



The Municipal Corporation of the Town of Fort Erie

By-law No. 49-2022

Being a By-law to Exempt Lands from Taxes Levied for Municipal and School Purposes (0 Erie Road)

Whereas at the Regular Council meeting held on November 22, 2021, the Municipal Council of the Town of Fort Erie considered and approved Report No. PDS-100-2021 authorizing the entry into a Lease and Municipal Capital Facility Agreement with the Crystal Beach Hill Cottagers' Organization for the lands located at 0-15651 and 0-15652 Erie Road (the "premises") and the exemption of the premises from municipal and school taxes; and

Whereas the premises will be used as a municipal capital facility for the purpose of the municipality and for public use pursuant to subsection 110(6) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended (the "Act"); and

Whereas subsection 110(6) of the Act permits the council of a municipality to exempt land or a portion of it on which municipal capital facilities are or will be located and that is the subject of an agreement for the provision of municipal capital facilities, from taxes levied for municipal and school purposes; and

Whereas pursuant to subsection 110(6) of the Act and subsection 2(1), paragraph 16 and subsection 2(1), paragraph 17 of Ontario Regulation 603/06, municipal facilities used for cultural, recreational or tourist purposes of the municipality and municipal general parking facilities and facilities ancillary to facilities described in subsection 2(1), paragraph 16, are eligible municipal capital facilities for the purpose of a tax exemption under subsection 110(6) of the Act; and

Whereas it is deemed desirable to exempt the premises from taxes levied for municipal and school purposes;

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** the lands municipally described as 0-15651 and 0-15652 Erie Road, which are the subject of and identified in, a Lease and Municipal Capital Facility Agreement with the Crystal Beach Hill Cottagers' Organization for the purpose of a municipal capital facility, shall be exempt from taxes levied for municipal and school purposes.
2. **That** this by-law shall be effective as at the date of commencement of the Lease and Municipal Capital Facility Agreement between The Corporation of the Town of Fort Erie and

the Crystal Beach Hill Cottagers' Organization, and continuing thereafter until such time as the Lease and Municipal Capital Facility Agreement has expired or has been terminated.

3. **That** this exemption shall not apply to any portion of the land or any portion of any building(s) or structure(s) that are not entirely occupied or intended for the use for a service or function that may be provided by the municipality.
4. **That** pursuant to subsection 110(17) of the Act, section 357 of the Act applies with necessary modifications to allow for a cancellation, reduction or refund of taxes that are no longer payable as a result of this by-law.
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 9th day of May, 2022.

Mayor

Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 49-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20