

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 57

BY-LAW NO. 2008-56

A by-law to confirm the “clawback” percentages established by the Regional Treasurer for the 2008 taxation year for the commercial, industrial and multi-residential property classes

WHEREAS section 329 of the *Municipal Act, 2001* (the "Act") provides for a mandatory five per cent (5%) limit (the "cap") on any annual property tax increase related to current value assessment for the 2008 taxation year for the commercial, industrial and multi-residential property classes;

AND WHEREAS subsection 329.1 (1) of the Act provides that a municipality, other than a lower-tier municipality, may pass a by-law to have one or more paragraphs under the subsection apply in the calculation of the amount of taxes for municipal and school purposes payable in respect of property in the commercial classes, industrial classes, or multi-residential property class for 2008;

AND WHEREAS subsection 330(1) of the Act provides that a municipality, other than a lower-tier municipality, may pass a by-law to establish a percentage by which tax decreases are limited for a taxation year in any property class in order to recover all or part of the revenues foregone as a result of the application of section 329 of the Act to other properties in the property class;

AND WHEREAS subsection 330(6) of the Act provides that an upper-tier municipality shall, in a by-law under subsection 330(1) of the Act, provide that adjustments shall be made between the upper-tier municipality and the lower-tier municipalities so that no lower-tier municipality has a surplus or shortfall as a result of the application of the by-law;

AND WHEREAS subsection 330(7) of the Act provides that if the upper-tier municipality experiences a shortfall as a result of the application of subsection 330(6) of

the Act, any shortfall shall be shared by the upper-tier municipality and lower-tier municipalities in the same proportion as those municipalities share in the taxes levied on the property class for municipal purposes;

AND WHEREAS the information to establish percentages by which the tax decreases are limited has not been finalized;

NOW THEREFORE, the Council of the Regional Municipality of York
HEREBY ENACTS as follows:

1. In this by-law:

- (a) “lower-tier municipality” means each of The Corporation of the Town of Aurora, The Corporation of the Town of East Gwillimbury, The Corporation of the Town of Georgina, The Corporation of the Township of King, The Corporation of the Town of Markham, The Corporation of the Town of Newmarket, The Corporation of the Town of Richmond Hill, The Corporation of City of Vaughan and The Corporation of the Town of Whitchurch-Stouffville; and
- (b) “OPTA” means the On-line Property Tax and Analysis program maintained by the Ministry of Finance.

- 2. The Regional Treasurer is hereby authorized to determine, for the 2008 taxation year, the percentages by which property tax decreases are limited for the commercial, industrial and multi-residential property classes.
- 3. The Regional Treasurer is hereby authorized to determine, for the 2008 taxation year, whether each lower-tier municipality has a surplus or a shortfall in taxes levied as a result of the enactment of this by-law and the adjustments made under subsections 330(1) and 330(6) of the Act.
- 4. For the purpose of calculating surpluses and shortfalls, the Regional Treasurer shall refer to property assessment data from the OPTA program, cut off on such a date as may be determined by the Regional Treasurer in consultation with the Treasurer of each lower-tier municipality.

5. For the purposes of calculating the adjustments under section 3 of this by-law, the percentages set out in Column 2, calculated in accordance with subsection 330(1) of the Act, shall apply to the assessment of that class of property set out in Column 1.

Column 1	Column 2
Multi-Residential	44.8340
Commercial	64.2638
Industrial	69.4065

6. In the event that the Regional Treasurer determines under section 3 of this by-law that a lower-tier municipality has a surplus, the Treasurer of such lower-tier municipality shall remit such surplus to the Regional Treasurer.
7. The Regional Treasurer is hereby authorized to distribute the surplus amounts remitted under section 6 of this by-law to those lower-tier municipalities which are determined under section 3 of this by-law to have a shortfall, to ensure that no lower-tier municipality has a shortfall in the amount of taxes levied for the 2008 taxation year.
8. Fifty percent (50%) of the amounts to be remitted to the Regional Treasurer under section 6 of this by-law for the 2008 taxation year shall be remitted on or before September 30, 2008 and the balance shall be remitted on or before December 15, 2008.
9. Fifty percent (50%) of the amounts to be remitted by the Regional Treasurer under section 7 of this by-law for the 2008 taxation year shall be remitted on or before September 30, 2008 and the balance shall be remitted on or before December 15, 2008.
10. The Regional Treasurer is hereby authorized to fund from the Tax Write-off Reserve Fund any Regional shortfall resulting from the application of section 2 of this by-law and section 330 of the Act.

ENACTED AND PASSED this 18th day of September, 2008.

Denis Kelly

Regional Clerk

Bill Fisch

Regional Chair

*Authorized by Clause 1, Report 7 of the Finance and Administration Committee, adopted
by Regional Council at its meeting on September 18, 2008.*