

Municipal Government Act Proposed Amendments

Section	Intent	Existing Language	Proposed Language
1(s)	Address implications of references to matters under other legislation.	(s) "Minister" means the member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of this Act;	(s) "Minister" means the member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of this Act, <b><i>unless the context requires otherwise;</i></b>
(z1)	In response to COVID: add definition of Public Health Emergency.		<b><i>"public health emergency" means an occurrence or imminent threat of a health hazard or disease that presents a significant risk to the public health as defined in the Public Health Act P-30.1.</i></b>
14(b)	Clarify legislative reference for municipal planning requirements	(b) municipal planning services, including an official plan and bylaws	(b) municipal planning services, including an official plan and bylaws <b><i>in accordance with the Planning Act.</i></b>
15(2)	Separate out proposals to "restructure" from proposals to "dissolve"	Proposal to dissolve or restructure municipality (2) A proposal to dissolve a municipality or, subject to subsection (3), to restructure an existing municipality may be initiated by (a) the Minister; or (b) the council of the municipality	<b><i>Proposal to restructure municipality (2.1) Subject to subsection (3), a proposal to restructure an existing municipality may be initiated by (a) the Minister; or (b) the council of that municipality or another municipality affected by the restructuring.</i></b>
15(2.1)	Separate out proposals to "restructure" from proposals to "dissolve"		<b><i>Proposal to dissolve municipality (2) A proposal to dissolve a municipality may be initiated by (a) the Minister; or (b) the council of the municipality.</i></b>
15(4)	Address subsequent change requirements from separation of proposals to "restructure" from proposal to "dissolve"	Proposal to be filed (4) A proposal under subsection (1) or (2) shall be in writing in the form approved by the Minister and filed with the Commission by the person or persons initiating the proposal.	Proposal to be filed (4) A proposal under <b><i>subsections (1), (2) or (2.1)</i></b> shall be in writing in the form approved by the Minister and filed with the Commission by the person or persons initiating the proposal.
17(1)	Allow for more than just written objections to be filed with the Commission.	17. Objection to proposal (1) Any person may object to a proposal to establish, restructure or dissolve a municipality by filing a written objection in the form approved by the Minister with the Commission within 30 days after (a) the date specified in subsection (2), in respect of a person to whom the Commission is required under clause 16(1)(a) to provide a copy of the proposal; (b) the date of publication of the notice in a newspaper under clause 16(1)(b); or (c) the date of posting of the notice in the affected area under clause 16(1)(c), whichever is latest.	17. <b><i>Response</i></b> to proposal (1) Any person may object to a proposal to establish, restructure or dissolve a municipality by filing a <b><i>written comment</i></b> in the form approved by the Minister with the Commission within 30 days after (a) the date specified in subsection (2), in respect of a person to whom the Commission is required under clause 16(1)(a) to provide a copy of the proposal; (b) the date of publication of the notice in a newspaper under clause 16(1)(b); or (c) the date of posting of the notice in the affected area under clause 16(1)(c), whichever is latest.

