

**TOWN OF TOFIELD
BY-LAW NUMBER 1346**

A BYLAW OF THE TOWN OF TOFIELD, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE PROPERTY TAX INCENTIVES FOR NON-RESIDENTIAL PROPERTIES WITHIN THE TOWN OF TOFIELD.

WHEREAS, s. 364.2(2) of the *Municipal Government Act* RSA 2000, c.M-26, as amended, provides a Council may, by bylaw, for the purpose of encouraging the development or revitalization of properties in the non-residential assessment class for the general benefit of the municipality, provide full or partial exemptions from taxation or deferrals of the collection of tax;

AND WHEREAS, s. 364.2(3) of the *Municipal Government Act* RSA 2000, c.M-26, as amended, requires a bylaw under s. 364.2(2) of the *Municipal Government Act* RSA 2000, c.M-26, as amended, to set criteria for property to qualify for an exemption or deferral and establish a process for the submission and consideration of an application for an exemption or deferral;

AND WHEREAS, the Council of the Town of Tofield deems it appropriate to provide for property tax incentives for non-residential properties in the form of property tax exemptions to encourage development and redevelopment within the boundaries of the Town of Tofield;

NOW THEREFORE, the Council of the Town of Tofield, duly assembled, hereby enacts as follows:

1. Application

- 1.1. This Bylaw may be referred to as the "Non-Residential Tax Incentive Bylaw".
- 1.2. This Bylaw applies to the Development and Redevelopment of properties within the boundaries of the Town of Tofield.

2. Definitions

- 2.1. "Act" means the *Municipal Government Act* RSA 2000, c. M-26.1, as amended.
- 2.2. "Application" means an application for a Tax Incentive pursuant to this Bylaw in the form attached hereto as Schedule "A".
- 2.3. "Building" means a building, structure or other thing erected or placed in, on, over or under land.
- 2.4. "CAO" means the Chief Administrative Officer of the Town of Tofield.
- 2.5. "Completed" means the date of final inspection of the building permit for the Development or Redevelopment or the date of the annexation of lands to the Town on which is located a building or buildings pursuant to the provisions of the Act.
- 2.6. "Council" means the Municipal Council of the Town of Tofield.
- 2.7. "Development" means the construction of a new building or buildings.
- 2.8. "Increased Assessment" means the increase in assessment as determined in accordance with s. 3.2 of this Bylaw.

2.9. "Redevelopment" means improvements to or the alteration of an existing building or buildings or the addition of lands to the Town through annexation on which is located a building or buildings.

2.10. "Tax Incentive" means the cancellation of a portion of the municipal portion of taxes for a property pursuant to this Bylaw.

3. Criteria

3.1. In order to qualify for a Tax Incentive under this Bylaw:

3.1.1. The property must be located within the boundaries of the Town of Tofield when the Application is made;

3.1.2. Development or Redevelopment occurs on the property after the coming into effect of this Bylaw;

3.1.3. Development or Redevelopment complies with the requirements of the Town's Land Use Bylaw and any other applicable municipal bylaw or regulation, as amended from time to time, and

3.1.4. All outstanding property taxes (including amounts added to the tax roll pursuant to the *Municipal Government Act*) on the property have been paid in full and are not in arrears.

3.2. Eligibility for a Tax Incentive pursuant to this Bylaw shall be based on the increased assessment, not including changes in assessment due to market adjustment, determined as follows:

3.2.1. In the case of Development, based on the total assessed value of the new building(s), and;

3.2.2. In the case of Redevelopment, based on the total increase in the assessed value of the building(s) as a result of the Redevelopment; provided, however, that redevelopment shall not be eligible for consideration under this Bylaw unless the total increase in assessed value of the building(s) as a result of the Redevelopment is 40% or more.

3.3. The owner of a property within the Town on which Development or Redevelopment has occurred, shall be responsible for any costs associated with evidencing the total assessed value of new buildings or an increase in the total assessed value of the buildings as a result of redevelopment, including, but not limited to, any fee or charge to reconcile a change in assessment that is not the result of market adjustment.

3.4. A Tax Incentive granted pursuant to this Bylaw shall apply to the municipal portion of property taxes only and does not include school or other requisitions.

3.5. A Tax Incentive granted pursuant to this Bylaw shall be for a THREE (3) YEAR period, with a declining exemption, calculated as follows:

3.5.1. 75% exemption from taxation on the Increased Assessment in the year following the year in which the Development or Redevelopment is Completed ("Year One");

3.5.2. 50% exemption from taxation on the Increased Assessment in the year subsequent to Year One ("Year Two");

3.5.3. 25% exemption from taxation on the increased assessment in the year subsequent to Year Two ("Year Three"); and

3.5.4. 0% exemption from taxation in the years subsequent to Year Three.

