

## **PROPERTY TAX REBATES FOR VACANT COMMERCIAL AND INDUSTRIAL BUILDINGS**

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Commencing January 1<sup>st</sup>, 2001 property tax relief for vacant commercial and industrial buildings will be provided to property owners through rebates issued by the Town. The governing section is 364 of the Municipal Act 2001.

### **PROPERTY THAT IS ELIGIBLE FOR A REBATE**

#### Buildings that are Entirely Vacant

A whole commercial or industrial building will be eligible for a rebate if the entire building was unused for at least 90 consecutive days.

#### Buildings that are Partially Vacant

A suite or unit within a commercial building will be eligible for a rebate if, for at least 90 consecutive days, it was:

- unused; and
- clearly delineated or physically separated from the used portions of the building; and
- either –capable of being leased for immediate occupation, or  
–not capable of being leased for immediate occupation because it was undergoing or in need of repairs or renovations or was unfit for occupation

A portion of an industrial building will be eligible for a rebate if, for at least 90 consecutive days, it was:

- unused; and
- clearly delineated or physically separated from the used portions of the building.

#### Exclusions

**Seasonal Property:** Businesses that operate on a seasonal basis are not eligible for a rebate for the seasons they are closed.

**Leased Property:** Buildings or portions of buildings that are vacant but are leased to a tenant are not eligible for a rebate.

**Vacant Land Sub-Class:** Buildings that are included in a vacant land sub-class (e.g. new buildings that have never been occupied) are not eligible for a rebate.

## **APPLICATIONS – CONTENTS AND PROCEDURES**

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Property owners (or their authorized representatives) must submit an application to the Town in order to receive a rebate. Application forms may be obtained from the Town.

### **Deadline for Submitting Applications**

The deadline to submit applications for a tax year is February 28 of the following year.

### **Number of Applications**

Property owners may submit a maximum of two applications per property tax year. Specifically, they may submit either:

- one application in respect of all vacancies that occurred on a property during the entire tax year;
- or
- one application in respect of the vacancies that occurred during the first six months of the year and a second application for vacancies that occurred during the last six months of the year.

### **Contents of Applications**

At a minimum, rebate applications must contain the following information:

- name of property owner
- municipal address of property
- roll number of property
- dates of vacancy
- description of vacant portion of property (description of location within building)
- size of vacant area in square feet

The Town or MPAC may contact an applicant to request further information to assist in verifying eligibility or identifying the vacant area

## Further Requirements

The Town will require in addition to the foregoing the following:

- ✓ Proof that the property is rentable. What would suffice as evidence is a letter from a realtor who listed the property for rent or copy of newspaper advertisement where the property was listed for rent.
- ✓ What rent is being requested? We must determine that the rent being requested is appropriate.
- ✓ Copy of former lease agreement.
- ✓ Is there a sub-lease pending?
- ✓ Photograph of building, and specifically vacant area. All photographs must be dated. We will be undertaking a site inspection and must verify vacancy via interviews of adjacent owners and/or tenants.

## Processing Applications

Applications will be processed through the following steps:

1. Property owner or authorized representative submits an application to the Town.
2. Town forwards a copy of the application to MPAC.
3. MPAC determines the assessed value that is attributable to the vacant area.
4. MPAC notifies the Town of the value of the eligible vacant property.
5. Town calculates rebate and notifies property owner. Rebates may be issued as a credit against an outstanding tax liability or through direct payment to the property owner

## **PENALTIES**

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A person who knowingly makes a false or deceptive statement in an application for a rebate is liable, upon conviction, to a fine of double the amount of the rebate that the person sought to obtain through their false or deceptive statement.

For the purpose of verifying a vacancy rebate application, municipalities have been given similar rights as assessors to request information and obtain access to premises. A fine of \$100 per day may be imposed upon a property owner for failure to comply with a municipality request for information.

## **APPEALS**

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Property owners who disagree with the amount of the rebate that is calculated by the Town can appeal to the Assessment Review Board (ARB) within 120 days after receiving notification of the rebate amount from the Town.

As well if a municipality fails to process a rebate application within 120 days after the deadline for submitting applications (or within 120 days after the owner has provided all of the information required in support of the application, whichever date is later), the owner may appeal to the ARB to ask the Board to determine the amount of their rebate entitlement.

Appeals to the ARB must be submitted in writing and must be accompanied by the appropriate fee.

Details about appeal forms and filing fees can be obtained from the ARB at:

Assessment Review Board  
250 Yonge Street, 29<sup>th</sup> Floor  
Toronto, ON M5B 2L7

Phone: 1-800-263-3237 or (416) 314-6900  
Fax: (416) 314-3717  
Web Site: <http://www.arb.gov.on.ca>