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Section	Intent	Existing Language	Proposed Language
32(2)(f)	Complete current partial reference to full text of of MGA 110	Application of Part (2) The provisions of this Part and Part 4 that apply to elections in a municipality apply to elections in the Resort Municipality with the necessary modifications and, in particular, (f) a reference in subsection 110(2) to December is deemed to be a reference to September.	Application of Part (2) The provisions of this Part and Part 4 that apply to elections in a municipality apply to elections in the Resort Municipality with the necessary modifications and, in particular, (f) a reference in subsection <b>110(1) and</b> (2) to December is deemed to be a reference to September.
40(1.1)	Introduce requirement to match amended language from MGA Election Regulations		<b><i>A serving member of council is not eligible to be appointed, and shall not serve, as the municipal electoral officer, deputy municipal electoral officer or another election official.</i></b>
41(1)	Amend language to match MGA 36(1) which refers to the same bylaw	41. Establishment of list (1) For the purpose of establishing a list of electors, a council shall, no later than July 30, 2018, (a) by bylaw, in accordance with the regulations, (i) provide for a system of enumeration of persons entitled to vote at an election, or (ii) provide for a system of registration of persons entitled to vote at an election; or (b) enter into an agreement under subsection (2).	41. Establishment of list (1) For the purpose of establishing a list of electors, a council shall, at least 90 days before an election, (a) by bylaw, in accordance with the regulations, (i) provide for a system of enumeration of persons entitled to vote at an election, or (ii) provide for a system of registration of persons entitled to vote at an election; or (b) enter into an agreement under subsection (2).
44(3)	Match terminology in opening of this section - re: Nomination proceedings	Filling of vacancies (3) Where, on nomination day, fewer persons are nominated as candidates for office than there are vacancies, an additional seven days shall be allowed for nominating additional candidates to fill the vacancies.	Filling of vacancies (3) Where, <b><i>at the conclusion of nomination proceedings</i></b> , fewer persons are nominated as candidates for office than there are vacancies, an additional seven days shall be allowed for nominating additional candidates to fill the vacancies.
53(3)	Match terminology in 47(3) of Election regulations regarding counting of ballots from an advance poll	53(3) Idem Where an advance poll is held, all ballots for the advance poll shall be counted when all polls are closed on election day in accordance with the regulations.	53(3) Idem Where an advance poll is held, all ballots for the advance poll shall be counted <b><i>at a time on election day as directed by the Municipal Electoral Officer</i></b> , in accordance with the regulations.
62(3)	Match terminology in opening of this section - re: Nomination proceedings	Filling of vacancies (3) Where, on nomination day, fewer persons are nominated as candidates for office than there are members to be elected, an additional seven days will be allowed for nominating additional candidates to fill the vacancies.	Filling of vacancies (3) Where, <b><i>at the conclusion of nomination proceedings</i></b> , fewer persons are nominated as candidates for office than there are members to be elected, an additional seven days will be allowed for nominating additional candidates to fill the vacancies.

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85(1)	Acknowledge feedback and change requests regarding municipal office requirements	85. Municipal office (1) A council shall, (a) by resolution, designate a place in the municipality as its municipal office; (b) provide public notice of the location of the municipal office; and (c) notify the Minister, in writing, of the civic address of the municipal office.	
85(2)	Acknowledge feedback and change requests regarding municipal office requirements	Idem (2) Within five years after the coming into force of this section, a council shall (a) ensure that its municipal office is accessible to all members of the public; and (b) establish, publish and maintain a schedule of not less than twenty hours in each week during which the municipal office shall be open to serve the public. 2016,c.44,s.85.	
85(3)	Add office location exemption when location is shared		<b><i>Exception - shared office</i></b> <b><i>(3) Despite clause (1)(a), a council may designate a place outside the municipality as its municipal office where the office is shared with another municipality as its municipal office.</i></b>
86(6)	Clarify voting requirements for appointment, suspension or revocation of CAO appointment	Majority vote (6) The appointment of a chief administrative officer under clause (2)(c), or the suspension or revocation of that appointment under clause (2)(d), shall be by a vote of at least two-thirds of the members of council then holding office.	Majority vote (6) The appointment of a chief administrative officer, under clause (2)(c), or the suspension or revocation of that appointment under clause (2)(d), shall be by a vote of at least two-thirds of the members of council then holding office <b><i>voting in favour of the resolution to appoint, suspend or revoke the appointment of the chief administrative officer as the case may be.</i></b>

