

**SCHEDULE “A” TO BY-LAW 2009-06
NOTICE REQUIREMENTS UNDER THE MUNICIPAL ACT, 2001, S.O. 2001**



NOTICE CLASSIFICATION:

Class #1 *Personal Notice to Individual or a Limited Number of People* – sent by mail (may be sent pre-paid registered mail) to the last known address or hand delivered. Notice of tax related matters will be sent to school boards, MPAC and/or other level of government as appropriate. Included on agenda published prior to the meeting and posted on the web site.

Class #2 *Advertisement/notice* published in a newspaper having regular publication and sold to the public and subscribers. ***Notice shall be placed once 14 days prior to passing of the By-law and may include a 2nd notice, unless otherwise required by the applicable legislation, whichever is greater.*** Included on agenda published prior to the meeting and posted on the website at www.townshipsofheadclaramaria.ca, as well as within the Municipality as per clause 10 of the by-law.

Class #3 *Advertisement/notice* published and posted within the Municipality at designated locations, as per clause 10 of the by-law and posted on the Municipality’s web site at www.townshipsofheadclaramaria.ca.

Class #4 *Advertisement/notice* published on the ***Municipal web site*** at www.townshipsofheadclaramaria.ca. No Statutory Requirement associated.

Class #5 *Agenda/notice* published on the ***Municipal web site*** at www.townshipsofheadclaramaria.ca. No Statutory Requirement associated.

MUNICIPAL ACT PART/SECTION	SUBJECT MATTER	BASIC REQUIREMENT	NOTICE CLASS
34(1) 32(2)	Highway Closing Permanent	No Statutory requirement for Notice Advertisement/notice published in a local newspaper having a regular publication and sold to the public and subscribers at least 14 days prior to passing of By-law. Included on agenda published prior to the meeting and posted on the website.	# 2 14 days notice
47 deleted from Municipal Act See Section 27(1)	Naming Highways	No Statutory requirement for Notice. Notice of intent to persons and agencies directly affected by the By-law at least 2 weeks prior to passing of by-law and posted on the Municipal website.	# 2
48	Naming of Private Roads	Statutory requirement for Notice. Municipality shall give public notice of intent to pass by-law by newspaper advertisement at least 14 days prior to passing the By-law and posted on the Municipal website.	#2
99	Municipal By-law respecting Advertising Devices	No Statutory requirement for Notice. Notice posted on the Municipality website at least 14 days prior to passing of the By-law.	# 4
110(5)	Capital Facilities Agreements	Statutory requirement for Notice. Written notice of by-law to Minister of Education.	# 1
110(8)	Tax Exemption By-law	Statutory requirement. Notice of contents of by-law passed under Subsection (6) to be given to (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 under the By-law (c) the secretary of any school board if the area includes the land exempted by the by-law.	# 1
Section 151 Part IV	Municipal By-law General Licensing Powers	No Statutory requirement for Notice. Public notice posted on the Municipality's website at least 14 days prior to passage of By-law.	# 4

Part V, Section 173 (1)	Proposal to restructure	Statutory requirement. (1) A municipality or local body in a geographic area may, subject to subsection (2), make a restructuring proposal to restructure municipalities and unorganized territory in the geographic area by submitting to the Minister a restructuring report containing the prescribed details as outlined in Section 173(1) of the Act including the required public consultation.	# 3 – and any other Ministerial regulations. At least 1 public meeting.
173 (3)	Proposal to restructure – Consultation	Statutory requirement. (3) 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 persons as the municipality considers appropriate.	# 3 At least 1 public meeting
187	Change of Name – Notice to Public	No Statutory requirement for Notice. Municipality shall give public notice of intent to pass by-law by newspaper advertisement at least 14 days prior to passing the By-law and posted on the municipal website. Copy of By-law to be sent to the Director of Titles appointed under the Land Titles Act and to the Minister promptly after passage.	# 1 & # 2
210	Business Improvement Areas - Notice	Statutory requirement. Before passing a by-law to establish an area as an improvement area – subsection 204(1), to set a levy upon ratable property in the improvement area – clause 208(2) b), subsection 208 (3) or to alter the boundaries of the improvement area – subsection 209, notice of the proposed by-law shall be sent by pre-paid 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 ratable 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.	# 1

