

Authority: Item 5, Committee of the Whole
Report 10-014 (FCS10034)
CM: May 12, 2010

Bill No. 149

CITY OF HAMILTON

BY-LAW NO. 10-149

A BY-LAW TO LEVY THE PRESCRIBED AMOUNT ON INSTITUTIONS DESIGNATED AS ELIGIBLE FOR GRANT IN LIEU OF TAX UNDER SECTION 323 OF THE MUNICIPAL ACT, 2001

WHEREAS Section 323(1) of the Municipal Act, 2001 provides for a local municipality to levy an annual tax payable on or after July 1 upon a university designated by the Minister of Training, Colleges and University or a college of applied arts and technology, not exceeding the prescribed amount for each full-time student enrolled in such university or college in the year preceding the year of the levy, as determined by the Minister of Training, Colleges and Universities;

AND WHEREAS Section 323(2) of the Municipal Act, 2001 provides for a local municipality to levy an annual tax payable on or after July 1 upon a correctional institution that is designated by the Minister of Community Safety and Correctional Services or a training school or a youth custody facility (designated under subsection 85(2) of the Youth Criminal Justice Act (Canada)) that is designated by the Minister of Community and Social Services, not exceeding the prescribed amount for each resident placed in such institution, school or facility as determined by the Minister of Community Safety and Correctional Services or the Minister of Community and Social Services;

AND WHEREAS Section 323(3) of the Municipal Act, 2001 provides for a local municipality to levy an annual tax payable on or after July 1 upon a public hospital or provincial mental health facility designated by the Minister of Health and Long-Term Care, not exceeding the prescribed amount for each provincially rated bed in such public hospital or provincial mental health facility as determined by the Minister of Health and Long-Term Care;

AND WHEREAS Section 323(4) of the Municipal Act, 2001 provides for a local municipality to levy an annual tax payable on or after July 1 upon a facility under the Developmental Services Act designated by the Minister of Community and Social Services, not exceeding the prescribed amount for each provincially rated bed in the facility as determined by the Minister of Community and Social Services;

AND WHEREAS Section 323(5) of the Municipal Act, 2001 provides for a local municipality to levy an annual tax payable on or after July 1 upon a provincial education institution designated by the Minister under whose jurisdiction that institution falls, not

A BY-LAW TO LEVY THE PRESCRIBED AMOUNT ON INSTITUTIONS DESIGNATED AS ELIGIBLE FOR GRANT IN LIEU OF TAX UNDER SECTION 323 OF THE MUNICIPAL ACT, 2001

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exceeding the prescribed amount for each place in such institution as determined by the Minister;

AND WHEREAS Ontario Regulation 384/98 prescribes the amount for the purposes of subsections 323 (1), (2), (3), (4) and (5) of the Municipal Act, 2001 as \$75 per year;

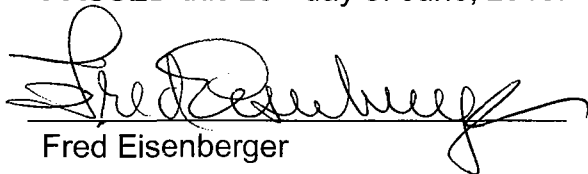
AND WHEREAS updated capacity data for eligible institutions within the municipality is provided to the City of Hamilton annually by the Ministry of Municipal Affairs and Housing, as received from the Minister under whose jurisdiction each institution falls;

AND WHEREAS this updated capacity data is used to determine the City of Hamilton's grant in lieu of tax for each taxation year in respect of each eligible institution within the municipality.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. For the purpose of Section 323(1) of the Municipal Act, 2001, the City of Hamilton establishes the maximum prescribed levy for each full-time student enrolled in an eligible university or college of applied arts;
2. For the purpose of Section 323(2) of the Municipal Act, 2001, the City of Hamilton establishes the maximum prescribed levy for each resident placed in an eligible correctional institution, training school or youth custody facility;
3. For the purpose of Section 323(3) of the Municipal Act, 2001, the City of Hamilton establishes the maximum prescribed levy for each provincially rated bed in an eligible public hospital or provincial mental health facility;
4. For the purpose of Section 323(4) of the Municipal Act, 2001, the City of Hamilton establishes the maximum prescribed levy for each provincially rated bed in an eligible facility under the Developmental Services Act;
5. For the purpose of Section 323(5) of the Municipal Act, 2001, the City of Hamilton establishes the maximum prescribed levy for each place in an eligible provincial education institution;
6. This By-law is deemed to come into force as of January 1st, 2010.

PASSED this 23rd day of June, 2010.



Fred Eisenberger
Mayor



Rose Caterini
City Clerk