

Authority: Executive Committee Item 7.1,
adopted as amended, by City of Toronto Council on April 20 and 23, 2007
Enacted by Council: April 23, 2007

CITY OF TORONTO

BY-LAW No. 319-2007

Tax Levy By-law for 2007.

WHEREAS subsection 228(1) of the *City of Toronto Act, 2006* as amended (the “Act”), provides for the City in each year to prepare and adopt a budget including estimates of all sums required during the year for the purposes of the City including amounts sufficient to pay all debts of the city 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 section 277 of the Act provides that the general local municipality levy is the amount the City decided to raise in its budget for the year under section 228 on all rateable property in the City; and

WHEREAS subsection 277(2) of the Act provides that for the purposes of raising the general local municipality levy, the City 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 City rateable for municipal purposes; and

WHEREAS subsection 278(3) of the Act provides that the City 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 275(2) of the Act provides that the City must establish a set of tax ratios in accordance with section 275; and

WHEREAS subsection 277(7) of the Act provides that the tax rates to be levied on property in a property class 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

WHEREAS the City’s tax ratios for the commercial, industrial and multi-residential property classes exceed the threshold ratios prescribed by O.Reg. 121/07 for those property classes; and

WHEREAS O.Reg. 121/07 prescribes the method for calculating 2007 tax rates for the commercial, industrial and multi-residential property classes for municipalities whose tax ratios or average tax ratios exceed the prescribed threshold ratios; and

WHEREAS O.Reg. 121/07 prescribes the method for calculating such tax rates as allowing for a general levy tax rate increase by election of the City on the 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.121/07 provide that the tax rate for the commercial class and the industrial class may be greater than would be allowed under subsection 277(6) and Part XII 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 329 of the Act; and

WHEREAS paragraph 1 of subsection 257.7(1) of the *Education Act*, as amended, requires every municipality in each year to levy and collect the tax rate prescribed by the Minister of Finance for school purposes on residential property and business property taxable for school purposes in the municipality according to the last returned assessment roll; and

WHEREAS section 257.7(3) of the *Education Act*, as amended, provides that section 278 of the Act which provides for percentage reductions of tax rates for subclasses of property classes, applies with necessary modifications with respect to the rates levied under section 257.7(1) on land in a municipality; and

WHEREAS it is expected that the Minister of Finance will imminently file a regulation prescribing tax rates for school purposes for 2007 on residential and business property taxable for school purposes in the City of Toronto equal to the tax rates levied by section 6 hereof; and

WHEREAS subsection 292(1) of the Act provides that the City may pass a by-law to have one or more of the paragraphs under that subsection apply in the calculation of the amount of taxes for municipal and school purposes payable in respect of property in the commercial, industrial and multi-residential property classes, which paragraphs have the effect of changing the basis upon which capped taxes are calculated and phasing-out comparable tax treatment for properties to which section 294 applies; and

WHEREAS section 293 of the Act provides that the City may pass a by-law to establish a percentage by which tax decreases are limited for 2007 in respect of properties in the commercial, industrial and multi-residential property classes in order to recover all or part of the revenues foregone as a result of the application of section 291 of the Act to other properties in the property class, and that the same percentage must be established for all properties in a property class but that different percentages may be established for different property classes; and

WHEREAS section 307 of the Act provides that the City may pass a by-law providing for the payment of taxes by instalments and establishing due dates for such instalments, alternative instalments and due dates, and the immediate payment of any instalments if earlier instalments are not paid on time; and

WHEREAS section 310 of the Act provides that the City may pass a by-law imposing late payment charges for the non-payment of taxes by the due dates established; and

WHEREAS section 311 of the Act provides that the City may pass a by-law to provide for the payment of taxes into a financial institution; and

WHEREAS section 321 of the Act provides that a local municipality may pass a by-law providing for a minimum tax amount, and an amount below which no taxes are payable;

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

1. In this by-law:

“Treasurer” means the person appointed treasurer under section 138 of the Act.

