

Corporation of the County of Grey

By-Law 5054-19

A By-law to Adopt Municipal Options Related to Part IX of the Municipal Act, 2001; “Limitations on Taxes for Certain Property Classes”

WHEREAS the Corporation of the County of Grey (hereinafter referred to as “The Municipality”) may, in accordance with Section 329.1 of the *Municipal Act, 2001*, S.O. 2001 c.25, as amended (hereinafter referred to as “*The Act*”), and Ontario Regulation 73/03, as made and amended under *The Act*, modify the provisions and limits set out in Part IX of *The Act*, with respect to the calculation of taxes for municipal and school purposes for properties in the Multi-Residential, Commercial and Industrial property classes;

AND WHEREAS The Municipality did, 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 in 2016;

AND WHEREAS the Municipality may, in accordance with the terms and provisions of the Ontario Regulation 73/03 as made and amended under *The Act*, pass a by-law to phase-out the application of Part IX of *The Act*;

AND WHEREAS for the purposes of this by-law the Commercial classes shall be considered a single property class 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*.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF
THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS 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 8.3 of Ontario Regulation 73/03 have been met in respect of the Commercial property

class, the Municipality opts to phase-out the application of Part IX of *The Act* for that class with the second year of the phase-out being 2019.

2. THAT paragraphs 1, 2, 3 and 4, of Subsection 329.1 (1) of *The Act* shall apply to the Commercial property class for 2019, 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 that 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 Section, by five hundred dollars (\$500.00) or less.

(iii) 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 that year if the amount of the taxes for municipal and school purposes for the property for the taxation year as determined under Section 330, as modified under Section 329.1 of *The Act* and this by-law exceed the uncapped taxes, by two hundred and fifty dollars (\$250.00) or less.

3. AND THAT paragraphs 1, 2 and 3, of Subsection 8.0.2 (2) of Ontario Regulation 73/03 shall apply to the Commercial class 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.
4. AND THAT paragraph 8 of Subsection 329.1 (1) of *The Act* shall apply to the Commercial property class whereby all properties that become eligible within the meaning of Subsection 331 (206) 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.
5. AND THAT section 15.0.1 of Ontario Regulation 73/03 shall apply to the Commercial property class for 2019 whereby, but for the application of that section, the capped taxes for the property would be less than the uncapped taxes for the property, the lesser of the following amounts shall be added to the capped taxes calculated in the absence of this adjustment:
- (i) The amount, if any, by which the current year's uncapped taxes exceed the previous year's uncapped taxes; and
- (ii) The amount of that the current year's uncapped taxes exceed the capped taxes calculated in the absence of this adjustment.
6. AND THAT the claw-back mechanism be used to fund the cost of capping protection to the extent possible.

ENACTED AND PASSED this 25th day of April, 2019.

WARDEN: Selwyn Hicks

CLERK: Heather Morrison