

Authority: Policy and Finance Committee Report No. 7, Clause No. 20,
adopted as amended, by City of Toronto Council on July 19, 20, 21 and 26, 2005
Enacted by Council: July 21, 2005

CITY OF TORONTO

BY-LAW No. 649-2005

To levy and collect taxes for 2005 on Certain Railway Company and Power Utility Lands.

WHEREAS paragraph 1 of subsection 315(1) of the *Municipal Act, 2001* provides that every local municipality shall 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 paragraph 2 of subsection 315(1) of the *Municipal Act, 2001* provides that every local municipality shall impose taxes, in accordance with the regulations on land owned by a power utility prescribed by the Minister of Finance (other than a public utility defined in subsection 27(1) of the *Assessment Act*) 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; and

WHEREAS Ontario Regulation No. 387/98, as amended, prescribes the 2005 tax rates for municipal purposes for such railway and power utility properties, the tax rates levied for municipal purposes by sections 1 and 2 hereof are in accordance with the tax rates so prescribed; 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 paragraphs 1 and 2 of subsection 315(1) of the *Municipal Act, 2001*; and

WHEREAS Ontario Regulation No. 392/98, as amended, prescribes the 2005 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 Ontario Regulation No. 387/98, as amended, and Ontario Regulation No. 392/98, as amended, prescribe the Generation Corporation, as defined in the *Electricity Act, 1998*, or a subsidiary thereof within the meaning of that Act, and the Services Corporation, as defined in the *Electricity Act, 1998*, or a subsidiary thereof within the meaning of that Act, as prescribed power utilities for the purposes of paragraph 2 of subsection 315(1) of the *Municipal Act, 2001*;

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

1. There shall be levied and collected as taxes for 2005 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, the rate of 611.33 per acre for municipal purposes and the rate of 822.69 per acre for school purposes.
2. There shall be levied and collected as taxes for 2005 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 12th day of September, 2005.
4. Sections 8, 9, 10, 11, 12, 13, 14, 15, 17, 18 and 19 respectively of By-law No. 191-2005 apply to the taxes levied by sections 1 and 2 hereof.

ENACTED AND PASSED this 21st day of July, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)