

Authority: Executive Committee Item 33.14, adopted as amended,
by City of Toronto Council on August 5 and 6, 2009
Enacted by Council: August 6, 2009

CITY OF TORONTO

BY-LAW No. 713-2009

To levy and collect taxes for 2009 on Certain Railway Company and Power Utility Lands.

WHEREAS subsection 280(1) of the *City of Toronto Act, 2006* provides that the City 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 Ontario Regulation No. 121/07, as amended, prescribes the 2009 tax rates for municipal purposes for such railway and power utility properties, and 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 section 280 of the *City of Toronto Act, 2006*; and

WHEREAS Ontario Regulation No. 392/98, as amended, prescribes the 2009 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 Section 11 of Ontario Regulation No. 121/07 defines a prescribed power utility for the purpose of section 280 of the *City of Toronto Act, 2006*;

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

1. There shall be levied and collected as taxes for 2009 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 2009 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 1st day of October, 2009.
4. Sections 1, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21 and 22 respectively of By-law No. 361-2009 apply to the taxes levied by sections 1 and 2 hereof.

ENACTED AND PASSED this 6th day of August, A.D. 2009.

GLORIA LINDSAY LUBY,
Deputy Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)