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90	Restrict Mayor from being part of independent review commissions and clarify that ability to vote does not involve quorum - this reflects terminology found in 24.2 of sample Procedural Bylaw	90. Membership on committees and organizations By virtue of the mayor's office, the mayor is a member of every committee or other organization which the council or mayor establishes under this or another Act, and when in attendance the mayor possesses all the rights, including voting rights, privileges, powers and duties of the other members of the committee or organization. 2016,c.44,s.90.	<b>90. Membership on committees</b> By virtue of the mayor's office, the mayor is a member of every committee which the council or mayor establishes under this or another Act, <b>other than the Electoral Boundaries Commission, the Remuneration and Allowances Commission or another independent review commission appointed in accordance with the Act</b> , and when in attendance the mayor possesses all the <b>privileges, including the right to vote, but none of the obligations of membership, of the other members of the committee.</b>
92(1)	Confirm prohibition on employment also applies to municipal controlled corporations.	92. Prohibition – employment of member (1) A council shall not appoint a member of the council to serve, and no member shall serve, as an employee in any capacity, including but not limited to the positions of (a) chief administrative officer; (b) financial officer; (c) development officer; (d) planner; (e) enforcement officer; or (f) public works personnel.	92. Prohibition – employment of member (1) A council shall not appoint a member of the council to serve, and no member shall serve, as an employee <b>of the municipality or a controlled corporation established by council</b> in any capacity, including but not limited to the positions of (a) chief administrative officer; (b) financial officer; (c) development officer; (d) planner; (e) enforcement officer; or (f) public works personnel.
93(1)(d)	Confirm that CAO responsible for all contractors and other corporations working for municipalities.		<b>(d)(1) is responsible for contracting, directing, managing and supervising the activities of all contractors hired or firms retained by the municipality to work on behalf of Council.</b>
107(2)(d)	Confirm that disclosure statements are required from both acclaimed and elected candidates.	107 Idem, contents (2) The code of conduct referred to in subsection (1) shall include, at a minimum, (d) the requirement for each council member, within 30 days of being elected, to file a disclosure statement in the form approved by the Minister with the chief administrative officer.	107 Code of Conduct Contents (2) The code of conduct referred to in subsection (1) shall include, at a minimum, (d) the requirement for each council member, within 30 days of being <b>elected or acclaimed</b> , to file a disclosure statement in the form approved by the Minister with the chief administrative officer.

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107(2)(e)	MGA lacks language related to annual completion and submission of their public disclosure statement.		<b><i>(e) the requirement for each council member to file an updated disclosure statement in the form approved by the Minister with the chief administrative officer by November 30 of each year the member serves on council.</i></b>
107(3.1)	Introduce restriction preventing council from removing a member from council for violation of code of conduct bylaw.		<b><i>(3.1) A code of conduct bylaw shall not include any provision as a sanction that would result in a member of council who contravenes the code of conduct being disqualified from council or guilty of an offence.</i></b>
107(3.2)	Connect related absence provision to existing language on council absence.		<b><i>(3.2) Where a sanction imposed on a member results in the member being absent from a regularly scheduled meeting, the absence shall be considered to be with the approval of the council for the purposes of subsection 98(4).</i></b>
113(5)	Complete all references regarding quorum.	Effect of quorum (5) As long as a quorum, in accordance with subsection (2) or (3), as the case may be, remains in office, anything done at a meeting of council or a council committee is not invalidated by (a) any vacancy among its members; (b) any defect in the appointment of any member; or (c) the disqualification of any member. 2016,c.44,s.113.	Effect of quorum (5) As long as a quorum, in accordance with subsection (2) or (3) <b><i>or an order of the Minister under subsection (4)</i></b> as the case may be, remains in office, anything done at a meeting of council or a council committee is not invalidated by (a) any vacancy among its members; (b) any defect in the appointment of any member; or (c) the disqualification of any member. 2016,c.44,s.113.
116(3)	Update permissible fee reference to reflect requirements of Access regulations.	Inspection of minutes (3) Copies of the minutes shall be open for inspection by any person during regular office hours and copies of them shall be provided to any person on the payment of a reasonable fee established by the council.	Inspection of minutes (3) Copies of the minutes shall be open for inspection by any person during regular office hours and copies of them shall be provided to any person <b><i>on payment of the fee, if any, established by the council in a bylaw made pursuant to section 147.</i></b>

