

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS

BY-LAW NUMBER 07-165

BEING A BY-LAW TO ESTABLISH A HERITAGE PROPERTY TAX RELIEF PROGRAM FOR THE TOWNSHIP OF LAKE OF BAYS.

WHEREAS Section 365(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that Council may pass a by-law establishing a program to provide heritage tax reductions or refunds with respect to eligible heritage properties;

AND WHEREAS the Council of the Corporation of the Township of Lake of Bays deems it expedient to establish a Heritage Property Tax Relief Program to financially assist landowners of designated heritage properties under the Ontario Heritage Act for the preservation, restoration and maintenance of said built heritage;

NOW THEREFORE the Council of the Corporation of the Township of Lake of Bays enacts as follows:

1. DEFINITIONS

In this By-law:

- a) **“assessment corporation”** means the Municipal Property Assessment Corporation or any successor thereof under the Municipal Act.
- b) **“built heritage resources”** means a building or structure of historic or architectural value that reveals some of the broad architectural, cultural, social, political, economic or military patterns of our local history or that has some association with specific events of people that have shaped the details of that history.
- c) **“Township”** means The Corporation of the Township of Lake of Bays.
- d) **“Committee”** means The Corporation of the Township of Lake of Bays Heritage Advisory Committee.
- e) **“Council”** means the Council of The Corporation of the Township of Lake of Bays.
- f) **“eligible heritage property”** means a property or portion of a property that is:
 - i) located in the Township of Lake of Bays; and
 - ii) designated under Part IV or Part V of the Ontario Heritage Act; and
 - iii) subject to either an Easement Agreement with the Township of Lake of Bays under Section 37 of the Ontario Heritage Act, or an Easement Agreement with the Ontario Heritage Foundation under Section 22 of the Ontario Heritage Act, or an Agreement with the Township of Lake of Bays respecting the Preservation and Maintenance of a built heritage resource on the property.
- g) **“heritage tax refund”** means an amount of tax that may be refunded in respect of an eligible heritage property. The amount of a heritage tax

refund, unless otherwise specified, shall be 40% of the taxes for municipal and school purposes levied on the property.

- h) **“municipal”** means the Township of Lake of Bays and does not include the District of Muskoka.
- i) **“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 law;
- j) **“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 law.

2. HERITAGE TAX RELIEF PROGRAM

2.1 Program Subject to Council Approval and Funding

The Heritage Tax Relief Program set out in this By-law is subject at all times to the availability of funding for the program. This By-law does not require the Township or Council to provide funding for this program and the Heritage Tax Relief contemplated by this By-law may be eliminated by Council through repeal of the By-law at any time with no prior notice whatsoever to affected persons.

2.2 Program Subject to Provincial Regulations

This Heritage Tax Relief Program is subject to any regulations that the Minister of Finance may make; governing by-laws on tax refunds or reductions for heritage properties.

2.3 Annual Tax Refund

Subject to the conditions set out in this By-law, eligible heritage properties will receive annually a 40% refund of property taxes based on the tax amount of that given year.

The refund shall be in the form of a cheque to the bonafide landowner.

2.4 Annual Tax Refund in the event of Transfer of Land Ownership

In the event of a land ownership transfer the refund amount shall be determined to be on a pro-rated scale to the subject program applicant based on the time of property sale. A subsequent owner would have to apply to the program to initiate or continue the program funding for the said property.

2.5 No Multiple Tax Refunds

If multiple preservation and maintenance agreements or heritage easements are registered on one parcel of land, multiple refunds will not be provided in respect of the same eligible heritage property.

2.6 Determination of Eligible Assessment

The portion of a property's total assessment that is attributable to the building or structure or portion of the building or structure that is eligible heritage property and the land used in connection with it may be determined by the assessment corporation at the request of the Township and payable by the property owner.

2.7 Application and Annual Renewal Deadlines

The owner of an eligible heritage property must make application on the prescribed form no earlier than the first business day of January and not later than the last day of February in the year following the year for which the owner is seeking to obtain the Heritage Tax Refund. Applications received outside of this time frame, whether earlier or later, will not be considered.

The applicant, once approved, can renew their application to continue their participation in the program for up to three (3) years. After the three (3) year term the applicant must make a new application for the eligible property to be considered for a Heritage Tax Refund.

2.8 Approval Priority if Insufficient Funds

Where funding is insufficient to give a Heritage Tax Refund to each otherwise eligible applicant, applications will be considered in the order received by the Township. No priority will be given to applicants who have previously obtained a Heritage Tax Refund.

