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(FCS14029)
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Item 41, Audit, Finance &
Administration Committee
Report 13-011
CM: December 11, 2013

Bill No. 190

CITY OF HAMILTON

BY-LAW NO. 14-190

A BY-LAW TO PROVIDE PROPERTY TAX REBATES FOR ELIGIBLE CHARITIES AND SIMILAR ORGANIZATIONS

WHEREAS Section 361(1) of the Municipal Act, 2001, (the "Act") 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 Act 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 Act 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 Act 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 for 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 Property" means lands or buildings occupied and used by an Eligible Charity or Similar Organization that are in one of the commercial or industrial property classes as defined under the Assessment Act;
- (d) "Property Taxes" means municipal and education realty taxes levied for the year on an Eligible Property; and
- (e) "Similar Organization" means a non-profit organization as set out in Letters Patent from the Province of Ontario.

2. **Qualifications**

2.1 An Eligible Charity or Similar Organization 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; and
- (c) the Eligible Charity or Similar Organization paid Property Taxes on an Eligible Property.

3. **Application**

3.1 An Eligible Charity or Similar 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) an Eligible Charity or Similar Organization that occupies Eligible Property under a lease shall submit:
 - (i) a copy of the Eligible Charity's or Similar Organization's current lease agreement with its landlord for the Eligible Property; and
 - (ii) written confirmation from the Eligible Charity's or Similar Organization's landlord that identifies the amount of property taxes paid by the Eligible Charity or Similar Organization under the lease agreement for the year of the application; and
- (d) an Eligible Charity or Similar Organization shall submit any additional documentation as required by the City Treasurer.

(2) No application will be accepted unless the items required under subsection 3.2(1) 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.

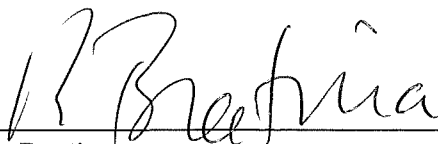
4. Rebate

- 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 will be issued within 120 days of receipt; and
- 4.2 Despite subsection 4.1, if the Similar Organization complies with sections 2 and 3, is an educational institution accredited by the Ontario Ministry of Education, 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 will be credited through the direct adjustment of the property taxes on the Eligible Property's tax account.

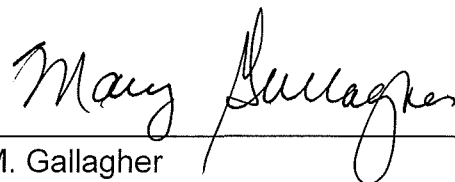
5. Repeal and Coming into Force

- 5.1 City of Hamilton By-law No. 01-274 and The Regional Municipality of Hamilton-Wentworth By-law No. R98-064 are repealed.
- 5.2 This By-law is deemed to come into force on January 1st, 2014.

PASSED this 15th day of August, 2014.



R. Bratina
Mayor



M. Gallagher
Acting City Clerk