2. The tax ratios for 2007 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 (2007 Tax Ratio)
Residential	1.00000
Multi-Residential	3.63497
New Multi-Residential	1.00000
Commercial	3.67373
Industrial	4.09000
Farmlands	0.25000
Pipelines	1.92356
Managed Forests	0.25000

3. 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 2007 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 sections 5 and 6 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)	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

4. The City of Toronto elects to apply a different tax rate for the general levy for the 2007 taxation year for the multi-residential, commercial and industrial property classes, pursuant to subsection 3(4) of O.Reg. 121/07, as amended, and the tax rates established by section 5 for the multi-residential, commercial and industrial property classes do not exceed the maximum allowable tax rate for each of those classes under subsection 3(4) of the O.Reg. 121/07.
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 2007 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 VI (which is a total of the various rates set out in Columns II, III, IV and V), 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 \$3,224,567,184.

Column I	Column II	Column III	Column IV	Column V	Column VI
Property Class/Subclass	Basic Rate	Additional Rate for Levy Increase	Tax Rate Adjustment to Achieve Council's Tax Ratio Targets for 2007	Additional Rate to fund Charitable Tax Rebates	Total General Local Municipal Levy Tax Rate
Residential	0.5668587%	0.0215406%	0.0004441%		0.5888434%
Multi-Residential	2.0605153%	0.0260999%	0.0015749%		2.0881901%

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Column I	Column II	Column III	Column IV	Column V	Column VI
Property Class/Subclass	Basic Rate	Additional Rate for Levy Increase	Tax Rate Adjustment to Achieve Council's Tax Ratio Targets for 2007	Additional Rate to fund Charitable Tax Rebates	Total General Local Municipal Levy Tax Rate
New Multi-Residential	0.5668587%	0.0215406%	0.0004441%		0.5888434%
Commercial	2.0824853%	0.0263781%	0.0015917%	0.0070014%	2.1174565%
Industrial	2.3184523%	0.0293671%	-0.0395532%	0.0011109%	2.3093771%
Farmlands	0.1417147%	0.0053852%	0.0001110%		0.1472109%
Pipelines	1.0903891%	0.0414348%	0.0008543%		1.1326782%
Managed Forests	0.1417147%	0.0053852%	0.0001110%		0.1472109%
Municipal Levy	\$3,148,041,986	\$72,617,817	\$0	\$3,907,380	\$3,224,567,184

6. There shall be levied and collected as taxes for school purposes on the assessment of all real property in the City of Toronto rateable for school purposes according to the assessment roll for 2007 and as finally altered, amended and corrected, in amounts calculated for each property class set out in Column I, the rate 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 "B" attached hereto, the total tax levy for school purposes of \$1,883,637,747 of which \$9,089,170 is to be retained by the City pursuant to Ontario Regulation No. 121/07:

(Property Class/Subclass) Column I	(Tax Rate) Column II
Residential/Farm	0.264000%
Multi-Residential	0.264000%
New Multi-Residential	0.264000%
Commercial	1.975821%
Industrial	2.059907%
Farmlands	0.066000%
Pipelines	1.802637%
Managed Forest	0.066000%

7. For the 2007 taxation year, paragraph 2 and paragraph 5 of subsection 292(1) of the Act shall apply in the calculation of the amount of taxes for municipal and school purposes payable in respect of property in the commercial, industrial and multi-residential property classes in the City of Toronto.
8. Tax decreases for the 2007 taxation year on properties in the City of Toronto in the property classes set out in Column I shall, in 2007, be limited by the percentage of the tax decrease set out in Column II in order to recover the revenues foregone as a result of the application of section 291 of the Act to other properties in the property class, so that the percentage of tax

decrease set out in Column III is the decrease received in 2007 by such properties:

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease Percentage)
Commercial	84.059627%	15.940373%
Industrial	89.021044%	10.978956%
Multi-residential	67.542592%	32.457408%

- 9.** Subject to sections 10, 11 and 15 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 3, 2007
 Instalment 2 – August 1, 2007
 Instalment 3 – September 4, 2007

- 10.** 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 15, 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 16, 2007
 Instalment 2 – August 15, 2007
 Instalment 3 – September 17, 2007
 Instalment 4 – October 15, 2007
 Instalment 5 – November 15, 2007
 Instalment 6 – December 17, 2007

- 11.** Under the City's two instalment 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 the taxes shall, subject to the provisions of section 15, be paid in one instalment, and shall be due and payable on or before July 3, 2007.

