

Authority: Policy and Finance Committee Report No. 3, Clause No. 1, and Report No. 4, Clauses Nos. 1 and 2, adopted as amended, by City of Toronto Council on March 4, 5, 6, 7, and 8, 2002  
Enacted by Council: March 8, 2002

## CITY OF TORONTO

### BY-LAW No. 187-2002

**To establish Tax Ratios for the Year 2002, to Levy and Collect Taxes for Municipal Purposes for the Year 2002, other than those Levied before the Adoption of the Estimates, to Impose a Penalty Charge for Non-payment of 2002 Taxes, and to Provide for Interest to be added to Tax Arrears.**

WHEREAS subsection 367(1) of the *Municipal Act*, as amended (the "Act"), provides for the council of a local municipality in each year to prepare and adopt estimates of all sums required during the year for the purposes of the municipality including amounts sufficient to pay all debts of the municipality falling due within the year, amounts required to be raised for sinking funds and amounts required for any board, commission or other body; and

WHEREAS subsection 368(1) of the Act provides that the general local municipal levy is an amount sufficient for payment of the estimated expenditures adopted for the year less amounts to be raised for school purposes, and less the amount of any special local municipality levy, and a special local municipality levy is an amount to be raised on less than all the rateable property in the local municipality; and

WHEREAS subsection 368(2) of the Act provides that for the purposes of raising the general local municipality levy, the council of a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on all the assessment in each property class in the local municipality rateable for local municipality purposes; and

WHEREAS subsection 368(3) of the Act provides that for the purposes of raising a special local municipality levy, the council of a local municipality shall, in each year, pass a by-law levying a separate tax rate, as specified in the by-law, on all or part of the assessment, as specified in the by-law, in each property class in the local municipality rateable for local municipality purposes;

WHEREAS subsection 368(4) of the Act provides that the tax rates levied on the different property classes must be in the same proportion to each other as the tax ratios established for the property classes are to each other; and

WHEREAS subsection 363(3) of the Act provides that the council of a single tier municipality must pass a by-law each year to establish the tax ratios for that year for the municipality; and

WHEREAS O.Reg 383/98 establishes a first and a second subclass for farmland awaiting development in the residential/farm, multi-residential, commercial and industrial property classes and establishes allowable tax reduction percentages for each subclass; and

WHEREAS subsection 368.1(3) of the Act provides that the council of a local municipality shall specify, by by-law, the percentage reductions of the tax rates for municipal purposes for subclasses of property classes prescribed by regulation where the regulations require tax rates to be reduced by a percentage within a range described in the regulations; and

WHEREAS subsection 368(4.1) of the Act provides that, for 2001 and subsequent years, the tax rates for a property class in a municipality in which the tax ratios for that property class exceed the prescribed threshold ratios for that property class must be determined in the prescribed manner; and

WHEREAS the tax ratios for 2002 for the commercial, industrial and multi-residential classes in the City of Toronto exceed the threshold ratios prescribed by O.Reg. 76/01, and to the date of enactment of this by-law, no regulation has been filed prescribing the manner of determining such taxes; and

WHEREAS such a regulation so prescribing the manner of determining taxes is expected in the near future and is expected to require a special levy to recover any municipal budgetary increase from the property classes other than the commercial, industrial and multi-residential property classes; and

WHEREAS O.Reg 389/98 provides that the tax rate for the commercial class and industrial class may be greater than would be allowed under paragraph 2 of subsection 368(4) of the Act, which section requires that the tax rates must be in the same proportion to each other as the tax ratios, to the extent necessary to raise an amount sufficient to fund rebates to eligible charities under section 442.1 of the Act; and

WHEREAS neither the Act nor a regulation provides that the tax rate for the commercial class and the industrial class may be greater than would be allowed under subsection 368(4.1) of the Act, which section requires that tax rates for a property class be determined in the prescribed manner in a municipality in which the tax ratios for that property class are greater than the prescribed threshold ratios, to the extent necessary to raise an amount sufficient to fund rebates to eligible charities under section 442.1 of the Act; and

