

- (b) may only be adopted after notice of the proposed bylaw has been given in accordance with section 227 [*notice of permissive tax exemptions*],
 - (c) may only be adopted by an affirmative vote of at least 2/3 of all council members, and
 - (d) does not apply to taxation in a calendar year unless it comes into force on or before October 31 in the preceding year.
- (8) An exemption under this section ceases to apply to property, the use or ownership of which no longer conforms to the conditions necessary to qualify for exemption and, after this, the property is liable to taxation.

Revitalization tax exemptions

226 (1) In this section:

"exemption agreement" means an agreement under subsection (7);

"exemption certificate" means a revitalization tax exemption certificate issued under subsection (8);

"revitalization program bylaw" means a bylaw under subsection (4).

- (2) A council may, for the purpose of encouraging revitalization in the municipality, provide tax exemptions for land or improvements, or both, in accordance with this section.
- (3) For a revitalization tax exemption under this section to apply to a particular property,
- (a) the exemption must be in accordance with a revitalization program bylaw under subsection (4),
 - (b) an exemption agreement under subsection (7) must apply to the property, and
 - (c) an exemption certificate for the property must have been issued under subsection (8).
- (4) A revitalization tax exemption program must be established by a bylaw that includes the following:
- (a) a description of the reasons for and the objectives of the program;

- (b) a description of how the program is intended to accomplish the objectives;
- (c) a description of the kinds of property, or related activities or circumstances, that will be eligible for tax exemptions under the program;
- (d) the extent of the tax exemptions available;
- (e) the amounts of tax exemptions that may be provided under the bylaw, by specifying amounts or by establishing formulas by which the amounts are to be determined, or both;
- (f) the maximum term of a tax exemption that may be provided under the bylaw, which may not be longer than 10 years.

(5) A revitalization program bylaw

- (a) may include other provisions the council considers advisable respecting the program including, without limiting this,
 - (i) the requirements that must be met before an exemption certificate may be issued,
 - (ii) conditions that must be included in an exemption certificate, and
 - (iii) provision for a recapture amount that must be paid by the owner of the property to the municipality if the conditions specified in the exemption certificate are not met, and
- (b) may be different for
 - (i) different areas of the municipality,
 - (ii) different property classes under the *Assessment Act*,
 - (iii) different classes of land or improvements, or both, as established by the bylaw,
 - (iv) different activities and circumstances related to a property or its uses, as established by the bylaw, and
 - (v) different uses as established by zoning bylaw.

(6) A revitalization program bylaw may be adopted only after

- (a) notice of the proposed bylaw has been given in accordance with section 227 [*notice of permissive tax exemptions*], and
- (b) the council has considered the bylaw in conjunction with the objectives and policies set out under section 165 (3.1)
 - (c) [*use of permissive tax exemptions*] in its financial plan.

- (7) The council may enter into an agreement with the owner of a property respecting
- (a) the provision of a revitalization tax exemption under this section,
 - (b) any requirements that must be met before an exemption certificate is issued, and
 - (c) any conditions on which the tax exemption is to be provided.

(8) Once

- (a) all requirements established in the revitalization program bylaw, and
- (b) any additional requirements established in the exemption agreement

have been met, a revitalization tax exemption certificate must be issued for the property in accordance with the exemption agreement.

(9) An exemption certificate must specify the following in accordance with the revitalization program bylaw and the exemption agreement:

- (a) the extent of the tax exemption;
- (b) the amount of the tax exemption or the formula for determining the exemption;
- (c) the term of the tax exemption;
- (d) if applicable, the conditions on which the tax exemption is provided;
- (e) if applicable, that a recapture amount is payable if the exemption certificate is cancelled, and how that amount is to be determined.

(10) So long as an exemption certificate has not been cancelled, the land or improvements, or both, subject to the exemption certificate are exempt from taxation under section 197 (1) (a) [*municipal property taxes*] as provided in the exemption certificate.

(11) An exemption certificate may be cancelled by the council

- (a) on the request of the property owner, or
- (b) if any of the conditions specified in the exemption certificate are not met.

(12) An exemption certificate or cancellation does not apply to taxation in a calendar year unless the exemption certificate is issued or

cancelled, as applicable, on or before October 31 in the preceding year.

- (13) The designated municipal officer must
 - (a) provide a copy of an exemption certificate to the relevant assessor as soon as practicable after it is issued, and
 - (b) if applicable, notify that assessor as soon as practicable after an exemption certificate is cancelled.
- (14) The authority to provide a tax exemption under this section is not subject to section 25 (1) [*prohibition against assistance to business*].

Notice of permissive tax exemptions

- 227** (1) A council must give notice of a proposed bylaw under this Division in accordance with section 94 [*public notice*].
- (2) Subject to subsection (3), the notice under subsection (1) must
 - (a) identify the property that would be subject to the bylaw,
 - (b) describe the proposed exemption,
 - (c) state the number of years that the exemption may be provided, and
 - (d) provide an estimate of the amount of taxes that would be imposed on the property if it were not exempt, for the year in which the proposed bylaw is to take effect and the following 2 years.
 - (3) In the case of a bylaw under section 226 (4) [*revitalization program bylaw*], the notice under subsection (1) of this section must include a general description of each of the following:
 - (a) the reasons for and the objectives of the program;
 - (b) how the proposed program is intended to accomplish the objectives;
 - (c) the kinds of property, or related activities or circumstances, that will be eligible for a tax exemption under the program;
 - (d) the extent, amounts and maximum terms of the tax exemptions that may be provided under the program.

Division 8 – Tax Liability of Occupiers