211	Business Improvement Areas – Repeal of by-law	Statutory requirement. (1) Council shall give notice in accordance with subsection 210(1) of a proposed by-law to repeal a by-law under subsection 204(1) if the municipality has received (a) a resolution from the board of management requesting the repeal, or (b) a request for the repeal signed by persons who are responsible for at least one-third of the taxes levied for the purposes of the general local municipal levy on ratable property in all prescribed business property classes in the improvement area.	# 1 within 60 days of receiving the resolution or request.
217	Council composition	No Statutory requirement for Notice. Before passing a by-law the municipality shall give notice of the intention to pass the by-law at least 14 days prior to passage and post on the Municipality's website and hold at least one public meeting to consider the matter.	# 2 At least 1 public meeting
222	Wards – Establishment of Wards	No Statutory requirement for Notice. Before passing a by-law the municipality shall give notice of the intention to pass the by-law at least 14 days prior to passage and hold at least one public meeting to consider the matter and post on the Municipality's website.	# 2 At least 1 public meeting
222 (3)	Wards – Establishment of Wards By-law	Statutory requirement. Within 15 days after a by-law is passed under subsection (1), the municipality shall give notice of the passing of the by-law to the public specifying the last day for filing a notice of appeal under subsection (4).	# 3
222 (5)	Notices of Appeal to OMB	Statutory requirement. Within 15 days after the last day of filing a notice of appeal under subsection (4), the municipality shall forward any notices of appeal to the Ontario Municipal Board.	# 1 Notice to OMB Within 15 days of the last filing date
Section 238	Procedure By-law	No Statutory requirement for Notice. Notice of intent to pass By-law posted on the municipality's website at least 14 days prior to the passing of the by-law	# 4 14 days prior to passing by-law
Section 291 (1) Notice Requirements deleted	Adopt Budget	No Statutory requirement for Notice. To pass a budget under the provisions of Section 290, the municipality shall give notice of its intention to adopt the budget at a council meeting specified in the notice at least 14 days prior to the meeting and posted on Municipality's website.	# 4

Section 291 (1) Notice requirements deleted	Amend Budget	No Statutory requirement for Notice. Notice of Budget Amendments shall be indicated on reports published on the agenda prior to the meeting which is posted on the Municipality's website.	# 4
295	Publication of Financial Statement	Statutory requirement. (1) Within 60 days after receiving the audited financial statements of the municipality for the previous year, the Treasurer of the municipality (a) shall publish in a newspaper having general circulation in the municipality a copy of the audited financial statements, the notes to the financial statements, auditor's report and tax rate information for the current and previous year as contained in the financial review, or a notice that the information described previously will be made available at no cost to any taxpayer or resident of the municipality upon request, and (b) may provide the information described previously to such persons and in such other manner as the Treasurer considers appropriate.	# 3 Publish notice in newspaper at least once within 60 days after receiving audited financial statements. The statements will be published on the website.
297	Auditor's right to attend	Statutory requirement. The auditor is entitled to receive all notices relating to any meeting of Council or Committees that any member is entitled to receive and to make representations at that meeting on any matter that concerns him or her as an auditor.	#1 As requested
331 (9)	Tax on Eligible Properties	Statutory requirement for Notice. 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.	# 1 Within 60 days after receipt of list from MPAC
342 (5)	Alternate Tax Installments Cessation	Statutory requirement for Notice. The use by a taxpayer of the alternative installments and due dates under the clause (1) (b) ceases if, the taxes of the taxpayer are unpaid after the due date and the Treasurer give written notice to the taxpayer that the alternative installments and due dates may no longer be used.	# 1
343 (1)	Tax Bill	Statutory requirement. The Treasurer shall send a tax bill to every taxpayer at least 21 days before taxes shown on the tax bill are due.	# 1 21 days written notice before taxes due