WHEREAS Provincial staff advise that it was intended that municipalities be permitted to raise an amount from the commercial and industrial classes to fund rebates to eligible charities despite having tax ratios above the prescribed threshold ratios for those classes, and advise that they intend to file a regulation providing such authority in the near future; and

WHEREAS subsection 2(2) of the *City of Toronto Act, 1997* provides that the City of Toronto is a local municipality for all purposes;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1.** In this by-law, except where otherwise specified:

“Tax Collector” means any person who was a collector or tax collector appointed, pursuant to the provisions of the Act, by by-law of a former area municipality which was in force on December 31, 1997, or any person subsequently appointed by Council to hold that office; and

“Treasurer” means the Chief Financial Officer and Treasurer of the City of Toronto.

2. The tax ratios for 2002 for each property class set out in Column I shall be established as the amount set out in Column II:

Column I (Property Class)	Column II (Pre-Levy Increase Tax Ratio)	Column III (Post-Levy Increase Tax Ratio)
Residential/Farm	1.000000	1.000000
Multi-Residential	4.174282	4.001407
New Multi-Residential	1.000000	1.000000
Commercial	3.797620	3.642053
Industrial	5.300892	5.082288
Farmlands	0.250000	0.250000
Pipelines	1.707992	1.707992
Managed Forests	0.250000	0.250000

3. The taxes for the year 2002, together with all other rents or rates payable as taxes shall be due and payable on and from the 1st day of January, 2002.
4. There shall be levied and collected as taxes on the assessment of all real property in the City of Toronto rateable for local municipal purposes according to the assessment roll for 2002, and as finally altered, amended and corrected, which property is classified in a subclass set out in Column II of the property class set out in Column I, the rates levied by section 5, 6 and 7 hereof for that property class reduced by the percentage set out in Column III below:

Column I (Property Class)	Column II (Subclasses of Column I)	Column III (Percentage Reduction)
Residential/Farm	- Farmland Awaiting Development (First Subclass)	60% of Residential/Farm rate
	(Second Subclass)	0% of Residential/Farm rate
Multi-Residential	- Farmland Awaiting Development (First Subclass)	90% of Residential/Farm rate
	(Second Subclass)	0% of Residential/Farm rate

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Column I (Property Class)	Column II (Subclasses of Column I)	Column III (Percentage Reduction)
Commercial	- Excess Land	30% of Commercial rate
	- Vacant Land	30% of Commercial rate
	- Farmland Awaiting Development (First Subclass)	90% of Commercial rate
	(Second Subclass)	30% of Commercial rate
Industrial	- Excess Land	35% of Industrial rate
	- Vacant Land	35% of Industrial rate
	- Farmland Awaiting Development (First Subclass)	94% of Industrial rate
	(Second Subclass)	35% of Industrial rate

5. There shall be levied and collected as a general local municipal levy on the assessment of all real property in the City of Toronto rateable for local municipal purposes according to the assessment roll for 2002 and as finally altered, amended and corrected, in amounts calculated for each property class set out in Column I, the rates set out in Column II, which shall produce, when levied upon the total assessment for each property class as set out in Column II of Schedule "A" attached hereto, the general local municipal levy of \$2,745,536,482:

Column I Property Class/Subclass	Column II 2002 Tax Rate for General Local Municipal Levy
Residential/Farm	0.7005440%
Multi-Residential	2.9242680%
New Multi-Residential	0.7005440%
Commercial	2.6604000%
Industrial	3.7135080%
Farmlands	0.1751360%
Pipelines	1.1965240%
Managed Forests	0.1751360%

6. There shall be levied and collected as a special local municipal levy on the assessment of all real property in the City of Toronto rateable for local municipal purposes according to the assessment roll for 2002 and as finally altered, amended and corrected, in amounts calculated for each property class set out in Column I, the rates set out in Column II, which shall produce, when levied upon the total assessment for each of the residential/farm, new multi-residential, farmland, pipelines and managed forests property classes as set out in Column II of Schedule "A" attached hereto, the special local municipal levy of \$44,165,180:

