

THE CORPORATION OF THE TOWN OF PETROLIA

BY-LAW NUMBER 64 -2003

BEING A BY-LAW TO PROVIDE FOR TAX REFUNDS IN  
RESPECT OF ELIGIBLE HERITAGE PROPERTY.

WHEREAS the Council of the Corporation of the Town of Petrolia is empowered by Section 365.2 of the Municipal Act, 2001, S.O.2001, c25, as amended, to pass a by-law establishing a program to provide heritage tax refunds. In respect of eligible heritage properties;

NOW THEREFORE the Council of the Corporation of the Town of Petrolia Enacts As Follows:

1. In this By-law:
  - (a) "built heritage resource" 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 or people that have shaped the details of that history.
  - (b) "Town" means The Corporation of the Town of Petrolia,
  - (c) "Council" means the Council of The Corporation of the Town of Petrolia,
  - (d) "eligible heritage property" means a property or portion of a property,
    - i) that is located in the Town of Petrolia,
    - ii) that is designated under Part 1V of the Ontario Heritage Act or is part of a heritage conservation district under Part V of the Ontario Heritage Act, and
    - iii) An agreement with the Town respecting the preservation and maintenance of a built heritage resource on the property.
  - (e) "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 10% of the taxes for municipal, county and school purposes levied on the property that are attributable to,
    - i) the building or structure or portion of the building or structure that is the eligible heritage property; and
    - ii) the land used in connection with the eligible heritage property, as determined by the Town.
  - (f) "municipal" means the Town of Petrolia.
  - (g) "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.
  - (h) "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. The heritage tax refund program set out in this by-law is subject at all times to the availability of funding for the program. This by-law may be eliminated by Council through repeal of the by-law at any time with no notice whatsoever to affected persons.
3. This heritage tax refund program is subject to any regulations that the Minister of Finance may make governing by-laws on tax refunds and reductions for heritage properties.

4. (1) Subject to the conditions set out in this by-law, one heritage tax refund may be made annually for each maintenance agreement in respect of an eligible heritage property in the property tax class of residential/farm, industrial, commercial or multi-residential as defined by the Assessment Act, R.S.O. 1990, c.A.31 and Ontario Regulation 282/98 thereunder, as amended.  
(2) Subject to the conditions set out in this by-law, one heritage tax refund may be made annually to a maximum for all eligible properties of \$5,000.00.
5. Preservation and maintenance agreements are registered on one parcel of land, multiple refunds will not be provided in respect of the same heritage features.
6. 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 Town.
7. (1) The owner of an eligible heritage property must make application on the first business day of December and not later than the last day of December in 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.  
(2) Where funding is insufficient to give a heritage tax refund to each otherwise eligible applicant, applications will be considered in the order they are received. No priority will be given to applicants who have previously obtained a heritage tax refund.  
(3) An application for a heritage tax refund must be made for every year that an owner wishes a property to be considered for a heritage tax refund.  
(4) Upon application, the owner must consent to the Town conducting an inspection to ensure that the relevant maintenance and preservation agreement is being complied with.  
(5) No heritage tax refund will be given under this by-law where the Town determines that the maintenance and preservation agreement is not complied with to the satisfaction of the Heritage and LACAC Committee.  
(6) The Heritage Tax Refund will be a credit applied to the following year's property tax.
8. (1) Heritage tax refunds shall be calculated using the assessed value of the property for tax purposes.  
(2) 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.
9. (1) If the owner of an eligible heritage property demolishes the eligible heritage property or breaches the terms of the preservation and maintenance agreement, the Town 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) The Town 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.  
(3) Any amount repaid under this section will be shared by the Town, County and school boards that share in the revenue from taxes on the property, in the same proportion that they shared in the cost of the heritage tax refund(s) on the property.

10 (1) If tax arrears are attributable to a property, a heritage tax rebate will not be granted.

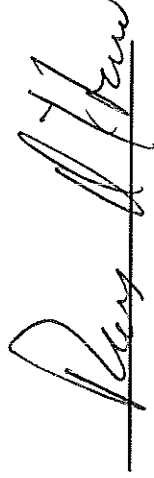
11. The Clerk is hereby directed to give notice, of this by-law to the Minister of Finance within 30 days of the date it is passed.

12. The Town Treasurer is hereby directed to inform the County of Lambton and School Board of the amount of taxes to be refunded in the form of a credit by the Town under this By-Law.

13. The Clerk is hereby directed to make this By-Law a part of the Town of Petrolia Municipal Code by adding it to the Concordance and arranging and numbering it so as to fit within the scheme of the Code.

14. This By-Law to come into force and effect on January 1<sup>st</sup>, 2004.

By-Law read a First, Second and Third Time and Finally passed  
this 8<sup>th</sup> day of September, 2003.



Mayor



Administrator-Clerk