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118.1	In response to COVID: Clarify expectations for information accessibility during public health or other emergencies.		<p><b><i>Information to be made public</i></b></p> <p><b><i>1 Where a provision of this Act requires council or a committee to make information available to the public or for public inspection, the council or committee, as the case may be, may comply with the provision during a state of emergency declared by the Minister under the Emergency Measures Act, a state of local emergency declared by the mayor under section 146 or a public health emergency</i></b></p> <p><b><i>(a) by making the information available electronically through enewsletters and on the website of the council or committee on any other website where the council or committee considers the information is likely to be easily found by the public, or</i></b></p> <p><b><i>(b) if requested to do so by a person, by sending the information to the person by email, mail or facsimile.</i></b></p>
119(1)(c)	Clarify justification of closed meetings for confidential information reasons.	<p>Closed meetings</p> <p>(1) Despite subsection 118(1), a council or council committee may, by resolution, close all or part of a meeting to the public, either in advance or at the meeting, where the matter to be discussed is, in relation to any of the following, confidential:</p> <p>(c) personal information, other than a person’s address, that is protected under this Act;</p>	<p>Closed meetings</p> <p>(1) Despite subsection 118(1), a council or council committee may, by resolution, close all or part of a meeting to the public, either in advance or at the meeting, where the matter to be discussed is, in relation to any of the following, confidential:</p> <p><b><i>(c) about an identifiable individual, including a municipal employee or an employee of a controlled corporation;</i></b></p>
119(1)(d)	Clarify justification of closed meetings for human resource reasons.	<p>Closed meetings</p> <p>(1) Despite subsection 118(1), a council or council committee may, by resolution, close all or part of a meeting to the public, either in advance or at the meeting, where the matter to be discussed is, in relation to any of the following, confidential:</p> <p>(d) human resource matters;</p>	<p>Closed meetings</p> <p>(1) Despite subsection 118(1), a council or council committee may, by resolution, close all or part of a meeting to the public, either in advance or at the meeting, where the matter to be discussed is, in relation to any of the following, confidential:</p> <p><b><i>(d) human resource matters including labour relations or employee negotiations;</i></b></p>
122(1)	In response to COVID: Clarify requirements for Electronic meetings.	<p>Electronic meeting of council</p> <p>(1) Subject to subsection (3), a council meeting may be conducted by electronic means if</p> <p>(a) authorized by council’s procedural bylaw; and</p> <p>(b) the council members are unable to meet in person.</p>	<p>(1) Subject to subsection (3), a council meeting may be conducted by <b>electronic means, including but not limited to a teleconference or a live publicly-streamed broadcast, if.</b></p> <p>(a) authorized by council’s procedural bylaw; and</p> <p>(b) the council members are unable to meet in person.</p>

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122(3)(b)	In response to COVID: Clarify requirements for Electronic meetings.	Public meeting by electronic means (3) A meeting shall only be conducted by electronic means if (a) the electronic means by which the meeting is conducted enable, at a minimum, the council and council committee members participating in the meeting to hear and speak to each other; (b) notice is given to the public of the meeting, including that it will be conducted by electronic means; and	Public meeting by electronic means (3) A meeting shall only be conducted by electronic means, if (a) the electronic means by which the meeting is conducted enable, at a minimum, the council and council committee members participating in the meeting to hear and speak to each other; (b) notice is given to the public of the meeting, including that it will be conducted by electronic means <b>and the information necessary to enable the public to access the electronic meeting</b> ; and
122(3.1)	In response to COVID: Allow exemption to requirement for a facility during times of public health or other emergency.		<b><i>Electronic meeting during emergency</i></b> <b><i>During a state of emergency declared by the Minister under the Emergency Measures Act, a state of local emergency declared under section 146 or a public health emergency, a public meeting of council or a council committee may be held by electronic means that do not comply with the requirements of clause (3)(c) if</i></b> <b><i>(a) members of the public are able to hear the meeting as it occurs, and</i></b> <b><i>(b) any members of the public who would be entitled to make submissions at the meeting if the meeting were being held in person are able, before and during the meeting, to make submissions by email or any other method that the council or committee considers appropriate.</i></b>
122(7)	In response to COVID: Clarify requirements for Electronic meetings.		<b><i>Closed or Restricted Electronic Meetings</i></b> <b><i>Where a meeting of a council is held by electronic means in compliance with this section, electronic access to the meeting may be restricted or suspended in order to close all or part of the meeting to the public under section 119 of the Act.</i></b>
128(2)	Update permissible fee reference to reflect requirements of Access regulations.	Inspection of bylaws (2) Copies of the bylaws shall be open for inspection by any person and copies of them shall be provided to any person on payment of a reasonable fee established by the council. 2016,c.44,s.128.	Inspection of bylaws (2) Copies of the bylaws shall be open for inspection by any person and copies of them shall be provided to any person <b><i>on payment of the fee, if any, established by the council in a bylaw made pursuant to section 147.</i></b>

