

Authority: Item CC20.4, as adopted by City of Toronto
Council on April 30, 2020

CITY OF TORONTO

BY-LAW 338-2020

To amend By-law 205-2020 (2020 Final Tax Levy) to levy and collect taxes for school purposes for 2020, to establish tax decrease clawback rates for 2020, and to amend 2020 tax due dates; to amend By-law 1673-2019 (2020 Interim Tax Levy) to amend 2020 interim tax due dates; to amend City of Toronto Municipal Code Chapter 767, Taxation, Property Tax, to temporarily suspend interest and penalties on late tax payments and to amend the due date for tax deferral and cancellation for eligible low income persons for the 2020 taxation year; and to amend Chapter 844, Waste Collection, Residential Properties, and Chapter 849, Water and Sewage Services and Utility Bill, to amend the due date for applications for the solid waste rebate and the water rebate for eligible persons in respect of the 2020 calendar year, as a result of the COVID-19 emergency.

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, subject to regulation, 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 Ontario Regulation 400/98, as amended, eliminated the prescribed percentage reductions for tax rates for school purposes for the vacant and excess land subclasses for 2020; and

Whereas Ontario Regulation 400/98, as amended, prescribes tax rates for school purposes for residential and business property taxable for school purposes for the 2020 taxation year; 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 2020 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 (the "Clawback Rates"), 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, at its meeting of November 26 and 27, 2019, City Council adopted By-law 1673-2019, being the City's 2020 Interim Property Tax By-law and at its meeting of February 19, 2020, City Council enacted By-law 205-2020, being the City's Final Property Tax

levy By-law for 2020, both of which by-laws included various due dates for the payment of the interim and final tax levies respectively; and

Whereas on March 17, 2020, an emergency was declared in the Province of Ontario, by means of Order in Council 518/2020 for purposes of section 7.0.1 of the Emergency Management and Civil Protection Act (the EMCPA) and on March 23, 2020, Mayor Tory declared an emergency under section 4 of the EMCPA and section 59-5.1 of City of Toronto Municipal Code Chapter 59, Emergency Management in the City of Toronto, all in response to the novel coronavirus pandemic (COVID-19); and

Whereas City Council has approved a grace period for certain interim tax due dates, and has amended the due dates for both the interim and final tax levies to provide relief for taxpayers due to the COVID-19 emergency; and

Whereas City Council wishes to amend By-law 1673-2019 to amend certain interim tax levy due dates and wishes to amend By-law 205-2020 to levy the prescribed 2020 tax rates for school purposes, to establish the Clawback Rates, and to amend certain final levy due dates; and

Whereas City of Toronto Municipal Code Chapter 767, Taxation, Property Tax, provides for interest and penalties to be charged for the late payment of taxes, and provides a deadline of August 30th for the annual application for tax deferrals and cancellation for eligible low income seniors and disabled persons; and

Whereas City of Toronto Municipal Code Chapter 844, Waste Collection, Residential Properties, and Chapter 849, Water and Sewage Services and Utility Bill, each provide a deadline of August 30th for the annual application for rebates of water rates and solid waste fees for eligible low-income seniors and disabled persons; and

Whereas City Council wishes to amend City of Toronto Municipal Code Chapter 767, Taxation, Property Tax, Chapter 844, Waste Collection, Residential Properties, and Chapter 849, Water and Sewage Services and Utility Bill, as applicable, to suspend interest and late payment charges for taxes between March 16 and May 15, 2020, and to extend the deadline for the 2020 calendar year for applications for eligible low-income seniors and disabled persons for tax deferrals and cancellations and for rebates of water rates and solid waste fees to October 30, 2020, all to provide relief as a result of the COVID-19 emergency;

The Council of the City of Toronto enacts:

1. By-law 1673-2019 is amended as follows:

- (1) Section 2 is amended by deleting the instalment dates for Instalments 2 and 3, and replacing them as follows:

Instalment 2 – June 1, 2020

Instalment 3 – July 2, 2020

- (2) Section 3 is amended by deleting the instalment dates for Instalments 3, 4 and 5 and replacing them as follows:

Instalment 3 – June 15, 2020

Instalment 4 – combined with payment of the 2020 Final Tax Levy and set under By-law 205-2020

Instalment 5 – combined with payment of the 2020 Final Tax Levy and set under By-law 205-2020

2. By-law 205-2020 is amended as follows:

- (1) Section 4 is amended by:

A. deleting reference to "section 5" in subsection (2), and substituting reference to "section 6"; and

B. adding the following as subsection (3):

- (3) There shall be levied and collected as taxes on the assessment of all real property in the City of Toronto rateable for school purposes according to the assessment roll for 2020 and as finally altered, amended and corrected, which property is classified in a subclass set out in Column 2 of the property class set out in Column 1, the rates levied by section 6 hereof for that property class reduced by the percentage set out in Column 3 below:

Column 1 (Property Class)	Column 2 (Subclasses of Column 1)	Column 3 (Percentage Reduction)
Residential	- Farmland Awaiting Development (First Subclass) (Second Subclass)	60 percent of Residential/Farm rate 0 percent of Residential/Farm rate
Multi-Residential	- Farmland Awaiting Development (First Subclass) (Second Subclass)	90 percent of Residential/Farm rate 0 percent of Residential/Farm rate
Commercial	-Creative Co-location Facility - Farmland Awaiting Development (First Subclass) (Second Subclass)	50 percent of Commercial rate 90 percent of Commercial rate 30 percent of Commercial rate

