

THE CORPORATION OF THE COUNTY OF ESSEX

BY-LAW NO. 05-2004

**A BY-LAW TO ESTABLISH PROPERTY TAX REBATES FOR
CHARITABLE ORGANIZATIONS AND SIMILAR
ORGANIZATIONS IN THE COUNTY OF ESSEX**

WHEREAS Section 361 of the *Municipal Act 2001*, S.O. 2001 c.25 as amended, provides that the Council of a municipality, other than a lower tier municipality, shall provide a tax rebate program for eligible charities for the purpose of giving them relief from taxes on eligible property they occupy,

AND WHEREAS the Act prescribes certain requirements for the provision of such rebates;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE COUNTY OF ESSEX ENACTS AS FOLLOWS:

- 1) In this by-law:
 - a) “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 Customs and Revenue Agency.
 - b) “Similar Organizations” means an organization established for charitable purposes and engaging in charitable activities who devotes substantially all of its resources to the promotion of the charitable activities. Charitable purposes are identified as activities which promote the following:
 - i) the relief of poverty
 - ii) the advancement of education
 - iii) the advancement of religion
 - iv) any other purposes that may be determined by the Corporation to be beneficial to the community as a whole.
 - c) “Corporation” means a lower tier municipality within the County of Essex.
 - d) “Treasurer” means the Treasurer of the Corporation in which the subject property is located.
 - e) “Eligible Property” means a property owned or occupied by a charity or similar organization located in one of the commercial classes or industrial classes, within the meaning of subsection 308 (1) of the *Municipal Act 2001*, as amended.
- 2) Tax relief granted pursuant to this by-law, shall be in the form of a tax rebate equal to 40%, or such other percentage as the Minister of Finance may prescribe, of the taxes payable by the eligible charity or similar organization on eligible property it occupies. If the charity or similar organization is required to pay an amount under section 367 or 368, the amount of the rebate shall be the total of the amounts the charity or similar organization is required to pay under those sections.
- 3) An application for a taxation year must be submitted to the Treasurer after January 1 of the year and no later than the last day of February of the following year.
- 4) Proof of eligibility shall be submitted to the Treasurer in a manner prescribed by the Corporation.
- 5) The municipality shall not charge a fee to process an application.

- 6) Disputes with respect to the determination of the eligibility of a 'similar organization' shall be resolved by the Council of the Corporation.
- 7) All rebates shall be paid by the Treasurer directly to the eligible charity or similar organization.
- 8) Payment of one-half of the rebate must be made within 60 days after receipt by the Treasurer of the application of the eligible charity or similar organization, for the taxation year, and the balance of the rebate must be paid within 120 days of the receipt of the application.
- 9) The eligible charity or similar organization may make an application for a rebate for a taxation year based on an estimate of the taxes payable by the eligible charity or similar organization on the property it occupies. Final adjustments shall be made, in respect of differences between the estimated rebate paid by the municipality and the rebate to which the charity is entitled, after the taxes paid by the eligible charity or similar organization can be determined.
- 10) As a condition of receiving a rebate for a year, a charity or similar organization shall repay any other municipality amounts by which the rebates the charity received for the year from that other municipality exceed the rebates from that other municipality to which the charity is entitled for the year.
- 11) The costs of the rebate of taxes on a property shall be shared by the lower and upper tier municipalities and school boards in the same proportion that they share in the revenues.
- 12) The Treasurer shall provide each charity or similar organization receiving a rebate, a written statement of the proportion of the costs of the rebate that is shared by school boards.
- 13) The municipality shall pay interest, at the same rate of interest that applies under subsection 257.11(4) of the Education Act, on the amount of any rebate to which the eligible charity or similar organization is entitled under this section, if the municipality fails to rebate or credit the amount within the time specified with Section 8 or within such other time as the Minister of Finance may prescribe.
- 14) By-law #15-2001 is hereby repealed.
- 15) This by-law shall come into force and effect on the 18th day of February 2004.

MICHAEL RAYMOND, WARDEN

MARY S. BRENNAN, CLERK

1st reading – February 18th, 2004
2nd reading – February 18th, 2004
3rd reading – February 18th, 2004

CLERK'S CERTIFICATE

I, Mary S. Brennan, Clerk of the Corporation of the County of Essex, do hereby certify that the foregoing is a true and correct copy of By-law Number 05-2004 passed by the Council of the said Corporation on the 18th, day of February, 2004.

Mary S. Brennan, Clerk

Corporation of the County of Essex