The interest rate prescribed by the minister under subsection (2)

(a) during the 6 month period beginning on April 1, 1986 must not exceed 8% a year, and

(b) during each successive 6 month period beginning on October 1 and April 1 in every year must not exceed a yearly rate that is 2% below the prime lending rate of the principal banker to the government on the 15th day of the fourth month immediately preceding that 6 month period.

(3.1) Despite subsections (1) and (2), in respect of interest on taxes deferred under section 5 (2.1) or (2.3), the interest rate is the simple interest rate prescribed by the minister.

(3.2) The interest rate prescribed by the minister under subsection (3.1) during each successive 6 month period beginning on October 1 and April 1 in every year must not exceed a yearly rate that is the prime lending rate of the principal banker to the government on the 15th day of the fourth month immediately preceding that 6 month period.

(4) Despite this section, a person who

- (a) has made an agreement under section 5 (1),
 - (b) was eligible to make the agreement under section 5 (1) (d) (ii) by reason of being a surviving spouse at the time the agreement was made, and
 - (c) subsequently becomes the spouse of another person
- must not, merely because of this new relationship, be required to repay the amounts referred to in subsection (1) until the agreement is terminated under section 4 or 5.
- (5) Despite subsection (1), if an owner of a vacant parcel of land who has made an agreement under section 5 (3) constructs a single family dwelling on that parcel during the term of the agreement, the outstanding tax, and interest on it deferred up to and including December 31, 1975, required to be repaid under the agreement must be reduced, if the single family dwelling is constructed and occupied not later than
- (a) December 31, 1975, by a percentage of 100%,
 - (b) December 31, 1976, by a percentage of 80%,
 - (c) December 31, 1977, by a percentage of 60%,
 - (d) December 31, 1978, by a percentage of 40%, or
 - (e) December 31, 1979, by a percentage of 20%.

Repayment of deferred tax

9 (1) At any time before the termination of an agreement made under section 6, the owner may, without notice or prepayment penalty, pay to the minister any or all deferred tax by tendering payment together with interest compounded yearly at

- (a) the rate set under the agreement, or
 - (b) 8% a year if no rate is set under the agreement.
- (2) Despite subsection (1), on and after April 1, 1986 the interest rate must be the simple interest rate prescribed by the minister and, in respect of taxes deferred before April 1, 1986, the prescribed interest rate must be applied only to the balance of principal as at March 31, 1986.
- (3) The interest rate prescribed by the minister under subsection (2)
- (a) during the 6 month period beginning on April 1, 1986 must not exceed 8% a year, and
 - (b) during each successive 6 month period beginning on October 1 and April 1 in every year must not exceed a yearly rate that is 2% below the prime lending rate of the principal banker to the government on the 15th day of the fourth month immediately preceding that 6 month period.
- (4) [Repealed 2004-40-31.]
- (5) Despite subsections (1) and (2), in respect of interest on taxes deferred under section 5 (2.1) or (2.3), the interest rate is the simple interest rate prescribed by the minister.
- (6) The interest rate prescribed by the minister under subsection (5) during each successive 6 month period beginning on October 1 and April 1 in every year must not exceed a yearly rate that is the prime lending rate of the principal banker to the government on the 15th day of the fourth month immediately preceding that 6 month period.

Satisfaction of agreement

10 (1) If the terms of an agreement under section 2 have been fully observed and performed and all deferred tax and the interest on it have been paid, the minister must

- (a) notify the owner of the eligible property of the satisfaction of the agreement, and
 - (b) deliver a copy of the notice to each registrar who, under section 7, registered the agreement.
- (2) On receiving a copy of the notice under subsection (1), the Registrar of Manufactured Homes or the registrar of the land title office, as the case may be, must cancel the registration of the agreement in their records.

Effect of registration

11 (1) If an agreement is registered in the land title office under this Act,

- (a) the agreement, and any deferred taxes under the agreement and interest on them, are a lien and charge on the eligible property and have priority over all other claims of any person, except claims secured by a registered charge that was registered or filed in a land title office in respect of the eligible property before the date on which the agreement under this Act was registered,
- (b) every claim over which paragraph (a) establishes priority is subject to the agreement and to the deferred taxes and interest referred to in that paragraph, and

(c) unless permitted by the regulations, a registrar must not register a transfer or other conveyance of any part of the eligible property described in the agreement without written consent of the minister.

(2) The registration of a financing statement in the personal property registry under section 7 (2) creates a lien and charge on the manufactured home to which the registration relates for the deferred taxes and interest on them, and the lien continues as long as the registration is effective.

(3) The lien and charge under subsection (2) has priority over any subsequently perfected security interest and any other subsequent charge or claim.

(4) If a financing statement is filed in the personal property registry under section 7 (2), the registrar of the manufactured home registry office must not, except with the consent of the minister or in prescribed circumstances,

(a) issue a transport permit under section 15 of the Manufactured Home Act, or

(b) file a transfer, or an agreement for sale, of a manufactured home.

(5) A lien referred to in subsection (2) (a) of this section as it was immediately before October 1, 1990 is deemed to be registered in the personal property registry.

