

VILLAGE OF INNISFREE – ELECTRONIC COMMUNICATIONS BYLAW 678-22

A BYLAW OF THE VILLAGE OF INNISFREE TO ESTABLISH A PROCESS FOR SENDING ASSESSMENT NOTICES, TAX NOTICES, ASSESSMENT REVIEW BOARD NOTICES AND OTHER NOTICES, DOCUMENTS, AND INFORMATION BY ELECTRONIC MEANS.

WHEREAS pursuant to the *Municipal Government Act*, RSA 2000, c.M-26 and amendments thereto (the “Act”) the Council of the Village of Innisfree (“Council”) may by bylaw, establish a process for sending Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information under part 9, 10 or 11 and the associated Regulations by electronic means;

WHEREAS pursuant to the provisions of the Act, Council may by bylaw, establish a process for sending forms of notice relating to school support under the *Education Act*, SOA, 2022, c. E-0.3 and amendments thereto by electronic means;

WHEREAS before making such a bylaw, it is required that Council be satisfied that the proposed bylaw includes measures to ensure the security and confidentiality of any of the information sent;

WHEREAS such bylaw passed requires Council to give notice of the proposed bylaw in a manner Council considers is likely to bring the proposed bylaw to the attention of substantially all persons that would be affected by it;

WHEREAS such bylaw passed by Council must provide for a method by which persons may opt in or out of receiving Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, or information by electronic means;

WHEREAS the sending by electronic means of any notice, document, or information under such a bylaw is valid only if the person to whom it is sent has opted under the bylaw to receive it by those means;

AND WHEREAS the Council for the Village of Innisfree wishes to pass a bylaw to establish a process for sending Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information under part 9, 10 or 11 of the *Municipal Government Act* and the corresponding Regulations, as well as notices relating to school support under the *Education Act* by electronic means;

NOW THEREFORE, the Village of Innisfree Council, duly assembled, enacts as follows:

Part I – Short Title

1. This Bylaw may be cited as the Electronic Communications Bylaw.

Part II – Interpretation, Definitions and Purpose

Interpretation:

2. References in this Bylaw to a statute, regulation or other bylaw refer to the current laws at the time this Bylaw was enacted and, as they are amended from time to time, including successor legislation.
3. Headings and sub-headings in this Bylaw are included for convenience only and shall not be considered in interpreting the substantive content of this Bylaw.
4. The preamble paragraphs that recede the numbered paragraphs of this bylaw are an integral part of this Bylaw and are not a mere recital.
5. Every provision of this Bylaw is independent of all provisions, and it is the intention of the Council, that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, all other provisions of the Bylaw shall remain valid and enforceable.

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Definitions:

6. Words used in this Bylaw shall have the same meaning as defined in the *Municipal Government Act*, with the following changes or additions:
 - a. **Act** means the *Municipal Government Act*, RSA 2000, c.M-26, together with any amendments and Regulations made thereunder;
 - b. **Assessment and Taxations Communications** means assessment, tax and Assessment Review Board communications sent out by the Village and may include, but not limited to:
 - i. Assessment Notices;
 - ii. Tax Notices;
 - iii. Combined Assessment/Tax Notices;
 - iv. School Support Notifications;
 - v. Notifications relating to outstanding Tax bills; and
 - vi. Other notices, forms and information relating to assessment and tax matters.
 - c. **Assessment Notice** means an assessment notice as outlined in the *Act* that states the assessed value and classification of your property and can include an amended assessment notice and a supplementary assessment notice but does not include any assessment notice sent by the Provincial Assessor.
 - d. **Assessment Review Board** means a local, regional, or composite Assessment Review Board established by Council under the *Act*.
 - e. **Assessment Review Board Communications** means any communications sent out by the Village pertaining to the Assessment Review Board and may include, but not limited to:
 - i. Notices with respect to Assessment Review Board hearings and decisions; and,
 - ii. Other notices, forms and information relating to Assessment Review Board matters.
 - f. **Assessment Review Board Notice** means a notice of a hearing to appear before the Village's Assessment Review Board or a notice of decision resulting from that hearing.
 - g. **Bylaw** means Bylaw 678-22, as known as the Electronic Communications Bylaw.
 - h. **CASL Act** means an *Act* to promote the efficiency and the adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities and to amend the *Canadian Radio-Television and Telecommunications Act*, the *Competition Act*, the *Personal Protection and Electronic Documents Act* and the *Telecommunications Act*, SC, 2010, c-23 (often referred to as Canada's Anti-Spam Legislation or "CASL Act.")
 - i. **Council** means the municipal Council for the Village of Innisfree.
 - j. **Electronic Format** means an electronic method of sending or receiving communications and can include emails, text messages or a web-based platform.
 - k. **FOIP Act** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c.F-25 and Regulations.
 - l. **Provincial Assessor** means the assessor designated by the Province under the *Act*.
 - m. **School Support Notifications** means a notice send under the *Education Act*, RSA 2012, c.E-O.3.
 - n. **Tax Notice** means a tax notice sent pursuant to the *Act* that sets out the rate to be paid for property taxes and can include an amended tax notice or supplementary tax notice.



