

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2006-05

BEING A BY-LAW TO ESTABLISH A TAX REBATE PROGRAM FOR THE PURPOSES OF PROVIDING RELIEF FROM TAXES OR AMOUNTS PAID ON ACCOUNT OF TAXES ON ELIGIBLE PROPERTY OCCUPIED BY ELIGIBLE CHARITIES AND SIMILAR ORGANIZATIONS.

WHEREAS The Corporation of the Municipality of Powassan is required to have a Tax Rebate Program for eligible charities and may have a Tax Rebate Program for similar organizations, for the purposes of giving relief from taxes on eligible property they occupy, pursuant to s.~~442~~361.4 of the *Municipal Act*, ~~2001, R.S.O. 1990~~S.O. 2001, c. 25e.M.45, as amended (hereinafter referred to as the "Act");

~~**AND WHEREAS** s.442.1 of the Act has been amended by the Continued Protection for Property Taxpayers Act, 2000, and regulations thereto;~~

AND WHEREAS the Council of The Corporation of the Municipality of Powassan deems it appropriate to enact this By-Law for the purpose of establishing a Tax Rebate Program to be administered by its lower-tier municipalities;

NOW THEREFORE the Council of The Corporation of the Municipality of Powassan hereby enacts as follows:

1. In this By-Law:
 - a) "eligible charity" means a registered charity as defined in s.248 (1) of the *Income Tax Act* (Canada) that has a registration number issued by the Canada Customs and Revenue Agency;
 - b) "eligible property" means property that is in one of the commercial property classes or in one of the industrial property classes within the meaning of s.~~363~~308(120) of the *Act*;
 - c) "qualified application" means an application for a property tax rebate that demonstrates to the satisfaction of the Treasurer of the Municipality of Powassan, the entitlement of the applicant charity or similar organization to receive a ~~property tax~~ property rebate in accordance with this By-Law.
2. An eligible charity or similar organization that pays taxes on eligible property that it occupies may make application to the Municipality of Powassan for a rebate of the property taxes ~~or estimated property taxes~~ or amounts on account of taxes in respect of the eligible property.
3. The application shall be in a form required by the Treasurer of the Municipality of Powassan.
4. The application for a taxation year shall be made after January 1 of the taxation year and no later than the last day of February of the year following the taxation year.
5. A charity or similar organization that is otherwise eligible for a rebate on eligible property under this By-Law is not entitled to any rebate if the eligible property has received a property tax reduction pursuant to s.~~442.2~~362 of the *Act*.

6. Upon receipt of a qualified application for a taxation year the Municipality of Powassan shall:
 - a) Pay one-half (1/2) of the rebate amount within sixty (60) days after receipt by the Municipality of Powassan of the application;
 - b) Pay the balance of the rebate amount within one hundred twenty (120) days after receipt by the Municipality of Powassan.
7. The amount of the rebate shall be:
 - a) 40% of the taxes, ~~or~~ estimated taxes or amounts on account of taxes payable by the eligible charity or other similar organization on the eligible property that it occupies; or,
 - b) such other percentage as may have been prescribed by the Minister of Finance; or,
 - c) if the eligible charity is required to pay an amount under s. ~~444.1367~~ or s. ~~444.2368~~ of the Act, the amount of the rebate shall be the total of the amounts the charity is required to pay under those sections;
8. Where the rebate amount has been determined based on the estimated property taxes of the eligible property the amount of the rebate shall be recalculated after the determination of the property taxes and the appropriate adjustments made between the estimated rebate paid by the lower-tier municipality and the rebate to which the eligible charity or other similar organization is entitled.
9. The Municipality of Powassan may deduct an adjustment under s.8 of this By-Law from amounts payable in the next year for the next year's rebates in respect of an eligible property.
10. The Council of The Corporation of the Municipality of Powassan may by resolution designate similar organizations for the purposes of this By-Law.
11. The Council of The Corporation of the Municipality of Powassan may by resolution designate that property classes other than the commercial property classes and the industrial property classes are to be included within the definition of "eligible property" for the purposes of this By-Law.
12. In making a designation under s.10 of this By-Law the Council shall have regard to the guidelines attached as Schedule "A" and "B" attached hereto and forming part of this By-Law.

READ A FIRST time and considered read a SECOND and THIRD time and passed as such in open Council this 21st day of March, 2006.