- 12.** 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

- 13.** Taxes shall be payable to the Treasurer, City of Toronto.

14. 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.
15. When in default of payment of such instalment of taxes or any part of any instalment by the date for payment set out in sections 9, 10, or 11 hereof, the remaining instalment or instalments shall become due and payable immediately.
16. The Treasurer shall send all tax bills required in accordance with the provisions of the Act, to the taxpayer's residence or place of business, or to the premises being taxed pursuant to this by-law, or, pursuant to a written direction from a taxpayer to do so, to another address specified in the written direction from the taxpayer. Tax bills will not be mailed to tenants. It is the responsibility of the person taxed to notify and collect taxes from tenants or other persons.
17. 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 18 or section 19 in respect to non-payment of any taxes or any instalment.
18. 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.
19. 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.
20. Except in the case of taxes payable under sections 33 and 34 of the *Assessment Act*, as amended, any penalty imposed by section 18 or interest charge imposed by section 19 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 sections 9, 10 or 11 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 sections 9, 10, or 11 as appropriate, together with the said interest charges and penalties as they are incurred.
21. In respect of taxes payable under sections 33 and 34 of the *Assessment Act*, as amended, any penalty charge imposed by section 18 or interest charge imposed by section 19 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.

- 22.** (1) For the purposes of subsections 321(1) and (2) of the Act, the City establishes a minimum tax amount of \$5.00 for the 2007 taxation year.
- (2) Where in the 2007 taxation year, the total taxes to be imposed on a property would be less than \$5.00, no taxes shall be payable and no tax bill shall be sent.
- 23.** 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.
- 24.** 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.
- 25.** (1) Subject to subsection (2), 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 that the Minister of Finance files a regulation prescribing the tax rates for school purposes levied by section 6 of this By-law.

ENACTED AND PASSED this 23rd day of April, A.D. 2007.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)

SCHEDULE "A"

Rateable Assessment for Municipal Purposes

Column I (Property Class/Subclass)	Column II (2007 Rateable Assessment For Municipal Purposes)
Residential	\$ 227,138,352,491
Multi-Residential	\$ 27,974,714,760
New Multi-Residential	\$ 327,580,210
Commercial	\$ 54,096,058,875
-Excess Land	\$ 319,066,147
-Vacant Land	\$ 791,908,955
-Awaiting Development	\$ 14,903,000
Industrial	\$ 5,576,348,116
-Excess Land	\$ 66,776,291
-Vacant Land	\$ 403,395,215
-Awaiting Development	\$ 3,317,000
Farmlands	\$ 9,861,930
Pipelines	\$ 279,744,000
Managed Forests	\$ 233,000
Total	\$ 317,002,259,990

SCHEDULE “B”

Rateable Assessment for Education Purposes

(Property Class/Subclass)	(2007 Rateable Assessment For Education Purposes)
Residential	\$ 227,138,352,491
Multi-Residential	\$ 27,974,714,760
New Multi-Residential	\$ 327,580,210
Commercial	\$ 54,036,420,705
-Excess Land	\$ 319,066,147
-Vacant Land	\$ 791,908,955
-Awaiting Development	\$ 14,903,000
Industrial	\$ 5,576,348,116
-Excess Land	\$ 66,776,291
-Vacant Land	\$ 403,395,215
-Awaiting Development	\$ 3,317,000
Farmlands	\$ 9,861,930
Pipelines	\$ 279,744,000
Managed Forests	\$ 233,000
Total	\$ 316,942,621,820