

APPENDIX ‘III’ TO ‘PUBLIC NOTICE REQUIREMENT’ POLICY

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 (ie -public - reasonable)	Notice Requirements (minimum)
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	As approved by Council		#1 & #2
81 (1)	Shut off of Public Utilities	Upon proposed shut-off by municipality of a public utility	Reasonable notice to the owners or occupants of land	Personal service or prepaid mail or by posting the notice on the land in a conspicuous place	#5
110 (8)	Agreements for municipal capital facilities - 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> <p>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</p>		Written Notice	#4

Section	Subject matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (ie -public - reasonable)	Notice Requirement (minimum)
173 (3)	Restructuring Proposal	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: 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	Shall consult Consultations with public by holding one public meeting	#3 also through Minister regulations
174 (12)	Commission on restructuring	The commission shall give notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal	Set by the Commission	Shall give notice to the public in the prescribed geographic area advising them of the opportunity to inspect the restructuring proposal	#3 set by the Commission
187	Change name of municipality	After By-law passed to change name, copy of by-law to be sent to the Director of Title and to the Minister	As approved by Council	Written notice	#4
206	Powers to establish Corporations (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 under clause 204(3)(b) or for the purposes of a discussion under subsection 205(1)	Date and time set by municipality	To general membership	#1

Section	Subject matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (ie -public - reasonable)	Notice Requirement (minimum)
210	BIA by-law	Prior to passing a by-law and prior to designating an area as an improvement area and establish a board of management and to set levy upon rateable property in the improvement area		notice of the proposed by-law shall be sent by prepaid mail to the board of management of the improvement area, if any, and to every person who, on the last returned assessment roll, is assessed for rateable property that is in a prescribed business property class which is located (a) where the improvement area already exists, in the improvement area and in any geographic area and proposed by-law would add to the improvement area; and (b) where a new improvement area would be created by the proposed by-law in the proposed improvement area. Objections must be received within 60 days of the last day of mailing of notices	#1

Section	Subject matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (ie -public - reasonable)	Notice Requirement (minimum)
211	BIA – Repealing by-law	Council shall give notice to repeal a by-law (s. 204) if municipality received resolution or request	Before passing the by-law changing the name	A municipality shall give notice before passing a by-law and shall hold at least one public meeting. Notice of the proposed by-law shall be sent by prepaid mail to the board of management of the assessment roll, is assessed for rateable property that is in a prescribed business property class which is located; (a) where the improvement area already exists, in the improvement area and in any geographic area the proposed by-law would add to the improvement area; and (b) where a new improvement area would be created by the proposed by-law, in the proposed improvement area. Notice shall be given within 60 days of receiving a valid request to repeal the by-law. Recipients are to respond within 60	#1

				days after the last day of mailing of the notices	
222	Establishment of Wards	A municipality shall give notice within 15 days after a by-law is passed specifying the last date for filing a notice of appeal (see Page A)	Within 15 days of passage	Public Notice	#3 & #4
238(2.1)	Giving of Notice	Where public meetings are scheduled for consultation on proposed projects and infrastructure, notice of meeting shall be given by publishing in a newspaper at least one week prior to date of meeting and personal notice to any affected person or anyone who is on record as having an interest in the matter	As approved by Council	Public Notice	#6 & #1
270	Policies and Procedures	Prior to passing a by-law and/or amending policies and procedures Town policies and procedures pertaining to: a) the sale and other disposition of land; b) the procurement of goods and services c) the manner in which the municipality will try to ensure it is accountable to the public for its actions d) the delegation of Council powers and duties contained within the Municipal Act or the Planning Act, and e) the following policies pertaining to the hiring of employees; i) employment of relatives ii) code of conduct iii) conflict of interest Sec 270	As approved by Council	Public Notice	#3
295	Financial Statements - Publication	publication of the audited financial statement in newspaper within 60 days of receipt of audited financial statements for previous year	60 days after receipt	Public Notice	#6

Section	Subject matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (ie -public - reasonable)	Notice Requirement (minimum)
297	Auditor's right to attend - Right of Access	Auditor's entitlement to attend any meeting and receive all notices relating to the meeting and to make representation as required	As requested	Reasonable Notice	#1
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 made under subsection (2) with respect to that eligible property within 60 days after the date the list is received by the local municipality	Within 60 days	List of comparable properties	#1
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	#1
348	Determination of Tax Status	The Treasurer shall by February 28 th in each year determine the position of every tax account as of December 31 st of the preceding year. On making this determination, the Treasurer shall send to every taxpayer who owes taxes from a preceding year a notice of those taxes and of the related late payment charges. The notice may be sent with a tax bill.	By February 28 th in each year	Notice of Tax Arrears and related late payment charges	#1
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
351	Seizure personal property -Public Auction	The Treasurer may seize personal property to recover the taxes and costs of the seizure. The Treasurer or the Treasurer's agent shall	At time set by Treasurer	Public Notice	#1 & #3

