

TOWNSHIP OF WEST LINCOLN

By-law No. *

Being a by-law to cancel a portion of Township taxes and Regional taxes for vacant lands formerly used as the Dunnville Branch of the Toronto, Hamilton and Buffalo Railway, for a railway line bounded by St. Catharines Street, Dennis Drive and Twenty Mile Creek.

WHEREAS the Council of the Township of West Lincoln, on July 18, 2011, by By-law No. 2011-62, designated an area as a Brownfield Community Improvement Project Area, and on the same date, by By-law No. 2011-63, has adopted a Brownfield Community Improvement Plan (CIP), which CIP project area includes the property described herein, and which includes, in Section 7.4, a program referred to as the Brownfield Property Tax Assistance Program that incorporates provisions of Section 365.1 of the *Municipal Act*, S.O. 2001, c. 25, as amended, hereinafter referred to as the “*Municipal Act*”;

AND WHEREAS subsection 365.1(2) provides, in part, that a local municipality may pass by-laws providing for the cancellation of all or a portion of the taxes for municipal and school purposes levied during the assistance period on one or more specified eligible properties, on such conditions as the municipality may determine;

AND WHEREAS DeHaan Homes Inc. (hereinafter the “Owner”) is the registered owner of property described herein and has applied to the Township for tax assistance in accordance with the Brownfield Community Improvement Plan and Section 365.1 of the *Municipal Act*;

AND WHEREAS the said property meets the definition of an Eligible Property, the Owner having conducted a Phase II Environmental Site Assessment which identifies that the property does not presently meet the criteria outlined in Section 168.4 of the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended, hereinafter (the “*Environmental Protection Act*”), and is required to obtain a Record of Site Condition;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF WEST LINCOLN, pursuant to Section 28 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended and Section 365.1 of the *Municipal Act* enacts as follows:

1. For the purposes of this By-law, words and expressions shall be deemed to be defined in accordance with those definitions provided in Section 365.1 of the *Municipal Act*, the applicable regulations thereto, and the Brownfield Community Improvement Plan.
2. The Township shall provide Tax Assistance for the Eligible Property described in Schedule “A” attached hereto, subject to the provisions of this By-law, and subject to confirmation that the Owner has paid all property taxes owing with respect to the Eligible Property for all years prior to the commencement of the Tax Assistance and confirmation that the Owner has complied with the provisions of the Brownfield Tax Assistance/Rehabilitation Grant Agreement.

3. The Tax Assistance shall commence as of the date this By-law is passed and shall be effective only for the duration of the Rehabilitation Period and/or Development Period to a maximum of three (3) years and shall be subject at all times to compliance with the Brownfield Tax Assistance/Rehabilitation Grant Agreement.
4. In order to obtain the Tax Assistance, the Owner shall be required to enter into the Brownfield Tax Assistance/Rehabilitation Grant Agreement on terms and conditions satisfactory to the Township and its Solicitors and the Township is hereby authorized to enter into said Agreement which shall provide generally:
 - (a) That the Township's portion of the Tax Assistance will be calculated in accordance with the Brownfield Tax Assistance Program requirements implemented through the CIP referenced in this By-law and is equal to the cancellation of the Township property taxes on the Eligible Property during the Rehabilitation Period and/or Development Period for a maximum of three (3) years, and that the Region's portion of the Tax Assistance will be calculated in accordance with the Brownfield Tax Assistance Program requirements implemented through the CIP referenced in this By-law and is equal to the cancellation of the Regional property taxes on the Eligible Property, subject to the approval of the Regional Council, during the Rehabilitation Period and/or Development Period for a maximum of three (3) years. The Tax Assistance shall be based on the Municipal Tax roll as returned in any given year and any revision shall not require an amendment to this By-law;
 - (b) Where Tax Assistance is provided for a portion of any year, or where Tax Assistance represents only a portion of the taxes levied on the Eligible Property, the Owner shall be responsible for all property taxes levied during the period of the year when Tax Assistance is not provided, and for all taxes not subject to Tax Assistance.
 - (c) The Treasurer shall be authorized to alter the Municipal Tax roll in accordance with the Tax Assistance to be provided for the Eligible Property;
 - (d) The Owner shall file a Record of Site Condition with respect to the Eligible Property in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*.
5. The Owner acknowledges the following:
 - (a) All Tax Assistance for the Eligible Property will not be provided if the Owner has not paid all of the taxes on the Eligible Property for previous years (subject to any specific exceptions provided for in this By-law or in an Agreement under this By-law); or if the Owner has not complied with the terms and conditions of the Brownfield Tax Assistance Program Agreement;

- (b) In cases where the Owner defaults on this By-law or the Brownfield Tax Assistance Program Agreement, the Owner shall be required to pay to the Township and to the Region an amount equal to the total amount of the Tax Assistance provided to date, plus interest.
6. Tax Assistance shall cease for the Eligible Property on the earlier of:
- (a) When the total Tax Assistance provided hereunder equals the total Eligible Costs that have been approved by the Township;
 - (b) Sale or conveyance of all or part of the Eligible Property;
 - (c) The date of registration of the final plan of condominium/subdivision; or
 - (d) Three (3) years from the date this Tax Assistance By-law is passed.
7. The Owner shall be required to give notice to the Township of the filing of a Record of Site Condition. The Owner shall be required to report and provide additional information pursuant to the provisions of the Brownfield Tax Assistance Program Agreement.
8. In the event that the Tax Assistance provided pursuant to this By-law exceeds the actual Eligible Costs for the Eligible Property, the amount of Tax Assistance which exceeds the Eligible Costs shall be paid by the Owner as property taxes.
9. This By-law shall come into force and take effect on its passing.
10. The Mayor and the Clerk are hereby authorized to sign the Brownfield Tax Assistance Program Agreement and the Clerk is further authorized to affix the corporate seal thereto.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS * DAY OF *, 2022.

MAYOR

CLERK

SCHEDULE "A"

Legal Description for the Eligible Property to be supplied by the Applicant upon finalization of the Legal Description.