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147(1)(d)	Clarify by matching terminology in MGA Access regulations	147. Access to information (1) A council shall, within 12 months after the coming into force of this section, enact and maintain a bylaw that provides for access in accordance with the regulations to information that was created or collected on and after the coming into force of this section by or otherwise under the control of the municipality, including but not limited to information in relation to the following matters: (d) auditor reports;	147. Access to information (1) A council shall, within 12 months after the coming into force of this section, enact and maintain a bylaw that provides for access in accordance with the regulations to information that was created or collected on and after the coming into force of this section by or otherwise under the control of the municipality, including but not limited to information in relation to the following matters: <b><i>(d) auditor's report on the audit of the annual financial statements;</i></b>
147(1)(l1)	Clarify by matching terminology in MGA Access regulations		<b><i>(l.1) all compensation, expenses and other payments made annually to each council committee member pursuant to section 82 and to all members of boards or other bodies established by council;</i></b>
152(1)(b)	In response to COVID: Extend emergency spending authority to public health emergencies.	152. Expenditures (1) A council shall only make an expenditure that is (a) included in its financial plan or, subject to subsection 153(3), otherwise authorized by the council in accordance with this Part; (b) in respect of an emergency under the Emergency Measures Act; or (c) ordered to be paid by a court or by the Minister.	152. Expenditures (1) A council shall only make an expenditure that is (a) included in its financial plan or, subject to subsection 153(3), otherwise authorized by the council in accordance with this Part; (b) in respect of an emergency under the Emergency Measures Act <b><i>or Public Health Act</i></b> ; or (c) ordered to be paid by a court or by the Minister.
158	Correct subsection reference.	158. Grants and other assistance (1) Subject to subsection (3), a council may by bylaw provide for (a) the issuing of grants, including grants for service charges and fees; (b) the lending of money or guaranteeing the repayment of a loan;	158. Grants and other assistance (1) A council may by bylaw provide for (a) the issuing of grants, including grants for service charges and fees; (b) <b><i>Subject to subsection (3)</i></b> , the lending of money or guaranteeing the repayment of a loan;

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158(4)	Simplify content in subsection by presenting it in two parts and correct subsection reference.	<p>Qualifying criteria</p> <p>(4) A bylaw passed pursuant to subsection (1) shall state</p> <p>(a) the criteria to be met in order for any person, institution, association, group, government or other body to apply for and receive a grant, gift, loan of money or municipal property or a guarantee of the repayment of a loan pursuant to subsection (3); and</p> <p>(b) in the case of a loan or a guarantee of the repayment of a loan referred to in subsection (3),</p> <p>(i) the amount of money to be loaned or guaranteed and, in general terms, the purpose for which it is to be used,</p> <p>(ii) the name of the non-profit organization or controlled corporation to which the loan or guarantee is to be made,</p> <p>(iii) where the municipality</p> <p>(A) is lending money, the minimum rate of interest, the term of the loan and the terms of repayment of the loan and the source of the money to be loaned, and</p> <p>(B) is guaranteeing repayment of a loan, the rate of interest of the loan, the terms and conditions of the loan and the terms and conditions of the guarantee.</p>	<p><b><i>Qualifying Criteria for grant, etc</i></b></p> <p>A bylaw passed pursuant to subsection (1) shall state the criteria to be met for any person, institution, association, group, government or other body to apply for and obtain a grant, a gift, a sale, lease or use of municipal property, a loan of money or guarantee of the repayment of a loan or another kind of assistance referred to in subsection <b><i>(1)</i></b> .</p>
158(4.1)	Simplify content in subsection by presenting it in two parts and correct subsection reference.		<p><b><i>Other Qualifying Criteria</i></b></p> <p><b><i>4.1 A bylaw passed pursuant to subsection (1) shall state, in the case of a loan or a guarantee of the repayment of a loan referred to in subsection (3) ,</i></b></p> <p>(a) the amount of money to be loaned or guaranteed and, in general terms, the purpose for which it is to be used;</p> <p>(b) the name of the non-profit organization or controlled corporation to which the loan or guarantee is to be made; and</p> <p>(c) where the municipality</p> <p>(i) is lending money, the minimum rate of interest, the term of the loan and the terms of repayment of the loan and the source of the money to be loaned, and</p> <p>(ii) is guaranteeing repayment of a loan, the rate of interest of the loan, the terms and conditions of the loan and the terms and conditions of the guarantee.</p>