(6) A deemed registration under subsection (5) expires on October 1, 1993, but may be continued by registration under section 7 (2) before the expiry date.

(7) Despite any other enactment, the following have no effect on the priority under this section of a lien and charge on eligible property:

(a) a transfer of a portion of an owner's interest in the eligible property to the spouse of the owner after an amending agreement is made under section 7.1;

(b) the registration of an amending agreement under section 7.2 (1);

(c) the registration of a financing change statement under section 7.2 (2).

Application procedure

12 An application under section 5 must be filed with the collector of taxes for the municipality or the government, as the case may be, after the owner receives the tax notice for the current tax year, but not later than December 31 in that year.

Duties of collector

13 On receiving the properly completed application, the collector of taxes must

(a) obtain the information, particulars and documents respecting the owner and the eligible property that are required,

(b) within 30 days after receiving the application, send the minister

(i) the application,

(ii) the information, particulars and documents referred to in paragraph (a), and

(iii) a report of the owner's qualifications under this Act, and

(c) make a certified statement in a form prescribed by the minister of the tax due and owing for the eligible property.

Access to and disclosure of records

13.1 (1) In this section:

"ministry" means the ministry of the minister responsible for the administration of this Act;

"ministry person" means a person who is employed in, or retained under a contract to perform services for, the ministry;

"personal information" means personal information as defined in Schedule 1 of the Freedom of Information and Protection of Privacy Act;

"shared information" means the following information:

(a) personal information that is collected as a result of a disclosure under section 13.1 (2) or (3) of the Home Owner Grant Act;

(b) information or a record that is collected as a result of a disclosure under section 32 of the Property Transfer Tax Act or section 3 of the Taxation (Rural Area) Act.

(2) Subject to subsection (3), a ministry person may use or disclose personal information collected under this Act

(a) for the purposes of administering or enforcing this Act,

(b) for the purposes of administering or enforcing any of the following Acts:

(i) the Home Owner Grant Act;

(ii) the Property Transfer Tax Act;

(iii) the Taxation (Rural Area) Act, or

(c) in court proceedings related to this Act or an Act referred to in paragraph (b) of this subsection.

(3) Subject to subsection (4), a ministry person may use or disclose shared information only

(a) for the purposes of administering or enforcing this Act,

(b) for the purposes of administering or enforcing any of the following Acts:

(i) the Home Owner Grant Act;

(ii) the Property Transfer Tax Act;

(iii) the Taxation (Rural Area) Act, or

(c) in court proceedings related to this Act or an Act referred to in paragraph (b) of this subsection.

(4) Subsection (3) (a) or (b) does not permit a disclosure to an employee of, or a person who is retained under a contract to perform services for, a municipality or a government agent office.

Effect of deferral

14 (1) If an agreement is made under this Act, despite any tax Act, no penalty or interest is payable for tax deferred under the agreement from the date the application is filed with the collector, other than the interest payable under this Act or the agreement.

(2) Despite subsection (1), if the minister does not accept an application under this Act, the tax for which the application is made is subject to penalties and interest under the appropriate tax Act as if the application had not been made.

Payment to municipality

15 (1) The minister must pay from the consolidated revenue fund to each collector of taxes the amount required to reimburse the municipality for tax deferred under this Act.

(2) Despite the appropriate tax Act, the amount paid to the collector under this section must be applied to each eligible property, in accordance with the agreement, toward payment of the current year's tax levied against the owner of that property.

Statement of outstanding amounts

16 On or before June 30 in each year, the minister must provide to the owner who is a party to an agreement under this Act a statement of outstanding deferred taxes, plus accrued interest, as of March 31 of that year.

Offences and penalties

17 (1) If a person completes, and delivers or has delivered to a collector of taxes, an application to make an agreement under this Act containing information the person knows is false or misleading for the purpose of deferring the person's tax, and the minister makes an agreement as a result of the application, that person commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction

(a) for a first offence, to a fine not more than \$500, and

(b) for a subsequent offence, to a fine of not less than \$100 and not more than \$1 000.

Power to make regulations

18 (1) The Lieutenant Governor in Council may make regulations including regulations referred to in section 41 of the Interpretation Act.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) defining any expression used in this Act or the regulations and not defined in this Act;

(b) extending the termination date of an agreement made under this Act or the time within which a provision of this Act must be complied with;

(c) prescribing the conditions consistent with this Act to permit a person who qualifies as an owner under paragraph (b) of the definition of "owner", by ownership of capital stock in a corporation, to defer tax;

(d) prescribing the manner of repayment by a corporation under section 9;

- (e) prescribing circumstances in which the disposal of eligible property does not terminate an agreement;
- (f) prescribing a percentage for the purposes of section 5 (5) (a), which may be different for taxes deferred under section 5 (1), (2.1) and (2.3);
- (g) prescribing requirements that must be met for the purposes of section 5 (1) (e), (2.1) (e), (2.3) (e) or (5) (b) (iii);
- (h) including and excluding classes of persons for the purposes of section 1.1.

Repealed

19 [Repealed 2004-40-35.]

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