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4. Procedures

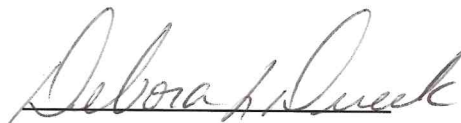
- 4.1. The owner of a property within the Town on which Development or Redevelopment has occurred may apply to the CAO for a Tax Incentive in accordance with the procedure established in this Bylaw.
- 4.2. An Application pursuant to this Bylaw must be received by October 1 in the year prior to the year in which the Tax Incentive is to commence (i.e. Year One).
- 4.3. An Application must be submitted in writing to the CAO in a form and with supporting documentation satisfactory to the CAO, and must be accompanied by a valid Development Permit issued by the Town for the Development or Redevelopment and proof of payment of all outstanding taxes for the property that is the subject of the Application.
- 4.4. The CAO shall refer all complete Applications to Council for a decision in accordance with s. 364.2(4) of the MGA.
- 4.5. All Applications are subject to approval by Council in its sole and unfettered discretion, which approval, if provided, shall be in the form of a Council resolution that specifies the taxation years to which the Tax Incentive applies and any condition the breach of which will result in cancellation of the Tax Incentive.
- 4.6. If at any time after a Tax Incentive is granted under this Bylaw the Town determines that the property did not qualify or has ceased to qualify for a Tax Incentive under this Bylaw, the Town may cancel the Tax Incentive for the taxation year or years in which the property did not qualify. Notwithstanding the foregoing, if the Town determines that the property has ceased to qualify under this Bylaw because property taxes are unpaid, the Tax Incentive is cancelled automatically.
- 4.7. If a Tax Incentive is granted under this Bylaw, the owner of the property shall advise subsequent owners of the Tax Incentive and subsequent owners shall be subject to this Bylaw with respect to the continuation of the Tax Incentive.
- 4.8. Any change in ownership of the property will not affect the Tax Incentive unless the new owner(s) falls within one or more of the terms of disqualification.
- 4.9. Where Council refuses to grant or cancels a Tax Incentive, the applicant will receive a notice in writing with reasons.

This bylaw shall come into effect on the date of third and final reading.

Read a first time in Council this 11th day of March, 2024.

Read a second time in Council this 11th day of March, 2024.

Read a third and final time in Council this 11th day of March , 2024.



MAYOR

For



CHIEF ADMINISTRATIVE OFFICER

OK

SCHEDULE "A"
TAX INCENTIVE FOR NON-RESIDENTIAL PROPERTIES
APPLICATION FORM

Applicant:	
Name	
Mailing Address	
Contact Number(s)	
Email	
Property:	
Roll Number	
Civic Address	
Legal Description	
Registered Owner(s)	
<p>Note – Proof of registered owners must be verified by supplying a current copy of title. If this is not provided the Town will pull a copy of the title and any fees related to this will be payable by the applicant.</p>	
<p>The initial tax year exemption is being applied for:</p>	
Assessment	
Current Assessment Year	
Current Assessment Value (Total)	
Current Improved Assessment Value (Bldgs)	
Reference Assessment Year	
<p>Reference year is the comparison year to show the assessed value of growth based on the development/redevelopment. This may be the previous year or earlier, based on length of development.</p>	
Previous Assessment Value (Total)	
Previous Improved Assessment Value (Bldgs)	
Improved Assessment Increase (from Prev. to Cur.)	
<p>Note – the Town will confirm Assessment values and percentage increases and may require confirmation from the Assessor the value increase based solely on development/redevelopment. Any fees to the Assessor for this assessment/adjustment is the responsibility of the applicant to pay.</p>	
Eligibility	
Current zoning of property	
Permit number(s) related to development/redevelopment	
Are all permits closed? (attach proof)	
Are Property Taxes fully paid? (attach proof)	
<p>Note – Proof of satisfactory completion of development/redevelopment must be provided (i.e. license to operate)</p>	
<p>Optional – Attach letter about property/business with reasoning as to why this property should be granted a tax incentive by the Town of Tofield (i.e. number of new jobs being created, spin off economic development or growth the development will bring to Town, etc.)</p>	
<p>Application Fee - \$____</p> <p>Refundable Deposit - \$____ (to cover 3rd party costs if applicable, such as land title fees)</p>	

DC