348	Tax Status	Statutory requirement for Notice. 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, and on making the determination, the Treasurer shall send to every taxpayer who owes taxes from the preceding year a notice of those taxes and of the related late payment charges and said notice may take the form and be sent with the tax bill.	# 1 by February 28 th in each year
350	Tenant Obligations	Statutory requirement for Notice. When taxes are owed in respect of any land occupied by a tenant, the Treasurer may give the tenant notice in writing requiring the tenant to pay the rent in respect of the land to the Treasurer as it becomes due up to the amount of the taxes due and unpaid plus costs, and the tenant shall comply with this notice.	# 1
351 (8)	Seizure of Assets	Statutory requirement for Notice. The Treasurer or the Treasurer's agent shall give the public notice of the time and place of the public auction and the name of the person whose personal property is to be sold.	# 1 and # 3 As determined by Treasurer
357 (5) (6)	Cancel, reduce or refund taxes	Statutory requirement for Notice. On or before September 30 of the year following the year in which the application is made, Council shall (a) hold a meeting at which the applicants may make representations to Council (b) notify applicants of the meeting by mail sent at least 14 days before the meeting (c) make its decision (6) Within 14 days after making its decision, Council shall notify the applicants and owners of the decision and specify the last day for appealing the decision.	# 1 (5) Notification 14 days in advance of meeting and (6) within 14 days of making decision and specify the last day for appealing decision
358	Overcharges caused by a gross or manifest error	Statutory requirement for Notice. (8) if an application is not valid under subsection (5), the Treasurer shall notify the applicant in writing of the reasons it is not valid (9) on or before September 30 of the year following the year in which the application is made, council shall (a) hold a meeting at which the applicant may make representation to Council (b) notify the applicant of the meeting by mail sent at least 14 days before the meeting (10) Within 14 days after making its decision Council shall notify the applicant of the decision.	# 1 Notification 14 days in advance of meeting within 14 days of decision

359	Increase in Taxes (As a result of any undercharge by a gross or manifest error)... but not an error in judgment assessing the land	Statutory requirement for Notice. An application made on or before December 31 of the year following the year by the Treasurer in respect of which the application is made. (3) Council shall (a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to Council (b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting (4) Within 14 days after making its decision, Council shall notify the Treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision.	# 1 Notification 14 days in advance of meeting and within 14 days after making its decision and specify the last day for appealing the decision.
359.1	Error in calculating taxes	Statutory requirement for Notice. (2) Before making a decision under subsection (1), Council shall (a) hold a meeting at which the Treasurer and the person in respect of whom the application is made may make representations to Council (b) notify the Treasurer and the person in respect of whom the application is made of the meeting by mail sent at least 14 days before the meeting (3) Within 14 days after making its decision, the Council shall notify the Treasurer and the person in respect of whom the application is made of the decision and specify the last day for appealing the decision.	# 1 Notification 14 days in advance of meeting within 14 days after making its decision and specify the last day for appealing the decision.
374	Tax Arrears Certificate Notice of Registration	Statutory requirement for Notice. Notice of Registration of Tax Arrears Certificate (1) Within 60 days after the registration of tax arrears certificate, the treasurer shall send a notice of the registration of the certificate to various specified persons.	# 1 Within 60 days after registration of a tax arrears certificate.
379 (1)	Public Sale (Tax Arrears Certificate) – Final Notice	Statutory requirement for Notice. 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 registration of the tax arrears certificate.	# 1 Within 30 days after the expiry of the 280 – day period.

379 (2)	Public Sale Advertisement	Statutory requirement for Notice. Notice of Public Sale if at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid and there is no subsisting extension agreement, the land shall be offered for public sale by public auction or public tender, as the Treasurer shall decide, and the Treasurer shall immediately (a) make a statutory declaration stating the names and addresses of the persons to whom notice was sent under subsection (1) and (b) advertise the land for sale once in The Ontario Gazette and once a week for four weeks in the newspaper that, in the opinion of the Treasurer, has such circulation within the municipality as to provide reasonable notice of the sale.	# 1 and # 3 Advertise in the Ontario Gazette and once a week for 4 weeks in newspaper
380 (3)	Application of Proceeds	Statutory requirement for Notice. Within 60 days after making a payment into court under subsection (2), the Treasurer shall send a copy of the statement to the Public Guardian and Trustee and to the persons to whom the Treasurer sent notice under subsection 379(1).	# 1 Within 60 days
380.1(1)	Second time offer of land for public sale	Statutory requirement for Notice. (2) At least 30 days before the land is re-advertised for public sale, the Treasurer shall send to the persons entitled to receive notice under subsection 379(1) a notice that the land will be re-advertised for public sale Subsection 379(2) and sections 380 to 387 apply with necessary.	# 1 Advertise in the Ontario Gazette and once a week for 4 weeks in newspaper