

CORPORATION OF THE COUNTY OF PETERBOROUGH

BY-LAW NO. 2007 – 50

**A BY-LAW TO ESTABLISH A TAX REBATE PROGRAM
FOR THE PURPOSES OF PROVIDING RELIEF FROM
TAXES ON ELIGIBLE PROPERTY OCCUPIED BY
ELIGIBLE CHARITIES**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, s. 361 (1) as amended provides that every municipality, other than a lower-tier municipality, shall have a tax rebate program for eligible charities for the purposes of giving them relief from taxes or amounts paid on account of taxes on eligible property they occupy;

AND WHEREAS the Council of the County of Peterborough deems it appropriate to enact this By-law for the purpose of establishing a tax rebate program for the purposes of providing relief from taxes on eligible property occupied by eligible charities and has garnered the approval of the lower-tier municipalities of the County of Peterborough to administer this by-law;

NOW THEREFORE the Council of the Corporation of the County of Peterborough in Session duly assembled enacts as follows:

1. In this By-law:

“eligible charity” means a registered charity as defined by the Income Tax Act (Canada) (hereinafter referred to as “the Act”), Section 248 (1) that has a registration number issued by the Canada Customs and Revenue Agency.

“eligible property” means property that is in one of the commercial property classes or in one of the industrial property classes within the meaning of Section 308 of the Act;

“local municipality” means the lower tier municipality (Township) in which an eligible property is situated;

“qualified application” means an application for a property tax rebate that demonstrates to the satisfaction of the lower-tier Treasurer the entitlement of the applicant charity or other similar organization to receive a property tax rebate in accordance with this By-law.

2. An eligible charity that pays taxes on eligible property that it occupies may make application to the lower-tier municipality where the eligible property is located for a rebate of the property taxes in respect of the eligible property.
3. The application shall be in a form hereto set out in Schedule “A” attached to this by-law.
4. The application for a taxation year shall be made after January 1 of the taxation year and no later than the last day of February of the year following the taxation year.
5. A charity that is otherwise eligible for a rebate on eligible property under this By-law is not entitled to any rebate if the eligible property has received a property tax reduction pursuant to section 362 of the Act.
6. Upon receipt of a qualified applicant for a taxation year, the lower-tier municipality shall:
 - (a) pay one-half (1/2) of the rebate amount within sixty (60) days after receipt by the lower-tier municipality of the application;
 - (b) pay the balance of the rebate amount within one hundred twenty (120) days after receipt by the lower-tier municipality of the application.

7. The amount of the rebate shall be:
 - (a) forty (40%) per cent of the taxes or estimated taxes payable by the eligible charity or other similar organization on the eligible property that it occupies; or
 - (b) such other percentage as may have been prescribed by the Minister of Finance; or
 - (c) if the eligible charity is required to pay an amount under section 367 or 368 of the Act, the amount of the rebate shall be the total of the amounts the charity is required to pay under those sections.
8. Where the rebate amount has been determined based on the estimated property taxes of the eligible property, the amount of the rebate shall be recalculated after the determination of the property taxes and the appropriate adjustments made between the estimated rebate paid by the lower-tier municipality and the rebate to which the eligible charity or other similar organization is entitled.
9. The lower-tier municipality may deduct an adjustment under section 8 of this by-law from the amounts payable in the next year's rebates in respect of an eligible property.
10. This by-law shall take effect on January 1, 2007.
11. That By-law No. 85-2001 passed by the Council of the County of Peterborough on the 7th day of December, 2001 be and is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 6TH DAY OF JUNE, 2007.

Ronald Gerow

Warden

c/s

Lynn Clark

Clerk

SCHEDULE "A"

ELIGIBLE CHARITIES REBATE APPLICATION FORM

In accordance with County of Peterborough By-Law No. 2007 – 50, which is a By-Law to provide rebates to eligible charities, on an annual basis, an eligible charity which has a registration number issued by the Canada Customs and Revenue Agency under Section 248 (1) of the Income Tax Act, must submit an application to the lower-tier municipality in which the eligible charity resides, after January 1 of the taxation year and no later than the last day of February of the year following the taxation year. The eligible charity’s property(ies) must reside within the commercial and industrial property class.

Payments to eligible charities will be made in accordance with the County of Peterborough By-Law No. 2007 – 50.

Charities that move to another lower tier municipality (either within or outside the County of Peterborough) within a taxation year are required to repay a prorated amount of the rebate to the lower tier municipality that issued the rebate. Charities that move within a lower tier municipality within a taxation year may be required to repay portions of the rebate.

The undersigned agrees that they have read and understand the contents of this application and By-Law No. 2007 – 50 and agree to abide by the requirements of the By-Law. Proof of Canada Customs and Revenue Agency registration number under section 248 (1) of the Income Tax Act is required.

Name of Charity: _____

Canada Customs and Revenue Agency Registration No. _____

Assessment Roll Number: _____

Date

Signature of Eligible Charity