

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-114

**BEING A BY-LAW TO ADOPT OPTIONAL TOOLS FOR
2009 FOR THE PURPOSES OF ADMINISTERING LIMITS
FOR THE COMMERCIAL, INDUSTRIAL AND MULTI-
RESIDENTIAL PROPERTY CLASSES
TAX CAPPING PROGRAM**

WHEREAS the Corporation of the City of North Bay (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 *The Act*, with respect to the calculation of taxes for municipal and school purposes for properties in the commercial, industrial and multi-residential property classes;

AND WHEREAS this by-law shall only apply to properties in any of the Commercial, Industrial and Multi-Residential property classes to which Part IX of *The Act* applies;

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

AND WHEREAS The Council may pass a by-law to apply any one or any combination of the following options:

- a. Increase the annual cap from 5% of last year's capped taxes up to a maximum of 10% of last year's capped taxes; and/or
- b. Set an upper limit on annual increases at the greater of the amount calculated under (a) and up to 5% of the previous year's annualized CVA tax; and/or
- c. Establish a capping adjustment threshold of up to \$250 for increasing properties, decreasing properties or both, whereby no capping adjustments less than the threshold amount would be applied; and/or
- d. Exempt properties from the capping calculation where the previous year's capped taxes for the property were equal to the uncapped taxes for that year; and/or
- e. Exempt properties from the capping calculation where the previous year's capped taxes were less than the previous year's CVA taxes, and the current year's capped taxes would otherwise be greater than the current year's CVA taxes, or vice-versa.

AND WHEREAS a by-law passed to adopt the provisions of subsection 329.1 paragraphs 1 and 2 of the Act provides that such provisions shall also apply to section 332 of *The Act* with respect to the "tenant cap" calculations;

AND WHEREAS the Council has reviewed the provisions of Section 329.1 of *The Act* and the provisions of Ontario Regulation 73/03, and hereby deems it necessary and appropriate to adopt optional tools for the purpose of administering limits for the Commercial, Industrial and Multi-Residential property classes:

AND WHEREAS Council authorized the by-law to adopt optional tools for the purposes of administering limits for the Commercial, Industrial and Multi-Residential property classes for the year 2009 by Resolution No. 2009-334 passed on the 11th day of May, 2009;

NOW THEREFORE the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. **THAT** paragraphs 1, 2 and 3, of Subsection 329.1 (1) of *The Act* shall apply to the Commercial, Industrial and Multi-Residential property classes for 2009.
2. **AND THAT**
 - (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 greater of the amounts determined under paragraphs a) and b) as set out below shall apply in determining the amount to be added under paragraph 2 of subsection 329 (1), and the increasing amount under paragraph 2 of subsection 332 (5),
 - (a) The percentage set out in Subsection 329(1) paragraph 2 and in Subsection 332(5) paragraph 2 shall be ten per cent (10%), and
 - (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 the 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 by-law, 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, Industrial and Multi-Residential property classes for 2009.
4. **AND THAT** 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 2009 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.
5. By-Law 2008-59 to adopt optional tools is hereby repealed and replaced with this by-law.
6. This by-law shall come into force and effect upon being passed.

READ A FIRST TIME IN OPEN COUNCIL THIS 11TH DAY OF MAY, 2009.

READ A SECOND TIME IN OPEN COUNCIL THIS 11TH DAY OF MAY, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 11TH DAY OF MAY, 2009.

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MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD