

Authority: Executive Committee Item 30.1, adopted as amended, by City of Toronto Council on March 31, 2009 and Item CC35.2, adopted by City of Toronto Council on April 29 and 30, 2009

Enacted by Council: April 30, 2009

## CITY OF TORONTO

### BY-LAW No. 498-2009

#### **To levy and collect taxes for school purposes for 2009, to establish tax decrease clawback rates for 2009 and to make section 7.1 of O.Reg. 121/07 apply for 2009, taking certain properties out of the capping and clawback regime.**

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 rates 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 *City of Toronto Act, 2006* (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 O.Reg. 400/98, as amended, prescribes tax rates for school purposes for 2009 on residential and business property taxable for school purposes in the City of Toronto equal to the tax rates levied by section 1 hereof; 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 2009 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, pursuant to this by-law, the City is establishing such percentages by which tax decreases are limited for 2009 in respect of properties in the commercial, industrial and multi-residential property classes; and

WHEREAS O.Reg. 161/09 amends O.Reg. 121/07 (the "Regulation") by adding section 7.1 which provides that a property is exempt from the application of Part XII of the Act for a taxation year if a by-law has been enacted by the City that provides that this section applies within the City for the year, and the by-law so enacted may require that any of a number of conditions set out in subsection 7.1(2) of the Regulation be met in order for a property to be exempt from the application of Part XII; and

WHEREAS, pursuant to this by-law, the City is opting to make section 7.1 of the Regulation applicable to the City for 2009, thereby providing that properties which meet any of the conditions set out in subsection 7.1(2) of the Regulation are exempt from the application of the capping and clawback regime of Part XII of the Act;

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

- 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 2009 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 "A" attached hereto, the total tax levy for school purposes of \$1,912,111,340 of which \$9,172,083 is to be retained by the City pursuant to Ontario Regulation No. 121/07:

(Property Class/Subclass)	(Tax Rate)
Column I	Column II
Residential	0.252000%
Multi-Residential	0.252000%
New Multi-Residential	0.252000%
Commercial	1.803060%
Commercial (New Construction)	1.520000%
Residual Commercial (New Construction)	1.520000%
Industrial	1.861811%
Industrial (New Construction)	1.520000%
Pipelines	1.742512%
Farmlands	0.063000%
Managed Forests	0.063000%

- Tax decreases for the 2009 taxation year on properties in the City of Toronto whose taxes for municipal and school purposes for 2008 exceed their taxes for municipal and school purposes (as calculated in accordance with section 293 of the Act) in the property classes set out in Column I shall, in 2009, 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 2009 by such properties:

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease Percentage)
Commercial	89.836296%	10.163704%
Industrial	76.687827%	23.312173%
Multi-residential	25.101384%	74.898616%

- Section 7.1 of O.Reg. 121/07 applies in the City of Toronto for the 2009 taxation year, and a property is exempt from the application of Part XII of the Act if any of the conditions set out in subsection 7.1(2) of O.Reg. 121/07 applies.

4. Sections 4, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 respectively of By-law No. 361-2009 apply to the taxes for school purposes levied by section 1.

ENACTED AND PASSED this 30th day of April, A.D. 2009.

SANDRA BUSSIN,  
Speaker

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE "A"**

## Rateable Assessment for School Purposes

Column I (Property Class/Subclass)	Column II (2009 Rateable Assessment For School Purposes)
Residential	247,265,761,696
Multi-Residential	28,581,764,188
New Multi-Residential	418,062,024
Commercial	59,382,462,802
-Excess Land	318,496,153
-Vacant Land	1,589,644,300
Residual Commercial (new construction)	23,451,245
-Excess Land	1,416,005
Industrial	5,872,041,835
-Excess Land	82,996,409
-Vacant Land	464,138,947
-Awaiting Development	5,689,750
Industrial (new construction)	9,395,500
Pipelines	267,505,250
Farmlands	11,752,950
Managed Forests	233,000
<b>TOTAL</b>	<b>344,294,812,054</b>