

THE CORPORATION OF THE TOWN OF MISSISSIPPI MILLS

BY-LAW 10-89

BEING a by-law to repeal By-law No. 05-14 and to provide for tax refunds in respect of eligible heritage property.

WHEREAS section 365.2 of the Municipal Act, 2001, S.O. 2001, c.25. as amended, provides that a local municipality may establish a program to provide tax refunds or reductions in respect of eligible heritage property;

AND WHEREAS the Municipality should encourage the restoration and preservation of heritage buildings for the enjoyment of future generations;

AND WHEREAS it is important that the Municipality recognize and assist with the above-average costs property owners must incur to maintain aging structures in their original state;

AND WHEREAS financial incentives should be provided as an incentive against the destruction of heritage buildings to facilitate their continued existence;

AND WHEREAS the Town of Mississippi Mills and the School Board(s) shall share in the financial incentive program in the same proportion as tax revenue is shared;

AND WHEREAS this by-law shall be forwarded to the County of Lanark for their consideration to share in the financial incentive program;

NOW THEREFORE the Council of the Corporation of the Town of Mississippi Mills enacts as follows:

PART 1-DEFINITIONS

1.1 In this By-Law, unless otherwise specified in this By-Law:

- a) "Assessment Corporation" means the Municipal Property Assessment Corporation.
- b) "Chief Building Official" means the officer appointed by Council as the Chief Building Official pursuant to the Building Code Act, 1992, S.O. 1992 c.23, as amended, and includes a Building Inspector.
- c) "Council" means the Council of The Corporation of the Town of Mississippi Mills.

d) "Eligible Heritage Property" means a property or portion of property:

- I. that is located in the Town of Mississippi Mills;
- II. that is designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, as amended, or is part of a heritage conservation district under Part V of the Ontario Heritage Act; and
- III. that is subject to an easement agreement or preservation and maintenance agreement with the Town of Mississippi Mills, or an easement agreement with the Ontario Heritage Trust under Section 22 of the Ontario Heritage Act.

e) "Heritage tax refund" is defined as follows:

- I. a refund of 100% of the supplementary taxes for lower tier municipal and school purposes levied on the eligible heritage portion of the property for properties in the commercial, industrial, multi-residential and residential tax classes (only if a supplementary applies) otherwise refer to Section e) II. subject to the following limitations:
 - a) One (1) heritage tax refund will be paid each year per eligible heritage property for a maximum of five (5) years subject to funding availability;
 - b) The refund is only available to those property owners who have completed an approved restoration of a heritage feature of the designated property;
 - c) The refund will be calculated on the supplementary assessment on the restoration(s) made to the eligible heritage property provided by the Municipal Property Assessment Corporation, and the same refund will apply for each of the five (5) years;
 - d) At any given time the maximum amount of refund is 40% of the total taxes for lower tier municipal and education purposes levied on the eligible heritage portion of the property in the year of the renovation; capped at \$7,500.00 per year per property.
 - e) The maximum amount of refund under this section is \$37,500.00 over 5 years per eligible heritage property
- II. A maximum refund of 25% of the annual taxes for municipal and school purposes levied on the property for eligible heritage properties in the commercial, industrial, multi-residential, and residential tax classes for the purpose of maintenance and preservation of the heritage features of the property subject to the following limitations:

- a) One (1) heritage tax refund will be paid by November 30 each year per eligible heritage property;
 - b) The refund is only available to those property owners of properties where there are no outstanding municipal fines, arrears of taxes, fees or penalties assessed and each of these will be considered annually. If there are any of these items which apply at November 30 each year, no heritage refund will be paid in that calendar year for the respective property.
 - c) The refund will be calculated on the most recent assessment on the property. If the assessment of a property for a year changes as a result of proceedings under the Assessment Act, the heritage tax refund shall be determined using the new assessment and the tax roll for the year shall be amended to reflect the determination;
 - d) If damage to the property occurs resulting in the loss of the heritage structure, the heritage tax refund program for this property would cease.
- f) "Owner(s)" includes a corporation and partnership and the heirs, executors, administrators, and other legal representatives of a person to whom the context can apply according to the law.
 - g) " Person(s)" includes a corporation and partnership and the heirs, executors, administrators and other legal representatives of a person to whom the context can apply according to the law.
 - h) "Town" means the Town of Mississippi Mills.
 - i) "Heritage Committee" means the Town of Mississippi Mills Heritage Committee.

PART 2-APPLICATIONS

- 2.1 The owner of an eligible heritage property must make an application on the form prescribed by the Town no later than the last day of February in the year following the first year for which the owner is seeking to obtain the refund .
- 2.2 The Town requires owners of eligible heritage properties to submit applications for the heritage tax refund every three (3) years following the year of initial application.