2.9 Approval of Applications

Approval of the application and ongoing participation shall be reviewed and determined by the Township of Lake of Bays Heritage Advisory Committee. Any decision(s) of said Committee which is not concurred with the landowner/applicant shall be appealed to the Municipal Council for a final disposition.

2.10 Partial Tax Refund

If available funds are insufficient to award the next otherwise eligible applicant a full Heritage Tax Refund, but would be sufficient to award a lesser amount of at least 10% of the taxes for municipal and school purposes levied on the property that are attributable to the eligible assessment, the entire remaining Heritage Tax Refund program funds for that year shall go to that applicant. If the remaining funds would not be sufficient to award this minimum amount, that applicant will not receive a Heritage Tax Refund that year and the next applicant will be considered using the same criteria.

2.11 Inspection

Upon application, the owner must consent to the Township conducting an inspection of the heritage property to ensure that the owner is in compliance with the relevant Heritage Easement Agreement or Maintenance and Preservation Agreement.

2.12 Non Compliance with Agreement

No Heritage Tax Refund will be given under this By-law where the Township determines that the relevant Heritage Easement Agreement or Maintenance and Preservation Agreement is not complied with to the satisfaction of the Township.

Where an owner is in breach of the Agreement but is willing to apply the Heritage Tax Refund to works which will bring the property back into compliance, the Township may approve a Heritage Tax Refund subject to conditions. Prior to approval of any such conditions, the owner shall file a written request including a proposed work plan with the Clerk and shall appear before the Township of Lake of Bays Heritage Advisory Committee to present their proposal. The Committee shall recommend to Council the approval or denial of the

proposal including any conditions to be placed on the Heritage Tax Refund. The decision of Council is final.

2.13 Calculation Based on Assessment

Heritage Tax Refunds shall be calculated using the assessed value of the property for tax purposes or portion thereof subject to the easement or designation.

2.14 Assessment Changes

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 redetermined using the new assessment and the tax roll for the year shall be amended to reflect the determination.

2.15 Repayment

If the owner of an eligible heritage property demolishes the eligible heritage structure or breaches the terms of the relevant Heritage Easement or Preservation and Maintenance Agreement or fails to meet the conditions of approval, the Township may require the owner to repay part or all of any Heritage Tax Refund(s) provided to the owner for one or more years under this By-law.

2.16 Repayment with Interest

The Township may require the owner to pay interest on the amount of any repayment required under this section, at a rate not exceeding the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule 1 of the Bank Act (Canada), calculated from the date or dates the Heritage Tax Refund(s) were provided.

2.17 Distribution of Repayment

Any amount repaid under this section will be shared to all levels of government, in the same proportion that they shared in the cost of the Heritage Tax Refund(s) on the property.

2.18 No Heritage Tax Refund for Properties in Arrears

If the tax arrears are attributable to an eligible heritage property, no Heritage Tax Refund shall be given under this By-law. In the event that an owner pays any and all outstanding tax liabilities in respect of an eligible heritage property, the owner may apply for a Heritage Tax Refund and shall qualify for a full Heritage Tax Refund subject to Council funding under Section 2.1 and the application deadlines set out in Section 2.7 of this By-law.

2.19 Monitoring Strategy

The Township of Lake of Bays Heritage Advisory Committee shall monitor/evaluate the program effectiveness and report to Council on an annual basis with any appropriate recommendations.

2.20 Total Program Amount

The total program amount at the time of passing of this By-law shall be \$4,000.00. As tax levels change and/or more properties meet eligibility criteria a review of these amounts may be necessary and subject to a report from the Committee to Council.

3. NOTICES

3.1 Notice to Ministry of Finance

The Clerk is hereby directed to give notice of this By-law to the Minister of Finance within 30 days of the date it is passed.

READ a FIRST and SECOND time this 4th day of December, 2007

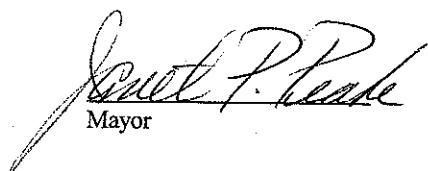


Mayor

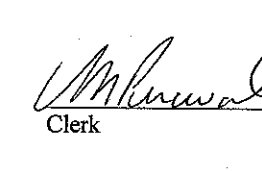


Clerk

READ a THIRD time and finally passed 4th day of December, 2007



Mayor



Clerk