

The Corporation of the City of Guelph

By-law Number (2024) - 20902

A by-law to provide for rebate from taxes for registered charitable organizations and to repeal By-law Number (2002) -16851 and (2003)-17152

WHEREAS every municipality shall have a tax rebate program for eligible charities for the purpose of giving relief from taxes on eligible property they occupy, pursuant to Section 361 of the Municipal Act, S.O. 2001,c.25, as amended;

AND WHEREAS the municipality may provide different rebates for different charities of up to 100 per cent;

AND WHEREAS the Council of The Corporation of the City of Guelph deems it appropriate to enact this By-law for the purposes of establishing a tax rebate program for eligible registered charities;

AND WHEREAS Council wishes to repeal By-law Number (2002) – 16851 and Bylaw Number (2003) – 17152 and replace them with a new by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Definitions:

“eligible charity” means a registered charity as defined in s.248(1) of the Income Tax Act (Canada) that has a registration number issued by the Canada Revenue Agency;

“eligible property” means lands or buildings occupied and used by an eligible charity that are in one of the commercial and industrial property classes as defined withing the meaning of s.308(1) of the Act;

“property taxes” means realty taxes levied for municipal, education and amounts paid under section 367 or 368 of the Act for the year on an eligible property: and

“qualified application” means an application for a property tax rebate that demonstrates to meet the criteria the entitlement of the eligible charity to receive a property tax rebate in accordance with this By-law.

2. An eligible charity that pays taxes on eligible property that it occupies within the City may make an application to the City for a rebate of the property taxes in respect of the eligible property as calculated in section 4.

3. Application:

3.1 An eligible charity shall apply to the City for the property tax rebate under section 4 in writing and on the form prescribed by the City for this purpose.

3.2 The application for a taxation year shall be made after January 1 of the taxation year and no later than the last day of February of the year following year of which the application is made.

3.3 Upon applying, the eligible charity shall submit with its application:

a) its registration number issued by the Canada Revenue Agency; and,

b) for leased property, a copy of the eligible charity's current lease agreement with its landlord for the Eligible Property; and written confirmation from the eligible charity's landlord that identifies the amount of property taxes paid by the eligible charity under the lease agreement for the year of the application; or

c) for property owned and used by the charity, a copy of its tax bill and a declaration that the property is used solely by the eligible charity.

d) each application must be accompanied by a diagram of the space occupied and proof of taxes paid.

- 3.4 No application will be accepted unless the items required under subsection 3.3 are submitted with the application and the whole of the application is satisfactory to the City.
- 3.5 Verification of documentation provided with an application may be carried out independently, at the discretion of the City and such verification includes, but is not limited to, determining that an eligible charity's registration number issued by the Canada Revenue Agency is current and valid, or an inspection of the eligible property to determine occupancy.
4. Rebate:
 - 4.1 Upon receipt of a qualified application for a taxation year the City shall:
 - a) Pay one half (1/2) of the rebate amount within sixty (60) days after receipt of the of the application, and
 - b) Pay the balance of the rebate amount within one hundred twenty (120) days after receipt of the application;
 - 4.2 The amount of the rebate shall be 40% of the taxes or estimated taxes payable by the eligible charity on the eligible property that it occupies; and
 - 4.3 Where the rebate amount has been determined based on the estimated property taxes of the eligible property the amount of the rebate shall be recalculated after the determination of the property taxes and the appropriate adjustments made between the estimated rebate paid by the City and the rebate to which the eligible charity is entitled.
 - 4.4 The City may deduct an adjustment under s.4.3 from amounts payable in the next year for the next year's rebates in respect of an eligible property.
5. That as a condition of receiving a rebate for a year, an eligible charity must repay any other municipality any amounts by which the rebates the charity received for the year from that other municipality exceed the rebates from the other municipality to which the charity is entitled.
6. That Rebates under this program shall be given by the City of Guelph, within which the eligible charity is located, and the cost of the rebate of taxes on a property shall be shared by the City, the School Boards and any applicable Business Improvement Area that share in the revenue from the taxes on the property in the same proportion as the City, the School Boards and the Business Improvement Area share in those revenues.
7. That the City that gives a rebate to an eligible charity shall also give the charity a written statement of the proportion of the costs of the rebate that is shared by the School Boards.
8. That for property occupied by the Corporation of the City of Guelph the rebate shall be 100% of the taxes on the eligible property it occupies.
9. This By-Law shall come into force and take effect immediately.

Passed this twenty-sixth day of March, 2024.

Cam Guthrie, Mayor

Stephen O'Brien, City Clerk