Column I Property Class/Subclass	Column II 2002 Tax Rate for Special Local Municipal Levy (to fund Budgetary Levy Increase)
Residential/Farm	0.0302660%
New Multi-Residential	0.0302660%
Farmlands	0.0075665%
Pipelines	0.0516940%
Managed Forests	0.0075665%

7. There shall be levied and collected, as a special local municipal levy on the assessment in the City of Toronto of all real property in the property classes set out in Column I rateable for local municipal purposes according to the assessment roll for 2002 and as finally altered, amended and corrected, the rates set out in Column II, which shall produce, when levied upon the total assessment for each of the commercial and industrial property classes as set out in Column II of Schedule "A" attached hereto, the total special local municipal levy of \$525,000, which is an amount sufficient to fund the rebates to eligible charities required under section 442.1 of the Act for property in the commercial and industrial property classes:

Column I Property Class/Subclass	Column II 2002 Tax Rate for Special Local Municipal Levy (to fund tax rebates to Charities)
Commercial	0.0012488%
Industrial	0.0006791%

8. All taxes and all other rents or rates payable as taxes, shall, subject to the provisions of section 12, be paid in 3 instalments which shall be equal or as nearly equal as practicable, and shall be due and payable on or before the respective dates set out below:

Instalment 1 – July 2, 2002  
 Instalment 2 – August 1, 2002  
 Instalment 3 - September 3, 2002

9. The payment of taxes, or any instalment thereof, may be made at the following locations:
- 399 The West Mall  
5100 Yonge Street  
150 Borough Drive  
100 Queen Street West  
850 Coxwell Avenue  
2700 Eglinton Avenue West
10. Taxes shall be payable to the Treasurer, City of Toronto.
11. When not in default, the payment of taxes, or any instalment thereof, may also be made at any financial institution permitted by the Act and the Treasurer is hereby authorized to determine, in accordance with the provisions of the Act, the financial institutions where payment may be made.
12. When in default of payment of such instalment of taxes or any part of any instalment by the date for payment set out in section 8 hereof, the remaining instalment or instalments shall become due and payable immediately.
13. The Treasurer or the Tax Collector shall be and they are hereby authorized to accept part payment from time to time on account of any taxes due, and to give a receipt for such part payment provided that acceptance of any such part payment shall not affect the collection of any percentage charge imposed or collectable under section 16 or section 17 in respect to non-payment of any taxes or any class of taxes or of any instalment thereof.
14. A percentage charge of 1.25 per cent is imposed as a penalty for non-payment of taxes or any class or instalment thereof and shall be added to every tax or any instalment remaining unpaid on the first day of default and on the first day of each calendar month from then on in which default continues but not after December 31, 2002.
15. Interest charges in respect of unpaid taxes, other than those levied for the current year, shall be at the rate of 1.25 per cent per month for each month or fraction of it until the taxes are paid.
16. Except in the case of taxes payable under sections 33 and 34 of the *Assessment Act*, as amended, the percentage charge imposed by section 14 as a penalty for non-payment of taxes and monies payable as taxes shall be added to every tax or assessment, rent or rate or any instalment or part thereof remaining unpaid on the first day of default and on the first day of each calendar month thereafter in which such default continues but not after December 31, 2002; and it shall be the duty of a Tax Collector, immediately after the instalment dates named in section 8 hereof to collect at once, by distress or otherwise under the provisions of the applicable statutes all such taxes, assessments, rents, rates or instalment or parts thereof that have not been paid on or before the aforesaid dates named as aforesaid, together with the said percentage charges as they are incurred.

