

ORPORATION OF THE COUNTY OF PERTH

BY-LAW 3707-2019

A By-Law to Adopt 2019 Optional Tools for the Purposes of Administering Limits for the Commercial, Industrial and Multi-Residential Property Classes

WHEREAS the Corporation of the County of Perth (hereinafter referred to as “The Municipality” may, in accordance with section 329 to 331 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as “*The Act*”) modify the provisions and limits set out in section 329 of *The Act*, with respect to the calculation of taxes for municipal and school purposes payable in respect of property in the Commercial, Industrial and Multi-Residential property classes; and

WHEREAS The Municipality may, in accordance with the terms and provisions of Ontario Regulation 73/03 as made and amended under *The Act*, pass a by-law ending the application of Part IX of *The Act* for the Multi-Residential and Industrial property classes; and

WHEREAS for the purposes of this by-law the Commercial classes shall be considered a single property class and the Industrial classes shall be deemed to be a single property class; and

WHEREAS “uncapped taxes” means, the taxes for municipal and school purposes that would be levied for the taxation year but for the application of Part IX of *The Act*; and

WHEREAS “capped taxes” means, the taxes for municipal and school purposes that shall be levied for the taxation year as a result of the application of Part IX of *The Act*; and

WHEREAS Section 8.0.2(1) of O. Reg. 73/03, as amended, of *The Act*, allows a municipality to exempt certain properties from the application of Part IX of *The Act*; and

NOW THEREFORE the Council of the Corporation of the County of Perth hereby enacts the following to provide for the administration and application of *Part IX of The Act*:

1. **THAT** having determined that the eligibility requirements set out under Section 8.2 of Ontario Regulation 73/03 have been met in respect of the Multi-Residential and Industrial property classes, The Municipality opts to end the application of Part IX of *The Act* for that class for 2017 and subsequent taxation years; and
2. **THAT** paragraphs 1, 2, and 3, of Subsection 329.1 (1) of *The Act* shall apply to the Commercial property class for 2017, whereby
 - (i) In determining the amount of taxes for municipal and school purposes for the year under Subsection 329 (1) and the amount of the tenant’s cap under Subsection 332 (5), the amount to be added under paragraph 2 of Subsection 329 (1), and the increasing amount under paragraph 2 of Subsection 332 (5) shall be the greater of:
 - (a) The amount of the uncapped taxes for the previous year multiplied by ten per cent (10%), and

- (b) The amount of the capped taxes for the previous year multiplied by ten per cent (10%).
 - (ii) The amount of the taxes for municipal and school purposes for a property for a taxation year shall be the amount of the uncapped taxes for the property for the year if the amount of the uncapped taxes exceeds the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under section 329, as modified under section 329.1 of *The Act* and this by-law, by five hundred dollars (\$500.00) or less.
 - (iii) That for all properties that become eligible within the meaning of subsection 331 (20) of *The Act*, the taxes for municipal and school purposes for the year or portion of the year shall be 100% of the uncapped taxes for the property for 2018; and
3. **THAT** paragraphs 1, 2 and 3, of Subsection 8.0.2 (2) of Ontario Regulation 73/03 shall apply to the Commercial property class for 2017 whereby properties that meet any of the following conditions shall be exempt from the capping calculations set out under Part IX of *The Act* for the taxation year:
- (i) The capped taxes for the property in the previous year were equal to its uncapped taxes for that year.
 - (ii) The capped taxes for the property in the previous year were lower than the property's uncapped taxes for that year, and the current year's capped taxes would be higher than the current year's uncapped taxes if Part IX were applied.
 - (iii) The capped taxes for the property in the previous year were higher than the property's uncapped taxes for that year, and the current year's capped taxes would be lower than the current year's uncapped taxes if Part IX were applied.

AND THAT paragraph 8 of Subsection 329.1 (1) of *The Act* shall apply to the Commercial property class for 2017 whereby all properties that become eligible within the meaning of Subsection 331 (20) of *The Act*, the taxes for municipal and school purposes for the year or portion of the year shall be the greater of the amount of the taxes determined under Subsection 331 (2); and the uncapped taxes for the property.

4. **THAT** this by-law shall come into force and take effect on the Third and Final reading hereof.

Read a first and second time this 2nd day of May 2019.

Read a third time and finally passed this 2nd day of May 2019.