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- o. Taxpayer** means a taxpayer as defined under the *Act*.
- p. Village** means the municipal corporation of the Village of Innisfree.
- q. Village Assessor** means the municipal assessor duly appointed under the *Act* or their designate.

Purpose:

- 7. The purpose of this Bylaw is to:
 - a. Establish a process for sending Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information by Electronic Format; and
 - b. Institute procedures by which a person may opt in or out of receiving electronic communications.

Part III – Communicating by Electronic Format

Opting In

- 8. A Taxpayer may opt in to receive Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information by Electronic Format by providing written consent and a valid email address, delivered by email, hand-delivered or mailed to the Village.
- 9. When opting in to receive Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents and information, a Taxpayer must ensure the email address they have provided remains current and is updated promptly upon any change in such email address.
- 10. The Village Assessor may allow Taxpayers to opt in to receive Communications in an Electronic Format on some or all of the properties for which they are the Taxpayer.

Opting Out

- 11. Should a Taxpayer wish to withdraw their consent to receive Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information, by Electronic format, they may do so by way of signed correspondence addressed to the Village, either by email, regular mail or hand-delivered to the Village Office.
- 12. A Taxpayer shall be deemed to have opted out if the Village becomes aware that Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information, delivered by an Electronic Format are being returned as undeliverable or are otherwise being rejected.
- 13. A Taxpayer shall be deemed to have opted out if the Village becomes aware that a property has transferred ownership.

Section IV – Protection of Taxpayer Information

- 14. Any information collected from Taxpayers through Assessment and Taxation Communications or Assessment Review Board Communications, using an Electronic format, shall only be used for the purposes associated with the taxation, assessment, and Assessment Review Board functions of the Village in accordance with the requirements of the *Act* and its associated Regulations.



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15. Any information collected from a Taxpayer shall be protected in accordance with the provisions of the FOIP Act.
16. The Village shall ensure that the requirements of the *CASL Act* are met when a Taxpayer opts in, opts out, or receives Assessment Notices, Tax Notices, Assessment Review Board Notices and other notices, documents, and information, in an Electronic Format.
17. Communication through an Electronic Format with a Taxpayer shall only take place through an email address provided by the Taxpayer under Sections 8, 9 and 10 of the *Act*.
18. Once a Taxpayer has opted out or has been deemed to have opted out under Clauses 11, 12 and 13, the Village shall no longer send Communications through Electronic Format and shall send future Communications about a property to the last known mailing address of the Taxpayer, as listed on the Village's assessment records.

Effective Date:

19. This bylaw comes into effect when it is passed by Council.

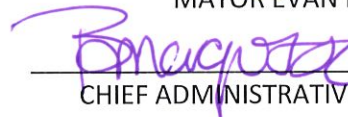
READ A FIRST TIME THIS 18TH DAY OF OCTOBER 2022.

READ A SECOND TIME THIS 18TH DAY OF OCTOBER 2022.

READ A THIRD TIME, WITH UNANIMOUS CONSENT, AND PASSED AND SIGNED THIS 18TH DAY OF OCTOBER 2022.



MAYOR EVAN RAYCRAFT



CHIEF ADMINISTRATIVE OFFICER
BROOK MAGOSSE