

Authority: Policy and Finance Committee Report No. 3, Clause No. 3, adopted as amended, by City of Toronto Council at its Special meetings held on February 21, 22, 23, 24, 25, 28 and March 1, 2005
Enacted by Council: March 1, 2005

CITY OF TORONTO

BY-LAW No. 191-2005

To establish Tax Ratios for the Year 2005, to Levy and Collect Taxes for Municipal Purposes for the Year 2005, other than those Levied before the Adoption of the Estimates, to Impose a Penalty Charge for Non-payment of 2005 Taxes, and to Provide for Interest to be added to Tax Arrears.

WHEREAS subsection 290 of the *Municipal Act, 2001* as amended (the “Act”), provides for a local municipality in each year to prepare and adopt a budget including 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 or retirement funds and amounts required for any board, commission or other body; and

WHEREAS subsection 312 of the Act provides that the general local municipal levy is the amount the local municipality decided to raise in its budget for the year under section 290 on all rateable property in the municipality; and

WHEREAS subsection 312(2) of the Act provides that for the purposes of raising the general local municipality levy, a local municipality shall, each year, pass a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality rateable for local municipality purposes; and

WHEREAS subsection 308(2) of the Act provides a set of tax ratios shall be established in accordance with section 308; and

WHEREAS subsection 313 (3) of the Act provides that the 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 O.Reg 383/98 establishes a first and a second subclass for farmland awaiting development in the residential, multi-residential, commercial and industrial property classes and establishes allowable tax reduction percentages for each subclass; and

WHEREAS subsection 312(7) of the Act provides that, for 2001 and subsequent years, the tax rates to be levied on property in a property class in a municipality in which the tax ratio or average tax ratio for that property class exceed the prescribed threshold ratios for that property class must be determined in the prescribed manner, and O.Reg. 73/03 has prescribed threshold ratios for the commercial, industrial and multi-residential property classes which are exceeded by the City’s tax ratios on those classes; and

WHEREAS the Minister of Finance has filed O.Reg. 58/05, which amends O.Reg. 73/03, to prescribe the method for calculating 2005 tax rates for municipalities whose tax ratios or average tax ratios exceed the prescribed threshold ratios, and the prescribed method for calculating such tax rates allows for a general levy tax rate increase by election of the municipality on the otherwise restricted commercial, industrial and multi-residential property classes up to a maximum of half of any tax rate increase on the residential property class; and

WHEREAS O.Reg. 73/03 and O.Reg. 389/98 provides that the tax rate for the commercial class and the industrial class may be greater than would be allowed under subsection 312(6) and Part IX of the Act, to the extent necessary to raise an amount sufficient to fund tax rebates to eligible charities occupying commercial and industrial properties under section 361 of the Act; 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. The tax ratios for 2005 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 (2005 Tax Ratio)
Residential	1.000000
Multi-Residential	3.761733
New Multi-Residential	1.000000
Commercial	3.801842
Industrial	4.273466
Farmlands	0.250000
Pipelines	1.923564
Managed Forests	0.250000

2. 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 2005, 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 4 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	- Farmland Awaiting Development (First Subclass) (Second Subclass)	60% of Residential/Farm rate 0% of Residential/Farm rate

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

3. The City elects to apply a different tax rate for the general levy on the multi-residential, commercial and industrial property classes, pursuant to subsection 3(3.1) of O.Reg. 73/03, as amended.
4. 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 2005 and as finally altered, amended and corrected, in amounts calculated for each property class set out in Column I, the total general local municipal levy tax rates set out in Column V (which is a total of the various rates set out in Columns II, III and IV), 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 \$3,019,045,447.

