

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 42 – 2005

A BY-LAW TO ADOPT THE ESTIMATES FOR ALL SUMS REQUIRED FOR THE YEAR, TO ESTABLISH RATES TO BE LEVIED FOR SAME AND TO PROVIDE FOR PENALTY AND INTEREST IN DEFAULT OF PAYMENT THEREOF FOR 2005

WHEREAS the Council of the Corporation of the City of Kenora (hereinafter referred to as "The Corporation") shall in each year prepare and adopt estimates of the sums it requires during the year for municipal purposes pursuant to Section 290 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended by Regulations thereto (hereinafter referred to as the "Municipal Act");

AND WHEREAS the Council of the Corporation shall, after the adoption of estimates for the year, pass a by-law to levy a separate tax rate on the assessment of each property class pursuant to Section 312(2) of the Municipal Act;

AND WHEREAS all property assessment rolls on which the 2005 taxes are to be levied have been returned and revised pursuant to the provisions of the Assessment Act, R.S.O. 1990, c. A.31, as amended by Bill 106 and Regulations thereto (hereinafter referred to as the "Assessment Act") subject to appeals at present before the Assessment Review Board, the Ontario Municipal Board and the District Court;

AND WHEREAS the property classes and subclasses as set out in By-Law 50-2001 as defined in the Assessment Act have been determined on the basis of the aforementioned property assessment rolls;

AND WHEREAS the Council of The Corporation shall establish tax rates in the same proportion to tax ratios pursuant to Section 307(2) of the Municipal Act;

AND WHEREAS the tax ratios and the tax rate reductions for prescribed property subclasses on the aforementioned property for the 2004 taxation year have been set out in By-law 41-2005 of The Corporation;

AND WHEREAS the tax rates on the aforementioned property classes and property sub-classes have been calculated pursuant to the provisions of the Municipal Act, the Restructuring Order as signed by the Minister and the manner set out herein to the best capabilities of the Corporation with the assistance of the OPTA system;

AND WHEREAS the Corporation shall pass its general purpose tax rates prior to April 30 of the taxation year to which those rates apply pursuant to Section 308(4) of the Municipal Act;

AND WHEREAS the intent of this By-law is to maximize the corresponding general purpose levy within the existing legislation and regulations for the existing property tax system in Ontario;

NOW THEREFORE the Council of The Corporation of the City of Kenora hereby enacts as follows:-

1. **THAT** The Corporation adopt the sum of \$16,711,949 as the gross estimate of the funds required during the year 2005 for general purposes of the Corporation, to be levied as follows:

Municipal Property Taxes	\$15,724,360
Payments in Lieu	938,805
Payments in Lieu – Heads & Beds	24,300
Electrical Corridors	17,099
Railway Rights of Way	7,385
	<u>\$16,711,949</u>

2. **THAT** for the year 2005 the City of Kenora shall levy on the aforementioned property classes and subclasses in the City of Kenora the rates of taxation for general purposes as set out in Schedule "A" attached hereto and which forms part hereof;

3. a) The payment of all taxes on non-capped properties (representing all properties not included under Section 3. b) authorized by this By-law for the General Purpose Tax Levy and of all local improvement rates and other assessments and rates shall be made into the Office of the Collector of Taxes on or before the date as set by the Treasurer within the legislated guidelines for collection of those specific taxes;

b) The payment of all taxes on capped properties (namely commercial, industrial and multi-residential properties, and all subclasses thereof) authorized by this By-law for the General Purpose Tax Levy and of all local improvement rates and other assessments and rates shall be made into the

Office of the Collector of Taxes on or before the date as set by the Treasurer within the legislated guidelines for collection of those specific taxes;

- 4. a) A penalty shall be imposed for non-payment of current taxes on the basis of a percentage charge of one and one-quarter percent (1¼%) on the first day of each calendar month in which default continues, but not after the end of the year in which taxes are levied.
- b) Interest shall be imposed for non-payment of prior years taxes on the basis of a percentage charge of one and one-quarter percent (1¼%) on the first day of each calendar month in which default continues.
- 5. Provided that nothing in this By-law shall affect or diminish the right of the Collector in any cases where it is considered necessary or expedient after demands have been made and in all cases where the Collector has the right by Statute so to do, to proceed at any time for the collection of taxes by distress or sale under the provisions of the Assessment Act or any other Statute or law relative to collection of taxes assessment and rates respecting the Collectors and their duties.
- 6. Where any date herein mentioned falls on a Saturday, Sunday or Legal Holiday the said date shall, for the purpose of this By-law, be construed to mean the business day next following that said day.
- 7. As soon as the Collector's Roll for this year has been prepared by the Clerk, it shall be the duty of the Tax Collector to give Public Notice, in a newspaper in the City of Kenora once a week for two weeks, of the provisions of this By-law.
- 8. This By-law shall become law and take effect on the final passing thereof.

**A BY-LAW READ A FIRST & SECOND TIME THIS 11th DAY OF APRIL, 2005.
A BY-LAW READ A THIRD & FINAL TIME THIS 11th DAY OF APRIL, 2005.**

THE CORPORATION OF THE CITY OF KENORA:-

**per: _____ MAYOR
David S. Canfield**

**per: _____ CLERK
Joanne L. McMillin**