

CORPORATION OF THE COUNTY OF PERTH

BY-LAW NO. 3147-2009

A By-Law to Adopt 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 class; and

WHEREAS the municipality must similarly modify the provisions and limits set out in section 332 of *The Act* with respect to the “tenant cap” calculations; and

WHEREAS this by-law shall only apply to properties in any of the Commercial, Industrial and Multi-Residential property classes to which Part IX of the *Act* applies; 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 The Council may pass a by-law to apply any one or any combination of the following options:

- a) Increase the annual cap from 5% of last year’s capped taxes up to a maximum of 10% of last year’s capped taxes; and/or
- b) Set an upper limit on annual increases at the greater of the amount calculated under (a) and up to 5% of the previous year’s annualized CVA tax; and/or
- c) Up to a maximum \$250 threshold may be set for increasing properties, decreasing properties or both; and

WHEREAS a by-law passed to adopt the provisions of subsection 329.1 paragraphs 1 and 2 of the *Act* provides that such provisions shall also apply to section 332 of *The Act* with respect to the “tenant cap” calculations; and

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

WHEREAS the Council has reviewed the said provisions of *The Act* and hereby deems it necessary and appropriate to adopt optional tools for the purpose of administering limits for the Commercial, Industrial and Multi-Residential property classes;

NOW THEREFORE the Council of the Corporation of the County of Perth hereby enacts as follows:

1. **THAT** paragraphs 1, 2, and 3, of Subsection 329.1 (1) of *The Act* shall apply to the Commercial, Industrial and Multi-Residential property classes for 2009.

2. **AND THAT**

- (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 greater of the amounts determined under paragraphs a) and b) as set out below shall apply in determining the amount to be added under paragraph 2 of subsection 329 (1), and the increasing amount under paragraph 2 of subsection 332 (5),
 - a) The percentage set out in Subsection 329(1) paragraph 2 and in Subsection 332(5) paragraph 2 shall be ten percent (10%), and
 - b) The amount of the uncapped taxes for the previous year multiplied by five percent (5%).
- (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 two-hundred and fifty dollars (\$250.00) 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 2009; and
- (iv) A property is exempt from application of Part IX of *The Act* in 2009 and the taxes for municipal and school purposes shall be the amount of the uncapped taxes for the property for 2009 if:
 - a) The taxes for the property in 2008 were equal to its uncapped taxes for that year;
 - b) As a result of Part IX of *The Act*, the taxes for the property in 2008 were lower than the property's uncapped taxes for that year, but in 2009, if Part IX of *The Act* applied, the property's taxes would be equal to its uncapped taxes, or a tax decrease for the property would be limited; or
 - c) A tax decrease for the property in 2008 was limited under Part IX of *The Act*, but in 2009, if Part IX of *The Act* applied, the property's taxes would be equal to its uncapped taxes, or a tax increase for the property would be limited.

3. **AND THAT** By-law 3134-2009 be hereby repealed;

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

Read a FIRST, SECOND AND a THIRD time and finally passed this 18th day of June 2009.

“Julie Behrns”

Julie Behrns, Warden

“R. William Arthur”

R. William Arthur, Clerk