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180(g)	Update reference to the building code legislation.	(g) the construction, demolition, removal or alteration of any building or other structure, including signage, subject to the Planning Act R.S.P.E.I. 1988, Cap. P-8, the Provincial Building Code Act R.S.P.E.I. 1988, Cap. P-24, the Highway Signage Act R.S.P.E.I. 1988, Cap. H-4.1, and any other building standards, codes and regulations adopted or established by the Government;	(g) the construction, demolition, removal or alteration of any building or other structure, including signage, subject to the Planning Act R.S.P.E.I. 1988, Cap. P-8, the the <b>Building Codes Act R.S.P.E.I. 1988, Cap. B-5.1</b> , the Highway Signage Act R.S.P.E.I. 1988, Cap. H-4.1, and any other building standards, codes and regulations adopted or established by the Government;
181.1(1)	Introduce language specific to controlled corporations		<b><i>181.1 Controlled corporation</i></b> <b><i>(1) Subject to section 183, a council may in a bylaw passed pursuant to this Act</i></b> <b><i>(a) create a controlled corporation for any purpose for which it has jurisdiction to make a bylaw; and</i></b> <b><i>(b) appoint the directors and officers of the controlled corporation.</i></b>
181.1(2)	Introduce language specific to controlled corporations		<b><i>Provision of documents</i></b> <b><i>(2) When requested by the council, the directors and officers of a controlled corporation established by the council, shall provide to the council all documents and records relating to the affairs of the controlled corporation in their possession or under their control.</i></b>
207/207(1)	Provide more structure to the delivery of ancillary services	207. Funds may be advanced A council that provides a service or a product that is ancillary to or compatible with a service provided to property owners in the municipality may by bylaw offer a program to advance funds in relation to the product or service, subject to the following criteria: (a) only an improved property owned by a taxpayer is eligible; (b) the amount borrowed by a taxpayer in respect of each property shall not exceed twenty-five per cent of the assessed value of the property as determined under the Real Property Assessment Act, less any local improvement charge or fee payable by the taxpayer in respect of the property; (c) the taxpayer shall comply with or satisfy any other criteria specified in the bylaw, including but not limited to the payment of outstanding liens or other debts owed by the taxpayer to the municipality; and (d) funds advanced in respect of real property of a taxpayer, if not repaid as required in the bylaw, constitute a lien against the real property of the taxpayer until paid in full. 2016,c.44,s.207.	<b><i>(1) A council that provides a service or product that is ancillary to or compatible with a service provided to property owners in the municipality may by bylaw</i></b> <b><i>(a) offer a program to advance funds to property owners in relation to the product or service; and</i></b> <b><i>(b) impose charges, and fix or provide a means for determining the charges, for the product or service provided.</i></b>

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207(2)	Provide more structure to the delivery of ancillary services		<p><b><i>Contents of bylaw</i></b>  <b><i>(2) A bylaw passed pursuant to subsection (1) may provide</i></b>  <b><i>(a) that only an improved property owned by a taxpayer is eligible;</i></b>  <b><i>(b) that the charges fixed by, or determined pursuant to, the bylaw may be chargeable according to a plan or method set out in the bylaw;</i></b>  <b><i>(c) that the charges may be different for different classes of development and in different areas of the municipality;</i></b>  <b><i>(d) when the charges are due and payable;</i></b>  <b><i>(e) that the amount borrowed by a taxpayer in respect of each property shall not exceed 25 per cent of the assessed value of the property as determined in accordance with the Real Property Assessment Act, less any local improvement charge or fee payable by the taxpayer in respect of the property;</i></b>  <b><i>(f) that the charges are liens on the real property in accordance with subsection 162(4) and may be collected in the same manner as other municipal charges and levies;</i></b>  <b><i>(g) a means of determining when the lien becomes effective or when the charges become due and payable;</i></b>  <b><i>(h) that the amount payable may, pursuant to a written agreement between the owner of the real property and the municipality, be paid in the number of instalments specified in the bylaw and that, on default in payment of any instalment, the balance immediately becomes due and payable; and</i></b>  <b><i>(i) that interest is payable on the entire amount outstanding, whether or not the owner has elected to pay by instalments pursuant to the agreement referred to in clause (h), at the rate and beginning on the date specified in the bylaw.</i></b></p>