

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 75 – 2009

**A BY-LAW TO ADOPT OPTIONAL TOOLS FOR
EXEMPTING ELIGIBLE PROPERTIES FROM CAPPING
FOR CERTAIN PROPERTY CLASSES**

WHEREAS the Corporation of the City of Kenora (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”) modify the provisions and limits set out in section 329 of The Act, with respect to the calculation of taxes for municipal and school purposes for properties in the commercial, industrial and multi-residential property class; 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 Municipal Act applies; and

WHEREAS for the purposes of this by-law the commercial classes shall be deemed to be 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. 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
- b. 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 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 in order to exempt eligible properties from capping in 2009:

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

1. **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.
2. **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.
3. **THAT** this by-law shall come into force and be in effect from and after the final passing thereof.

By-law read a First and Second Time this 19th day of May, 2009
By-law read a Third and Final Time this 19th day of May, 2009

THE CORPORATION OF THE CITY OF KENORA:

.....**MAYOR**
Leonard P. Compton

.....**CLERK**
Joanne L. McMillin