



BY-LAW 461-2024 Concerning a Duty on the Transfer of Any Immovable Located on its Territory and Repealing By-law 370-2020 and Any Other By-law Relating to Transfer Duties

WHEREAS under section 2 of the Act respecting duties on transfers of immovables (CQLR, c. D-15.1) (hereinafter the "Act"), municipalities must levy a duty on the transfer of any immovable located on its territory;

WHEREAS every municipality must levy a duty on the transfer of any immovable situated in its territory, computed using the basis of imposition established under the second paragraph, based on the following rates:

1. on the part of the basis of imposition that is under \$58,900: 0.5%;
2. on the part of the basis of imposition that is over \$58,900 but under \$294,600: 1%;
3. on the part of the basis of imposition that is over \$294,600 but under \$500,000: 1.5%;
4. on the part of the basis of imposition that is over \$500,001: 3%;

WHEREAS a municipality may, by by-law, set a rate higher than that provided for in subparagraph 3 of the first paragraph for any portion of the basis of imposition that exceeds 500,000: 3%;

WHEREAS section 20.1 of the Act allows any local municipality to impose special duties in the event that an exemption deprives it of payment of transfer duty with respect to a transfer;

WHEREAS section 20.4 of the Act provides that the amount of the special duty is as follows:

- | | |
|--|--|
| 1. Immovable under \$5,000: | No duty |
| 2. Immovable from \$5,000 to under \$40,000: | The amount of the special duty is equal to that of the transfer duty |
| 3. Immovable of 40,000 or more: | \$200 |

WHEREAS a notice of motion was duly given by Councillor _____ at the Council sitting held on August _____, 2024, and the draft by-law was presented and tabled at the same sitting.

THEREFORE, COUNCIL ORDERS AS FOLLOWS:

1) PURPOSE OF THE BY-LAW

The purpose of this by-law is to adopt a new by-law entitled By-law 461-2024 Concerning a Duty on the Transfer of Any Immovable Located on its Territory and Repealing By-law 370-2020 and Any other By-law Relating to the Transfer Tax.

The purpose of this by-law is to set a higher rate on the portion of the basis of taxation that exceeds \$500,000 when the municipality collects a duty on the transfer of any immovable located in its territory.

It is also intended to impose a special duty when a transfer is exempt under the Act.

2) TERRITORY COVERED

This by-law applies to the entire territory of the municipality of West Bolton.

3) INTERPRETATION OF THE TEXT

This by-law is to be interpreted per the principles of the Act.

4) APPLICABLE RATE

When transferring an immovable located on its territory with a basis of taxation of more than \$500,000, the municipality of West Bolton collects transfer duty calculated based on the applicable basis of taxation, which is set at 3%.

5) IMMOVABLE LOCATED PARTIALLY IN THE TERRITORY OF ANOTHER MUNICIPALITY

Where an immovable is located partly in the territory of the municipality and partly in the territory of another municipality, the duties set out in this by-law shall be in accordance with the rules set out in the fourth paragraph of section 2 of the Act.

6) INDEXATION

Each of the amounts used to determine the basis of imposition brackets set out in these by-laws is indexed using the formula set out in section 2.1 of the Act.

7. SPECIAL DUTY

A duty in lieu of the transfer duty is imposed and must be paid to the municipality of West Bolton in all cases where the transfer of an immovable located in its territory is covered by an exemption provided for in the Act and deprives the municipality of the payment of the transfer duty in respect of that transfer.

- | | |
|--|--|
| 1. Immovable under \$5,000: | No duty |
| 2. Immovable from \$5,000 to less than \$40,000: | the amount of the special duty is equal to that of the transfer duty |
| 3. Immovable of 40,000 or more: | \$200 |

8) ENTRY INTO FORCE

The preamble forms an integral part of these by-laws.

LEGAL STEPS

We, the undersigned, respectively Mayor and Acting Director General and Clerk-Treasurer of the Municipality of West Bolton, hereby certify that By-law 461-2024 has passed the following legal steps:

- | | | |
|----|--|-------------------|
| 1. | Notice of Motion | August 12, 2024 |
| 2. | Tabling of the draft by-law: | August 12, 2024 |
| 3. | Adoption of the by-law: | September 9, 2024 |
| 4. | Notice of Promulgation /Publication date: | September 9, 2024 |

Denis Vaillancourt
Mayor

Monique Pépin
Acting Director General and
Clerk-Treasurer