MAYOR

CAO-CLERK

MUNICIPALITY OF POWASSAN

**PROPERTY TAX REBATE PROGRAM FOR REGISTERED CHARITIES
(pursuant to Section 361, *Municipal Act*, S.O. 2001, c.25, as amended)**

The Municipality of Powassan's Property Tax Rebate Program for registered charities, as provided by By-Law No. 2006-05, is authorized by Section 361 of *The Municipal Act*, 2001, S.O. 2001, c.25, as amended. This legislation obligates municipalities within the Province of Ontario to rebate certain registered charities 40% of the property taxes paid by them directly or through a lease.

To be eligible for a property tax rebate, the following conditions must be met:

- The applying organization must be a "registered" charity under the *Income Tax Act* (Canada), and as such possess a valid Canada Customs & Revenue Agency BN/Registration Number or a Non-Profit Organization as defined in the *Income Tax Act* (Canada);
- The applying registered charity must own and occupy the commercial and industrial property for which the rebate is being sought; or be a tenant in a commercial or industrial property for which a rebate is being sought;
- The applying registered charity must fulfill the application requirements and submit a fully completed application form.
- An application for a taxation year must be made after January 1 of the year and no later than the last day of February of the following year.
- The applying registered charity must agree to supply the municipality additional information as may be requested to substantiate the application;
- Receipt for all taxes paid by the charity or non-profit organization (tenant) to the owner/landlord for the year which the rebate is sought. **This receipt is mandatory in order to process the application.**
- In order to process a property tax rebate request, the attached ORIGINAL application form must be completed in full and submitted annually. **Faxes will not be accepted.**
- Section 1 is to be completed by the registered charity (or registered charity's agent).
- Section 2 is to be completed by the property owner (or property owner's agent) if the registered charity leases the commercial or industrial property for which a rebate is being sought.
- A copy of the registered charity's current CONFIRMATION OF REGISTRATION letter referencing the BN/Registration number, as issued by the Charities Directorate (Canada Customs & Revenue Agency) MUST accompany the original application form.

- This CONFIRMATION OF REGISTRATION letter is readily available by contacting the federal government's Client Assistance, Charities Directorate (Canada Customs & Revenue Agency) by telephone at 1-800-267-2384.

Please Note:

1. Pursuant to the provisions of By-Law No. 2006-05, rebates may be issued in two (2) installments. One half (1/2) of the rebate amount within sixty (60) days after receipt of a completed eligible application and the balance within one hundred twenty (120) days after receipt of the application.
2. The Charity Rebate Program is an annual program; a new and complete application must be filed each year. A previous year's application (and supporting documentation) does not constitute precedence or legitimate any right of entitlement for the current year.
3. Where the rebate amount has been determined based on the estimated property taxes of the eligible property, the amount of the rebate shall be recalculated after the determination of the property taxes and the appropriate adjustments made.

THIS IS SCHEDULE "B" TO BY-LAW NO. 2006-05 OF THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

Registered Charity Tax Rebate Application

Assessment Roll Number (from landlord) – 4959-_____ - _____ - _____ - _____

Form must be received at the tax office by the last day of February of the year following the tax year to which the application relates.

Calendar Year For Which Rebate Applies	
Name of Applicant Charity:	
Contact Name	Contact Telephone
Mailing Address	Postal Code
Address For Which Rebate Applies	Postal Code
Length of Occupancy at Present Address	
Canada Customs & Revenue Reg./Business No.	
<i>(submit copy of Charter)</i>	

From the Landlord: (submit a letter from the landlord that supports the total actual amount of property taxes paid for the application year)

Landlord or Property Manager Name _____ Tel: _____
 (print)

Property Class for Property Occupied by
 Charity _____ Commercial _____ Industrial _____

Total Property Tax \$ _____

Charity Property Tax Amount in above Property Class
(receipt from owner/landlord of taxes paid)
 \$ _____ (A)

Rebate Percentage 40% (B)

Rebate Entitlement (A) x (B) \$ _____ (C)

Landlord or Property Manager Signature _____ Date _____

Charity Declaration:

I, the undersigned hereby certify that the information is true and complete to the best of my knowledge and belief and authorize the municipality to verify all information contained in this statement.

Name of Authorized Officer _____ Title _____
 (print)

Signature _____ Date _____

"It is a serious offence to make a false statement"

For Office Use Only	Roll No. _____	
Verification of Commercial or Industrial	_____yes	_____no
Verification of Registered Charity Status	_____yes	_____no
Actual Taxes Paid	\$ _____	Date _____
Estimate of Rebate Entitlement	\$ _____	_____
First Instalment (50%)	\$ _____	_____
Final Instalment	\$ _____	_____
Balance Payable/ (Recoverable)	\$ _____	_____
Action Taken _____		
By (print) _____		date _____