

CITY OF HAMILTON

BY-LAW NO. 19-127

A By-Law to Provide Tax Rebates for Charities, Similar Organizations and Veterans Organizations

WHEREAS Section 361(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires a municipality to have a tax rebate program for eligible charities for the purpose of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy; and

WHEREAS Section 361(4)1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 permits the municipality to provide for rebates to organizations that are similar to eligible charities or a class of such organizations defined by the municipality; and

WHEREAS Section 361(3)2 of the *Municipal Act, 2001*, S.O. 2001, c. 25 requires that the amount of the tax rebate for eligible charities be at least 40 percent of the taxes or amounts on account of taxes paid by the eligible charity on the property it occupies; and

WHEREAS Section 361(4)3 of the *Municipal Act, 2001*, S.O. 2001, c. 25 permits the municipality to provide for different rebate amounts for different eligible charities or similar organizations up to 100 percent of the taxes paid by the eligible charity or similar organization.

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

1. Definitions

1.1 In this By-law:

- (a) "City" means the municipality of the City of Hamilton or the geographic area of the City of Hamilton, as the context requires;
- (b) "Eligible Charity" means a registered charity as defined in subsection 248(1) of the Income Tax Act (Canada) that has a registration number issued by the Canada Revenue Agency;
- (c) "Eligible Educational Institution" means and educational institution which has:
 - (i) been provided the authority by the Ministry of Education for the Province of Ontario to grant credits towards the Ontario Secondary School Diploma; and

- (ii) been provided confirmation from the Ministry of Education for the Province of Ontario that it has met the definition of a private school as defined in the Education Act R.S.O. 1990, c.E.2, as amended;
- (d) "Eligible Property" means the portion of lands or buildings occupied and used by an Eligible Charity, Similar Organization or Veterans Organization that are in one of the commercial or industrial property classes as defined under the Assessment Act;
- (e) "Property Taxes" means municipal and education realty taxes levied for the year on an Eligible Property;
- (f) "Similar Organization" means a non-profit organization as set out in Letters Patent from the Province of Ontario; and
- (g) "Veterans Organization" means a non-profit organization whose purpose is to provide a memorial home, clubhouse or athletic grounds for persons who served in the armed forces of His or Her Majesty or an ally of His or Her Majesty in any war but does not include any branch of the Royal Canadian Legion.

2. Qualifications

2.1 An Eligible Charity, Similar Organization or Veterans Organizations is qualified to receive the property tax rebate under section 4, if:

- (a) the Eligible Charity has a current and valid registration number issued by the Canada Revenue Agency;
- (b) the Similar Organization has current and valid Letters Patent from the Province of Ontario;
- (c) the Veteran's organization is a non-profit organization; and
- (d) the Eligible Charity, Similar Organization or Veterans Organization paid Property Taxes on an Eligible Property;
- (e) it complies with section 3

3. Application

3.1 An Eligible Charity, Similar Organization or Veterans Organization shall apply to the City Treasurer for the property tax rebate under section 4 in writing and on the form prescribed by the City Treasurer from time to time for this purpose on an annual basis.

3.2(1) Upon Applying:

- (a) an Eligible Charity shall submit its registration number issued by the Canada Revenue Agency;
- (b) a Similar Organization shall submit its Letters Patent from the Province of Ontario;
- (c) a Veterans Organization shall submit documentation satisfactory to the City Treasurer, including without limitation financial statements, to establish that it is a Veteran's Organization;
- (d) if a Veterans Organization is also an Eligible Charity it shall submit its registration number issued by the Canada Revenue Agency;
- (e) if a Veterans Organization is also a Similar Organization it shall submit its Letters Patent from the Province of Ontario; and
- (f) an Eligible Charity, Similar Organization or Veterans Organization shall submit documentation satisfactory to the City Treasurer to establish that the property for which the application is made is an Eligible Property;
- (g) an Eligible Charity, Similar Organization or Veterans Association that occupies Eligible Property under a lease shall submit:
 - (i) a copy of the Eligible Charity's, Similar Organization's or Veterans Organization's current lease agreement with its landlord for the Eligible Property; and
 - (ii) written confirmation from the Eligible Charity's, Similar Organization's or Veterans' Organization landlord that identifies the amount of property taxes paid by the Eligible Charity, Similar Organization or Veteran's Organization under the lease agreement for the year of the application;
- h. an Eligible Charity, Similar Organization or Veterans Organization shall submit any additional documentation as required by the City Treasurer.

3.2(2) No application will be accepted unless the items required under subsection 4 are submitted with the application and the whole of the application is satisfactory to the City Treasurer.

3.3 Each application is for a single annual rebate and shall be submitted between January 1 of the year of the rebate and the last day of February of the next year.

3.4 Verification of documentation provided with an application may be carried out independently, at the discretion of the City Treasurer and such verification

includes, but is not limited to, determining that an Eligible Charity's registration number issued by the Canada Revenue Agency is current and valid.

4. Rebate

4.1 Provided that an Eligible Charity or Similar Organization complies with sections 2 and 3, an annual rebate in the amount of 40 percent of the Property Taxes paid by the Eligible Charity or Similar Organization in respect of the Eligible Property will be paid to the Eligible Charity or Similar Organization as follows:

- (a) one-half of the rebate will be paid within 60 days after the receipt by the City of the application for the rebate by the Eligible Charity or Similar Organization; and
- (b) the balance of the rebate will be paid within 120 days after the receipt by the City of the application for the rebate by the Eligible Charity or Similar Organization.

4.2 Despite subsection 8 if the Similar Organization complies with sections 2 and 3, is an Eligible Educational Institution, rents Eligible Property and would otherwise be exempt from taxation if it owned the property, an annual rebate in the amount of 100 percent of the Property Taxes paid by the Eligible Educational Institution in respect of the Eligible Property will be paid to the Eligible Educational Institution as follow:

- (a) one-half of the rebate will be paid within 60 days after the receipt by the City of the application for the rebate by the Eligible Educational Institution; and
- (b) the balance of the rebate will be paid within 120 days after the receipt by the City of the application for the rebate by the Eligible Educational Institution;

4.3 Provided that a Veterans Organization complies with sections 2 and 3 an annual rebate in the amount of 100 per cent of the Property Taxes paid by the Veterans Organization in respect of the Eligible Property, will be paid to the Veterans Organization as follows:

- (a) one-half of the rebate will be paid within 60 days after the receipt by the City of the application for the rebate by the Veterans Organization; and
- (b) the balance of the rebate will be paid within 120 days after the receipt by the City of the application for the rebate by the Veterans Organization.

5. Repeal and Coming into Force

5.1 City of Hamilton By-law Nos. 14-190 and 12-116 are repealed.

5.2 This By-law is deemed to come into force on January 1st, 2019.

PASSED this 22nd day of May, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk