

Authority: Executive Committee Item EX26.20, as adopted by City of Toronto Council on July 4, 5, 6 and 7, 2017

## CITY OF TORONTO

### BY-LAW 772-2017

#### **To levy and collect taxes for 2017 on certain Railway Company and Power Utility Lands.**

Whereas Council is required by subsection 280(1) of the *City of Toronto Act, 2006*, to impose taxes, in accordance with the regulations, on the roadway or right of way of a railway company, other than the structures, substructure and superstructures, rails, ties, poles and other property on the roadway or right of way, not including land leased by the railway company to another person for rent or other valuable consideration; and

Whereas Ontario Regulation No. 121/07, as amended, prescribes the tax rates for municipal purposes for such railway and power utility properties; and

Whereas it is anticipated that Regulation No. 121/07 will be further amended to allow the tax rates for municipal purposes for railway and power utility properties to be the amounts set out in sections 1 and 2 hereof; and

Whereas paragraph 1 of subsection 257.7(1) of the *Education Act* provides that every municipality shall in each year levy and collect the tax rates prescribed for school purposes on the business property in the municipality; and

Whereas section 257.5 of the *Education Act* defines "business property" to include the railway and power utility properties described in section 280 of the *City of Toronto Act, 2006*; and

Whereas Ontario Regulation No. 392/98, as amended, prescribes the tax rates for school purposes for such railway and power utility properties, and the tax rates levied for school purposes by sections 1 and 2 hereof are in accordance with the tax rates so prescribed; and

Whereas Section 11 of Ontario Regulation No. 121/07 defines a prescribed power utility for the purpose of section 280 of the *City of Toronto Act, 2006*;

The Council of the City of Toronto enacts:

1. There shall be levied and collected as taxes for 2017 in the City of Toronto on all roadways or rights of way of a railway company, other than the structures, substructures and superstructures, rails, ties, poles and other property on the roadway or right of way, but not including land leased by the railway company to another person for rent or other valuable consideration:
  - (1) the rate of \$617.33 per acre for municipal purposes; and
  - (2) the rate of \$822.69 per acre for school purposes.

2. There shall be levied and collected as taxes for 2017 in the City of Toronto on all land owned by a prescribed power utility and used as a transmission or distribution corridor, not including land leased by the power utility to another person for rent or other valuable consideration, the rate of 834.02 per acre for municipal purposes, and the rate of 1,208.66 per acre for school purposes.
3. All taxes levied by Sections 1 and 2 hereof, shall be due and payable on or before the September 5, 2017.
4.
  - (1) Subject to (2), this By-law shall come into force on the day it is enacted.
  - (2) Subsection 1(1) of this By-law shall come into force on the day that subsection 10(1) of Ontario Regulation 121/71 is amended to prescribe the rate of \$617.33 per acre for municipal purposes.

Enacted and passed on July 7, 2017.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)