

Authority: Joint Policy and Finance Committee and Economic Development and Parks Committee Report No. 2, Clause No. 1, as adopted by City of Toronto Council on October 26, 27, 28 and 31, 2005
Enacted by Council: December 7, 2005

CITY OF TORONTO

BY-LAW No. 1043-2005

To amend City of Toronto Municipal Code Chapter 103, Heritage, regarding the adoption of a Heritage Property Tax Rebate Program.

WHEREAS section 365.2 of the *Municipal Act* provides authority for the establishment of programs to provide tax reductions or refunds in respect of eligible heritage property; and

WHEREAS Council deems it advisable and in the public interest to establish a heritage property tax rebate program to encourage property owners to conserve heritage properties in the City of Toronto;

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

1. Chapter 103, Heritage, of The City of Toronto Municipal Code is amended by adding the following Article:

ARTICLE VII
Heritage Property Tax Rebate Program

§ 103-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ELIGIBLE HERITAGE PROPERTY – land or buildings or a portion thereof that is:

- (i) designated under Part IV or Part V of the *Ontario Heritage Act*;
- (ii) subject to a heritage easement agreement under section 22 or 37 of the *Ontario Heritage Act*;
- (iii) complies with the additional eligibility criteria set out in this by-law.

HERITAGE TAX REDUCTION – the amount of property tax reduction in respect of an Eligible Heritage Property;

§ 103-31. Heritage Tax Reduction.

- A. The Heritage Tax Reduction shall be 40% of the annual taxes for municipal and school purposes levied on the Eligible Heritage Property that are attributable to:
 - (1) the building or structure or portion of the building or structure that is the Eligible Heritage Property; and

- (2) the land used in connection with the Eligible Heritage Property, as determined by the City.
- B. Despite subsection A, the maximum amount of the Heritage Tax Reduction to be paid for an individual property is \$500,000 annually.
- C. The Municipal Property Assessment Corporation shall determine the portion of a property's total assessment that is attributable to the Eligible Heritage Property.
- D. If the assessment of a property for a year changes, the Heritage Tax Reduction shall be recalculated using the new assessment and any amount owing to the City shall be set off against any refund or applied against taxes owed for the succeeding taxation year.

§ 103-32. Eligibility Criteria.

In order to be eligible for a Heritage Tax Reduction the Eligible Heritage Property must:

- (1) be designated under Part IV or Part V of the *Ontario Heritage Act*;
- (2) be subject to a heritage easement agreement in good standing under section 22 or 37 of the *Ontario Heritage Act* registered on title to the Eligible Heritage Property by December 31 of the taxation year for which the Heritage Tax Reduction is sought;
- (3) not be subject to any contraventions, work orders, outstanding municipal fines, arrears of taxes fees or penalties;
- (4) be classified as a National Historic Site; and
- (5) be paying taxes and not a payment in lieu of tax.

§ 103-33. Application.

Any person wishing to apply for a Heritage Tax Reduction shall submit an application in writing no later than the last day of February in the year following the first year for which the owner is requesting a Heritage Tax Reduction and shall supply the following information to the satisfaction of the Chief Planner and Executive Director:

- (1) Name, address, telephone number, fax number and e-mail address of the owner or the owner's authorized representative;
- (2) A copy of the registered heritage easement agreement;
- (3) Current photographs showing all elevations of the Eligible Heritage Property;
- (4) A building condition assessment of the Eligible Heritage Property prepared by a qualified architect pertaining to the maintenance of the Property in accordance with the heritage easement agreement;

- (5) Proof of insurance on the Eligible Heritage Property;
- (6) A signed statement by the owner authorizing the application.

§ 103-34. Penalties.

- A. The Heritage Tax Reduction shall be repaid in full by the owner for every year where there are outstanding contraventions or municipal fines, arrears of taxes, fees or penalties assessed against the owner of the Eligible Heritage Property.
- B. If the owner of an Eligible Heritage Property demolishes the property or breaches the terms of the heritage easement agreement, the owner shall repay all or part of any Heritage Tax Reduction provided to the owner as determined by the City.
- C. The owner shall pay interest on the amount of any repayment required under subsection B at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I of the *Bank Act* (Canada) calculated from the date the Heritage Tax Reduction was provided.

ENACTED AND PASSED this 7th day of December, A.D. 2005.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)