PART 3-COMPLIANCE WITH AGREEMENTS

- 3.1 Upon application, the Owner must consent to the Town conducting an inspection of the interior and exterior of the eligible heritage property at any reasonable time to ensure that the relevant heritage easement agreement is

currently being complied with and to ensure that the eligibility criteria can be met.

- 3.2 No heritage tax refund will be awarded under this By-Law where the Chief Building Official, in consultation with the Heritage Committee, determines that an owner of eligible heritage property is not in compliance with an easement agreement.

PART 4-AVAILABILITY

- 4.1 Total tax relief under the heritage tax refund program set out in this By-Law is subject at all times to:
- a. The annual Heritage Tax Relief budget as determined by Town Council; and
 - b. Any regulations that the Minister of Finance may make governing by-laws on tax refunds for heritage properties.
- 4.2 This By-Law does not require the Municipality to provide funding for this program. The heritage tax refund contemplated by this By-Law may be eliminated by Council through repeal of the By-Law at any time with no notice whatsoever to affected persons.
- 4.3 Where funding is insufficient to award a heritage tax refund to every applicant who otherwise complies with the terms of this By-Law, applications will be considered in the order they are received.
- 4.4 Where funding is insufficient to award a heritage tax rebate in the current year the application is closed for that year. Funding will not be applied retroactively in future years when funding under this program is available.

PART 5-CLASSES OF PROPERTY

- 5.1 One (1) heritage tax refund may be paid annually in respect of each easement agreement in connection with an eligible heritage property within the property tax class of commercial, industrial, multi-residential, or residential as defined by the Assessment Act, R.S.O.1990, c. A.3.1 and Ontario Regulation 282/98 thereunder, as amended under Part 1.1 (e) I of this By-Law.
- 5.2 One(1) heritage tax refund may be paid in the year of application in connection with an eligible heritage property within the property tax classes of commercial, industrial and multi-residential, or residential as defined by the Assessment Act, R.S.O. 1990, c. A.3.1 and Ontario Regulation 282/98 thereunder, as amended under Part 1.1 (e) II of this By-Law.

PART 6-BASIS OF CALCULATION

- 6.1 Heritage tax refunds shall be calculated based upon the supplemental value of the restoration of a portion of the eligible heritage property as assessed by the Municipal Property Assessment Corporation for properties in the Commercial, Industrial, Multi-Residential, and Residential tax classes under Part 1.1 (e) I of this By-Law.
- 6.2 Heritage tax refunds under Part 1.1 (e) II of this by-law will be calculated on the most recent assessment on the property as determined by the Municipal Property Assessment Corporation for properties in the Commercial, Industrial, Multi-Residential and Residential tax classes. If the assessment of a property for a year changes as a result of proceedings under the Assessment Act, the heritage tax refund shall be determined using the new assessment and the tax roll for the year shall be amended to reflect the determination.

PART 7-REPAYMENT

- 7.1 If the owner of an eligible heritage property demolishes the building or structure that is the eligible heritage property or breaches the terms of an easement agreement as described in section 1.1(d), the Town shall require the owner to repay all or part of the heritage tax refund for the current year and any previous year or years in which the breach may have occurred under this By-Law and will cease to make any future payments still owing.
- 7.2 The Town shall require the owner to pay interest on the amount of any repayment required under this part, at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I of the Bank Act (Canada), calculated from the date or dates the heritage tax refund was provided.

PART 8-TAX LIABILITY

- 8.1 A heritage tax refund will be issued when the taxes for the year in which the refund applies, have been paid in full.

PART 9-NOTICE TO MINISTER OF FINANCE

- 9.1 The Clerk of the Town is hereby directed to give notice of this By-Law to the Minister of Finance and to the County of Lanark within thirty (30) days of the date it is passed.

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PART 10-ENACTMENT

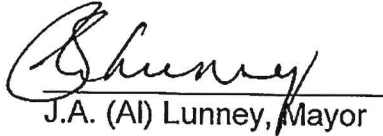
10.1 This By-law comes into force on the day it is passed.

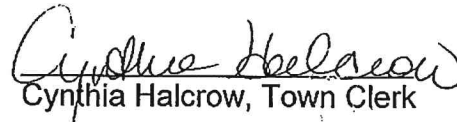
PART 11-REPEAL

11.1 By-law No. 08-09 is hereby repealed in its entirety.

BY-LAW READ a first and second time this 22nd day of November, 2010.

BY-LAW READ a third time, passed, signed and sealed in open Council this 22nd day of November, 2010.


J.A. (Al) Lunney, Mayor


Cynthia Halcrow, Town Clerk