

THE CORPORATION OF THE CITY OF CORNWALL

By-law #057-2003

A by-law to provide tax rebates to registered charities
and not for profit organizations and to repeal
By-law No. 080-1998

WHEREAS under Bill 16 of the *Fair Municipal Finance Act*, municipalities were required to provide tax rebates to registered charities occupying property in the commercial property class, the industrial property class or the optional property classes that contain property from those classes; and

WHEREAS the legislation of Bill 16 has now been incorporated into the Municipal Act 2001; and

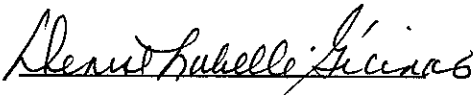
WHEREAS By-law No. 080, 1998 is hereby repealed and replaced with the program requirements as per Section 361 of the Municipal Act 2001.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF CORNWALL ENACTS AS FOLLOWS:

1. That annual applications be accepted from eligible registered charities occupying property in one of the commercial classes or the industrial classes as defined in section 308 (1).
2. That a charity is eligible if it is 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.
3. That the amount of a rebate must be at least 40 per cent of the taxes payable by the eligible charity on the rentable space of property it occupies in the commercial or industrial class. If the charity 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 is required to pay under those sections.
4. That an application for a taxation year must be made after January 1st of the year and no later than February 28th of the following year.
5. That for the purposes of this program, rebates will be paid in two instalments, one-half within 60 days after the receipt by the municipality of the application and the balance within 120 days of the receipt of the application.
6. That provisions for final adjustments will be made from the estimated rebate once the taxes for the eligible charity can be determined, in respect to the difference between the estimated rebate paid by the municipality and the rebate to which the charity is entitled.

7. That the costs of a rebate of taxes shall be shared proportionately with the school boards.
8. That the municipality provide to each eligible charity receiving a rebate a written statement of the proportion of the costs of the rebate that is shared by school boards.
9. That 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 if the municipality fails to rebate such amount within the specified time.
10. That the landlord/property owner shall complete and submit a *Property Owner Declaration* with each application that is submitted for consideration for a property tax rebate for registered charities.
11. That the eligible charity shall provide to the municipality, upon request, a copy of the lease agreement on the rentable space occupied on which the charity is submitting an application for consideration of a tax rebate.
12. That the municipality may request from either the registered owner or the eligible charity further information in addition to the submitted application.

READ a First and Second Time, in Open Council this 14th day of April, 2003.



Clerk



Mayor

READ a Third and Final Time, Signed and Sealed in Open Council this 14th day of April, A.D., 2003.



Clerk



Mayor