Column I	Column II	Column III	Column IV	Column V
Property Class/Subclass	Basic Rate	Additional Rate for Levy Increase	Additional Rate to fund Charitable Tax Rebates	Total General Local Municipal Levy Tax Rate
Residential	0.5929546%	0.0177886%		0.6107432%
Multi-Residential	2.2305370%	0.0334581%		2.2639951%
New Multi-Residential	0.5929546%	0.0177886%		0.6107432%
Commercial	2.2543197%	0.0338148%	0.0051590%	2.2932935%

Column I	Column II	Column III	Column IV	Column V
Property Class/Subclass	Basic Rate	Additional Rate for Levy Increase	Additional Rate to fund Charitable Tax Rebates	Total General Local Municipal Levy Tax Rate
Industrial	2.5339714%	0.0380096%	0.0014007%	2.5733817%
Farmlands	0.1482387%	0.0044472%		0.1526859%
Pipelines	1.1405863%	0.0342176%		1.1748039%
Managed Forests	0.1482387%	0.0044472%		0.1526859%

5. Subject to sections 6 and 10 all taxes shall, 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 4, 2005

Instalment 2 – August 2, 2005

Instalment 3 – September 1, 2005

6. Under the City's monthly pre-authorized property tax payment program, and provided the Treasurer has received and approved a taxpayer's request to use the alternative instalments and due dates under that program, the payment of taxes shall, subject to the provisions of section 10, be paid in 6 instalments which shall be equal or as nearly equal as practicable, and shall be due and payable on or before the respective alternative dates set out below:

Instalment 1 – July 15, 2005

Instalment 2 – August 15, 2005

Instalment 3 – September 15, 2005

Instalment 4 – October 17, 2005

Instalment 5 – November 15, 2005

Instalment 6 – December 15, 2005

7. 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

8. Taxes shall be payable to the Treasurer, City of Toronto.

9. 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.
10. 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 5 or section 6 hereof, the remaining instalment or instalments shall become due and payable immediately.
11. The Treasurer 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 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.
12. The Treasurer shall be and is 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 does not affect the collection of any penalty or interest charge imposed or collectable under section 13 or section 14 in respect to non-payment of any taxes or any instalment.
13. A percentage charge of 1.25 percent of taxes due and unpaid be imposed as a penalty for non-payment of taxes, or any instalment thereof, and shall be added to any tax or instalment remaining unpaid on the first day of default.
14. Interest charges shall be imposed for the non-payment of taxes at the rate of 1.25 percent per month of taxes due and unpaid and shall start to accrue on the first day of default.
15. Except in the case of taxes payable under sections 33 and 34 of the *Assessment Act*, as amended, any penalty imposed by section 13 or interest charge imposed by section 14 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; and it shall be the duty of the Treasurer, immediately after the several dates named in section 5 or section 6 as appropriate, to collect at once, by distress or otherwise under the provisions of the applicable statutes all such taxes, assessments, rents, rates or instalments or parts thereof as shall not have been paid on or before the several dates named in section 5 or section 6 as appropriate, together with the said interest charges and penalties as they are incurred.

- 16.** In respect of taxes payable under sections 33 and 34 of the *Assessment Act*, as amended, any penalty charge imposed by section 13 or interest charge imposed by section 14 for non-payment of taxes and monies payable as taxes shall be added to every amount of taxes so payable remaining unpaid on the first day after thirty days from the mailing by the Treasurer of a demand for payment and on the first day of each calendar month thereafter in which default continues; and it shall be the duty of the Treasurer 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 interest charges and penalties as they are incurred.
- 17.** Where the sum of the total annual taxes for which any assessed owner is chargeable in the 2005 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 \$15.00, no taxes shall be payable.
- 18.** Nothing herein contained shall prevent the Treasurer 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.** 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.
- 20.** This By-law shall come into force on the day it is enacted.

ENACTED AND PASSED this 1st day of March, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE “A”

Rateable Assessment

Column I (Property Class/Subclass)	Column II (2005 Rateable Assessment For Municipal Purposes)
Residential	\$ 196,779,603,770
Multi-Residential	\$ 25,374,013,950
New Multi-Residential	\$ 183,771,282
Commercial	\$ 47,364,373,808
- Excess Land	\$ 392,383,437
- Vacant Land	\$ 924,940,225
Industrial	\$ 4,773,829,087
- Excess Land	\$ 66,785,880
- Vacant Land	\$ 423,624,970
- Farmland Awaiting Development	\$ 10,056,000
Farmlands	\$ 2,857,600
Pipelines	\$ 273,683,000
Managed Forests	<u>\$ 233,000</u>
Total	\$ 276,570,156,009