

SCHOOL TAX REMITTING REGULATION

Authority: *School Act*, section 124 (2) (5)

B.C. Reg. 8/90 Effective January 12, 1990
Amended by B.C. Reg. 152/91 Effective May 9, 1991
Amended by B.C. Reg. 185/92 Effective May 8, 1992
Amended by B.C. Reg. 479/98 Effective December 18, 1998
Lieutenant Governor in Council Regulations

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Interpretation

1 In this regulation

"**Act**" means the *School Act*;

"**AFT**" (Accelerated Funds Transfer) means an electronic transfer system whereby funds deposited at a branch of a financial institution are credited to a special account at another branch of a financial institution on the same date a deposit is made;

"**home owner grant**" means a grant under the *Home Owner Grant Act*, but does not include a grant made pursuant to an extension of time under section 7 of that Act;

"**minister**" means the Minister of Finance and Corporate Relations;

"**municipal billing**" means the amount to be raised by school taxes by a municipality as set out in the notice sent to the collector of that municipality under section 119 (6) of the Act;

"**municipal taxation due date**" means the last date that current year property taxes may be paid without the addition of a late payment penalty under section 445 of the *Local Government Act*.

[am. B.C. Reg. 152/91]

Installments by AFT

2 Each municipality shall pay installments by using the AFT system.

Initial installments

3 Each municipality shall pay to the minister an initial installment in 2 parts as follows:

(a) on or before the 5th business day after the municipal taxation due date, an amount equal to

(i) 75% of the municipal billing, or

(ii) a lesser percentage where the municipality satisfies the Surveyor of Taxes that it has collected less than 75% of its municipal billing

less

(iii) the administration fee prescribed under section 124 (10) of the Act, if any, and

(iv) for the 1992 and subsequent taxation years, 80% of the previous year's basic home owner grants claimed by the municipality under section 12 of the *Home Owner Grant Act*.

(b) on or before the 15th business day after the municipal taxation due date, the balance of taxes collected up to and including the municipal taxation due date after deduction of the home owner grants approved by the date, together with

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- (i) a report of taxes paid to the Province under this paragraph and paragraph (a), and
- (ii) a statement, certified by the municipal treasurer or collector, that the amount remitted is the total amount of school taxes collected under the Act for the taxation year up to and including the municipal taxation due date, less allowable adjustments.

[en. BC Reg. 152/91; am. BC Reg. 185/92]

Subsequent remittances

4 (1) A municipality that has a taxation due date

- (a) on or before July 15 shall remit taxes collected, incorporating the deduction of home owner grants,
 - (i) during the part of July that follows the taxation due date, on or before the 5th business day of August,
 - (ii) during September, on or before the 10th business day of October, and
 - (iii) during August, October and November, on or before the 5th business day of the month that respectively follows each of those months.
- (b) after July 15 and on or before July 31 shall remit taxes collected, incorporating the deduction of home owner grants,
 - (i) during the part of July that follows the taxation due date, on or before the 5th business day of September, along with the taxes collected in August,
 - (ii) during September, on or before the 10th business day of October, and
 - (iii) during October and November, on or before the 5th business day of the month that respectively follows each of those months,
- (c) after July 31 and on or before August 15 shall remit taxes collected, incorporating the deduction of home owner grants,
 - (i) during the part of August that follows the taxation due date, on or before the 5th business day of September,
 - (ii) during September, on or before the 10th business day of October, and
 - (iii) during October and November, on or before the 5th business day of the month that respectively follows each of those months, or
- (d) after August 15 shall remit taxes collected, incorporating the deduction of home owner grants,
 - (i) during the part of August that follows the taxation due date, on or before the 10th business day of October, along with the taxes collected in September, and
 - (ii) during October and November, on or before the 5th business day of the month that respectively follows each of those months.

(2) Each municipality shall submit, with each payment required under subsection (1), a statement, certified by the municipal treasurer or collector, that the amount remitted is the total amount of school taxes collected under the Act during the collection period less allowable adjustments.

[am. B.C. Reg. 152/91]

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Payments under section 124 (2) (b) and (3) of the Act

- 5 (1) Where a municipality pays the balance of taxes under section 124 (2) (b) of the Act, it
- (a) shall, in calculating the balance, incorporate deductions for amounts the Province owes the municipality for home owner grants and for adjustments allowed under the *School Act*, and
 - (b) shall forward with the balance a year end reconciliation.
- (2) Where a municipality pays an amount of school taxes under section 124 (3) of the Act, it shall
- (a) in calculating the payment incorporate deductions for amounts the Province owes the municipality for home owner grants and for adjustments allowed under the *School Act*,
 - (b) forward, with the payment that section 124 (3) of the Act requires to be made on the fifth business day after the calendar year end of the taxation year, a year end reconciliation and a detailed listing of unpaid school taxes, including penalties owing to the Province, and
 - (c) forward, with each payment made after the payment referred to in paragraph (b),
 - (i) a monthly report of school taxes collected, including penalties and interest, and
 - (ii) a quarterly report of accumulated interest owing to the Province at the end of each calendar quarter.
- (3) For the purposes of this section and section 124 (9) of the *School Act*, the collector or the municipal officer responsible for administering school tax remittances in a municipality may, in respect of home owner grants claimed by the taxpayer within the tax year and subsequently approved by the municipality, when paying those taxes to the government and subject to subsection (4), deduct the amount of approved home owner grants from school tax remittances due to the government.
- (4) The deductions permitted under subsection (3) and under section 124 (9) of the *School Act* may be made only from payments made to the government before February 28th of the year immediately following the year to which the grant and school taxes apply.

[en. BC Reg. 152/91; am. BC Reg. 479/98]

6 REPEALED BC Reg. 152/91

7 REPEALED BC Reg. 152/91

Schedules A to E. REPEALED BC Reg. 152/91