



Tax Certificates

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DEFINITION

A tax certificate is a document relative to one or more parcels of land issued by a municipality to a person, certifying the status of the property taxes and other factors influencing property taxes. A person intending to purchase land may rely on this document to negotiate the details of the purchase agreement. The tax certificate legally binds the municipality; therefore accuracy is paramount.

REQUIRED DISCLOSURES

Although the tax certificate is not a prescribed form, Section 276 of *The Municipalities Act* (the Act) states the information which must be disclosed on the certificate. These include:

1. the amount of taxes levied during the current year – this would include municipal and school property taxes, special taxes, special assessments, health facility levies and so on;
2. the amount of current taxes unpaid;
3. the amount of tax arrears;
4. the amount of local improvement special assessments which are due;
5. the amount of local improvement special assessments which are due at a future point in time;
6. notice of intention to undertake a local improvement which has been approved by the Saskatchewan Municipal Board;
7. confirmation of outstanding assessment appeals to the board of revision or the Saskatchewan Municipal Board, if known by the municipality; and
8. notification of outstanding amounts which might be added to property taxes under authority of section 369, if known by the municipality.

OTHER FEATURES

The tax certificate may contain other features not addressed in legislation. These may include the following:

1. the name of the municipality issuing the tax certificate;
2. the name of the person requesting the tax certificate;
3. a reference number, established by the municipality; and
4. a reference number, established by the requesting party.

The municipality may wish to disclose additional information which may be beneficial to requesting parties, such as:

1. the date of registration and/or the interest number respecting a tax lien if the municipality has registered a tax lien on the land in question;
2. the amount of taxes levied during the previous year in those instances where the taxes have not yet been levied for the current year; and
3. amounts which may be added to property taxes under authority of section 405.

NOTE: This document has been prepared by Saskatchewan Ministry of Municipal Affairs for general information purposes and should not be relied upon as a substitute for specialized legal or professional advice.



The Municipalities Act

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The certificate is to be dated, sealed, and signed by a designated officer. The administrator of the municipality is responsible for issuance of tax certificates unless the municipality has designated some other person.

MUNICIPAL POLICIES

Municipalities are entitled to charge a fee, which must be established by bylaw, to issue a tax certificate. The Municipal Affairs' web site contains a sample bylaw.

Municipalities may wish to consider the manner in which fees will be charged for a tax certificate. The fees may be structured in various ways, such as:

1. an amount for each tax certificate;
2. a set amount for each property; or
3. an amount for the first property, and a lesser amount for each successive property.

Municipalities may wish to limit the number of properties that may be contained on a single tax certificate. The Act does not address this issue.

As noted above, the form of tax certificate is not prescribed. The municipality should approve the form of tax certificate, either by resolution or by incorporating the form within the bylaw.