		<p>give the public notice of the time and place of the public auction and of the name of the person whose personal property is to be sold.</p> <p>Written notice shall be sent by mail, posted 3 weeks prior to auction, to sheriff, bailiff, assignee, liquidator, trustee or licensed trustee in bankruptcy</p>			
356	Division of Land into parcel	<p>The <i>Municipal Act</i> provides that upon application by the Treasurer of a municipality or to the Treasurer by an owner of land, the municipality may divide land into two or more parcels; apportion unpaid taxes and direct part payment of taxes to each of the parcels. On or before September 30th of the year following the year in which the application is made, Council shall hold a meeting to consider the issue. Applicants 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 the decision</p>	At time set by Treasurer	Public Notice	#1 & #3
357 (6)	Cancellation, reduction, refund of taxes	<p>Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes levied. On or before September 30th of the year following the year in which the application is made, Council shall hold a meeting at which all applicants may make representation to Council. Applicants 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</p>	Within 14 days of decision	Applicant and ARB	#1

		appealing the decision			
358	Overcharges caused by a gross or manifest error	Upon receipt of an application, and subject to certain conditions, the municipality may cancel, reduce or refund all or part of taxes which were overcharged due to a gross or manifest error in the preparation of the assessment roll. The Treasurer shall send a copy of the application to MPAC and registrar of the Assessment Review Board. If the application is deemed to be invalid, the Treasurer shall notify the applicant in writing of the reasons that it is not valid. On or before September 30th of the year following the year in which the application is made, Council shall hold a meeting at which all applicants may make representation to Council. Applicants shall be notified of the meeting by mail sent at least 14 days before the meeting.	On or before September 30 th of the year following the year in which the application is made	Hold a meeting where applicant may make representation to the Council	#1 & #4
359	Increase of Taxes as a result of any undercharge caused by a gross or manifest error...but not an error in judgment in assessing the land	Upon receipt of an application by the Treasurer, the municipality may increase the taxes levied when the taxes were undercharged due to a gross or manifest error. The Council shall hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representation to Council. The Council shall notify the parties of the meeting by mail sent at least 14 days before the meeting. Within 14 days of making its decision, Council shall notify the parties of the decision and specify the last day for appealing the decision	Within the year in which the application is made	In writing to the person in respect of whom the application is made	#1 & #4

Section	Subject matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (ie -public - reasonable)	Notice Requirement (minimum)
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 Land Titles Act, 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 Registry Act 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 eland 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). 2001, c. 25, s. 374(1); 2006, c. 32, Sch A, s. 153 	Within 60 days	Notice of Registration of certificate	#1
379(1)	Public Sale (Tax Arrears Certificate)	<p>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 that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the3 date of the registration of the tax arrears certificate</p>	Within 30 days after the expiry of the 280-day period	Final Notice that land will be advertised for public sale – unless the cancellation price is paid before the end of the one0year period following the date of the registration of the tax arrears certificate	#1 & #6

Section	Subject matter	When Notice is Required	Time Limits Prescribed	Type of Notice Required (ie -public -reasonable)	Notice Requirements (minimum)
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
388(2)	Notice of forfeiture registered	If, before January 1, 2004, a notice of forfeiture was registered within respect to any land under Section 23 of the Municipal Tax Sales Act, 1084, the land is vested in the municipality upon registration as it reads on December 31, 2002	Before January 1, 2004	Registration of a Notice of Forfeiture	#1
400 - Regulations, 244/02	Fees and Charges imposed by a municipality on a person constitute a debt of the person – amount owing added to tax roll	<p>Prior to passing a by-law to impose fees or charges, a municipality shall ensure that notice of the intention to pass the by-law is given to every person and organization that has, within 5 years before the day of the Council meeting, given the clerk of the municipality a written request for notice of the intention to pass the by-law, containing a return address.</p> <p>Notice provided in newspaper and on website 2 weeks prior to enactment of the by-law.</p> <p>With respect to fees and charges for inspection or issuance of permits for fire purposes, Regulation 244/02 of the <i>Municipal Act</i> provides that the municipality hold at least one public meeting and ensure that a minimum of 21 days notice of the public meeting is given, including 21 days notice specifically to those persons and organizations noted above. Notice in</p>	None provided	Notice of intent to pass a by-law in the manner and form and at the times as prescribed by the Minister	#1

		newspaper 21 days prior to public meeting.			
435(2)	Conditions Governing Power of Entry	When notice is required, the notice must satisfy the following requirements: 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 after this 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 (2006 c.32, Sch.AS/84)	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
447(3)	Closing premises, Public Nuisance	Notice to the Attorney General...Upon the application of a municipality, where activities or circumstances constitute a public nuisance...the Superior Court of Justice may make an order that the premise be closed to any use...not to exceed two years	15 days notice of its intention to make an application	Letter of application	# 1
440	Collection of unpaid licensing fines	If any part of a fine for a contravention of a licensing by-law passed under this Act remains unpaid after the fine becomes due and payable under section 6 of the Provincial Offences Act, the authorized officer may give the person against whom the fine was imposed a written notice specifying the amount of the fine payable and the final date on which it is payable, which shall not be less than 21 days after the date of the notice	No date specified	Written notice specifying the amount of the fine payable and final date to pay (not less than 21 days after date of Notice)	#1