THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 34

BY-LAW NO. A-0361-2005-033

To implement options for determination of maximum taxes under the *Municipal Act, 2001*

WHEREAS section 329 (1) of the *Municipal Act, 2001* (the “Act”) provides for a five per cent (5%) limit on any annual property tax increase related to current value assessment for the 2005 taxation year for the commercial, industrial and multi-residential property classes;

AND WHEREAS subsection 329.1 (1) of the Act provides that every 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, industrial, or multi-residential property classes for 2005 or a subsequent taxation year;

AND WHEREAS subsection 329.1 (2) of the Act provides that a by-law under subsection (1) must be passed on or before April 30 of the year to which the by-law applies unless the Minister of Finance prescribes a later day for that year;

AND WHEREAS under subsection 329.1 (4) of the Act the Minister of Finance has made Ontario Regulation 99/05 prescribing June 30, 2005 as the date by which a by-law must be passed under section 329.1(1) for the 2005 taxation year;

Now therefore, the Council of The Regional Municipality of York HEREBY ENACTS as follows:

1. In this by-law:

   (a) "previous year" means the taxation year immediately preceding the taxation year;

(b) "taxation year" means the year in respect of which taxes are determined under the Act;

(c) "uncapped taxes" means, in respect of a taxation year, the taxes for municipal and school purposes levied but for the taxation year but for the application of sections 329 or 329.1;

(d) "taxes" means property taxes for municipal and school purposes in respect of property in the commercial classes, industrial classes or multi-residential property classes levied for the taxation year.

2. For the purposes of calculating the amount of taxes payable for 2005 or a subsequent taxation year, the following paragraphs of subsection 329.1(1) of the Act shall apply:

(a) Under paragraph 1. i. of subsection 329.1 (1) of the Act, 10 per cent shall be used instead of 5 per cent in determining the amount to be added under paragraph 2 of subsection 329 (1) of the Act;

(b) Under paragraph 2. i. of subsection 329.1 (1) of the Act, the amount to be added under paragraph 2 of subsection 329 (1) of the Act shall be the greatest of,

(i) 5 per cent of the uncapped taxes for the previous year, and

(ii) the amount determined under paragraph 2 (a) of this by-law, and

(iii) 5 per cent of the amount determined under paragraph 1 of subsection 329(1) of the Act for the property for the year.

(c) Paragraph 3 of subsection 329.1 (1) of the Act shall apply whereby the amount of the taxes for the taxation year shall be the uncapped taxes for a taxation year, provided that the amount of the uncapped taxes exceeds the amount of the taxes by $250 or less.

(d) Paragraph 4 of subsection 329.1 (1) of the Act shall apply whereby the amount of the taxes for the taxation year shall be the uncapped taxes for a taxation year, provided that the amount of the taxes exceeds the uncapped taxes by $250 or less.

3. Paragraph 5 of subsection 329.1 (1) of the Act shall apply for the 2005 taxation year. If a property becomes an eligible property within the meaning of subsection 331 (20) of the Act, the taxes shall be the greater of,

i. The amount of taxes determined for the property for 2005 under subsection 331(2); and

ii. 70 per cent of the uncapped taxes for the property for 2005.

4. Paragraph 6 of subsection 329.1 (1) shall apply for the 2006 taxation year. If a property becomes eligible property within the meaning of subsection 331(20) of the Act, the taxes shall be the greater of,

i. The amount of the taxes determined for the property for 2006 under subsection 331(2); and

ii. 80 per cent of the uncapped taxes for the property for 2006.

5. Paragraph 7 of subsection 329.1 (1) shall apply for the 2007 taxation year. If a property becomes eligible property within the meaning of subsection 331(20) of the Act, the taxes shall be the greater of,

i. The amount of the taxes determined for the property for 2007 under subsection 331(2); and

ii. 80 per cent of the uncapped taxes for the property for 2007.

6. Paragraph 8 of subsection 329.1 (1) shall apply for the 2008 or a subsequent taxation year. If a property becomes eligible property within the meaning of subsection 331(20) of the Act, the taxes shall be the greater of,

i. The amount of the taxes determined for the property for 2008 or any subsequent year, under subsection 331(2); and

ii. 80 per cent of the uncapped taxes for the property for 2008, or any subsequent year.

ENACTED AND PASSED this 21st day of April, 2005.

Denis Kelly	Bill Fisch
Regional Clerk	Regional Chair