- 17.** In respect of taxes payable under sections 33 and 34 of the *Assessment Act*, as amended, the percentage charge imposed by section 14 as a penalty for non-payment of taxes and moneys payable as taxes shall be added to every amount of taxes so payable remaining unpaid on the first day after thirty days from the date of mailing by the Treasurer or a Tax Collector of a demand for payment thereof and on the first day of each calendar month thereafter in which default continues but not after December 31, 2002; and it shall be the duty of a Tax Collector immediately after the expiration of the said thirty days to collect at once by distress or otherwise under the provisions of the applicable statutes, all such taxes as shall not have been paid on or before the expiration of the said thirty day period, together with the said percentage charges as they are incurred.
- 18.** Nothing herein contained shall prevent the Tax Collector from proceeding at any time with the collection of any rate, tax or assessment, or any part thereof, in accordance with the provisions of the statutes and by-laws governing the collection of taxes.
- 19.** Where the sum of the total annual taxes for which any person is chargeable in the 2002 taxation year for municipal, local improvement and other special purposes, upon any real property assessed in one parcel to the same owner would according to the assessment thereon be less than \$10.00, the sum of such taxes shall be deemed to be \$10.00 and shall be so entered on the Tax Collector's roll and the difference between the sum that would have been entered but for this section and the sum of \$10.00 shall form part of the general funds of the City of Toronto.
- 20.** Where tenants of land owned by the Crown or in which the Crown has an interest are liable for the payment of taxes and where any such tenant has been employed either within or outside the municipality by the same employer for not less than thirty days, such employer shall pay over to the Treasurer or Tax Collector on demand out of any wages, salary or other remuneration due to such employee, the amount then payable for taxes under this by-law and such payment shall relieve the employer from any liability to the employee for the amount so paid.
- 21.** The Treasurer or Tax Collector may mail, or caused to be mailed, all notices of taxes required in accordance with the provisions of the Act, to the address of the residence or place of business of the person taxed, the notice specifying the amount of taxes payable pursuant to this by-law. Notices will not be mailed to tenants. It is the responsibility of the person taxed to notify and collect taxes from tenants or other persons.
- 22.** All moneys raised, levied or collected under the authority of this by-law shall be paid into the hands of the Treasurer, to be applied and paid to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the Council direct.

- 23.** The Tax Collector shall deposit daily all sums of money received to the credit of the Treasurer in the bank or banks or other places of deposit approved by Council, from time to time, as directed by the Treasurer, and the Tax Collector shall immediately produce the bank or other certificates of the deposits to the Treasurer, who will credit the Tax Collector with the amounts of the certificates and issue a receipt for them, or the Treasurer may require the Tax Collector to pay over the sums received for taxes directly to the Treasurer or such officer as the Treasurer may direct to receive them.
- 24.** The Tax Collector's roll for the year 2002 shall be returned by the Tax Collector to the Treasurer under the provisions of the applicable statutes, on or before the 31st day of December, 2004, and no extension of time for the return of the rolls shall be made until a report has been made by the Treasurer to Council.
- 25.** (1) Subject to (2), (3) and (4), this By-law shall come into force on the day it is enacted.
- (2) Section 6 of this By-law shall come into force on the day on which a regulation is filed under subsection 368(4.1) of the Act which prescribes a method of determining tax rates on property classes in municipalities in which the tax ratios for those property classes exceed the prescribed threshold ratios which method is the method employed in section 6 of this By-law.
- (3) Section 7 of this By-law shall come into force on the day on which a regulation is filed which provides that the tax rate for the commercial class and the industrial class may be greater than would be allowed under subsection 368(4.1) of the Act.
- (4) Section 5 of this By-law shall come into force on the day on which the later of the two regulations set out in (2) and (3) is filed.

ENACTED AND PASSED this 8th day of March, A.D. 2002.

CASE OOTES,  
Deputy Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)



**SCHEDULE "A"**

## Rateable Assessment

Column I (Property Class/Subclass)	Column II (2002 Rateable Assessment For Municipal Purposes)
Residential/Farm	\$ 145,470,126,722
- Farmland Awaiting Development	\$ 0
Multi-Residential	\$ 17,829,956,939
- Farmland Awaiting Development	\$ 0
New Multi-Residential	\$ 20,488,150
Commercial	\$ 39,384,278,108
- Excess Land	\$ 302,469,013
- Vacant Land	\$ 632,227,277
- Farmland Awaiting Development	\$ 0
Industrial	\$ 3,429,512,333
- Excess Land	\$ 69,623,890
- Vacant Land	\$ 316,832,300
- Farmland Awaiting Development	\$ 6,120,185
Farmlands	\$ 1,995,000
Managed Forests	\$ 232,920
Pipelines	\$ 253,069,000
Total	\$ 207,716,931,837