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Column 1 (Property Class)	Column 2 (Subclasses of Column 1)	Column 3 (Percentage Reduction)
Commercial Residual - Band 1		
	-Creative Co-location Facility	50 percent of Commercial Residual Band 1 rate
	- Farmland Awaiting Development (First Subclass)	90 percent of Commercial Residual Band 1 rate
	(Second Subclass)	30 percent of Commercial Residual Band 1 rate
Commercial Residual - Band 2		
	-Creative Co-location Facility	50 percent of Commercial Residual Band 2 rate
	- Farmland Awaiting Development (First Subclass)	90 percent of Commercial Residual Band 2 rate
	(Second Subclass)	30 percent of Commercial Residual Band 2 rate
Industrial	-Creative Co-location Facility	50 percent of Industrial rate
	- Farmland Awaiting Development (First Subclass)	94 percent of Industrial rate
	(Second Subclass)	35 percent of Industrial rate

(2) Section 6 is amended by adding subsections (3) and (4) as follows:

- (3) 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 2020 and as finally altered, amended and corrected, in amounts calculated for each property class set out in Column 1, the rate set out in Column 2, which shall produce, when levied upon the total assessment for each property class as set out in Column 2 of Schedule B attached, the total tax levy for school purposes of \$ 2,273,085,976, of which \$4,612,130 is to be retained by the City pursuant to Ontario Regulation 121/07:

Column 1 (Property Class/Subclass)	Column 2 (Tax Rate)
Residential	0.153000 percent
Multi-Residential	0.153000 percent
New Multi-Residential	0.153000 percent
Commercial	0.980000 percent

Colum 1 (Property Class/Subclass)	Colum 2 (Tax Rate)
Commercial (New Construction)	0.980000 percent
Commercial Residual	0.980000 percent
Commercial Residual 1 (New Construction)	0.980000 percent
Industrial	1.067220 percent
Industrial (New Construction)	0.980000 percent
Pipelines	1.250000 percent
Farmlands	0.038250 percent
Managed Forests	0.038250 percent

- (4) Tax decreases for the 2020 taxation year on properties in the City of Toronto whose taxes for municipal and school purposes for 2020 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 1 shall, in 2020, be limited by the percentage of the tax decrease set out in Column 2 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 3 is the decrease received in 2020 by such properties:

Column I (Property Class)	Column II (Clawback Percentage)	Column III (Allowable Decrease)
Commercial	60.545902 percent	39.454098 percent
Industrial	64.194131 percent	35.805869 percent
Multi-residential	42.809624 percent	57.190376 percent

- (3) Section 8 is amended by deleting the instalment dates for Instalments 1, 2 and 3 and replacing them as follows:

Instalment 1 – August 4, 2020
 Instalment 2 – September 1, 2020
 Instalment 3 – October 1, 2020

- (4) Section 9 is amended by deleting the words "the payment of taxes shall" and replacing them as follows:

"the payment of taxes (levied in part pursuant to By-law 1673-2010, and levied in full pursuant to this By-law) shall"

- (5) Section 10 is amended by deleting the words "July 2, 2020" and replacing them with the words "August 4, 2020"

(6) by adding Appendix 1 of this By-law as Schedule B.

3. The City of Toronto Municipal Code is amended as follows:

(1) Chapter 767, Taxation, Property Tax, is amended by:

(a) Adding 767-7E(3) as follows:

(3) Notwithstanding Subsections (A), (B), (C) and (D), interest and penalties are suspended for the period of March 16, 2020 to May 15, 2020, as a result of the COVID-19 emergency; and

(b) Amending Section 767-12B(1) by adding Subsection B(1.1) as follows:

"(1.1) Despite Subsection B(1) and subject to Subsection B(2), on or before October 30, 2020, for the 2020 taxation year."

(2) Chapter 844, Waste Collection, Residential Properties, is amended by amending Section 844-30.1D by adding Subsection D(2)(a.1) as follows:

"(a.1) Despite Subsection 2(a) and subject to Subsection 2(b), on or before October 30, 2020, for the 2020 calendar year."

(3) Chapter 849, Water and Sewage Services and Utility Bill, is amended by amending Section 849-14.4B by adding Subsection B(1.1) as follows:

"(1.1) Despite Subsection B(1) and subject to Subsection B(2) or B(3), on or before October 30, 2020, for the 2020 calendar year."

Enacted and passed on April 30, 2020.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Appendix 1

SCHEDULE B Rateable Assessment for School Purposes

Column 1 (Property Class/Subclass)	Column 2 (2020 Rateable Assessment For School Purposes)
Residential	554,901,224,047
Multi Residential	51,381,971,945
-Awaiting development (first subclass)	22,547,100
New Multi- Residential	3,861,788,731
Commercial	114,304,308,414
-Excess Land	644,088,520
-Vacant Land	1,889,884,100
-Awaiting development (first subclass)	0
- Creative Co-location Facility	34,667,620
Commercial (new construction)	4,842,413,357
-Excess Land	17,952,582
-Vacant Land	4,941,000
- Creative Co-location Facility	16,451,800
Office Building (new construction)	3,784,405,886
-Excess Land	0
Shopping Centre (new construction)	906,240,074
-Excess Land	313,677
Industrial	8,083,601,129
-Excess Land	65,729,289
-Vacant Land	785,086,600
-Awaiting development (first subclass)	23,846,400
-Awaiting Development (second subclass)	
Industrial (new construction)	60,093,600
-Excess Land	912,100
Pipelines	374,173,000
Farmlands	4,685,000
Managed Forests	4,400,300
Total	746,015,726,271