

**Subject: Bylaw No. 13/012 Establishment of Residential Sub-Classes****APPROVALS:**

Brian Moore, Director  
Elsie Hutton, Executive Director  
Glen Laubenstein, Chief Administrative Officer

**Administrative Recommendation:**

That Bylaw No. 13/012, being a Bylaw to establish sub-classes for Residential Property, be read a first time.

**Summary:**

The proposed bylaw will allow for the division of the Residential class of property, identified in the Municipal Government Act as Class 1, into a “Residential” sub-class and an “Other Residential” sub-class. The sub-classification of these properties has allowed for the application of a differing tax rate for the sub-classes. The authority to pass a bylaw for property assessment is vested with Council under the Municipal Government Act.

**Background:**

Bylaw No. 96/029, which establishes residential sub-classes, has been challenged through the assessment appeal process. The Tribunals and Courts have reviewed the wording of Bylaw No. 96/029 and found it to be ambiguous

A challenge in the 2011 taxation year regarding the classification of condominium units as Other Residential while 95% or more of the units in the development were held by a single entity identified the need to revise the Bylaw. The Review Board and ultimately the Court of Queen’s Bench upheld the Municipality’s position on the interpretation of the current Bylaw but both commented on the deficiencies that exist in the current wording.

**Budget/Financial Implications:**

The adoption of Bylaw No. 13/012 will minimize financial risk through appeals related to properties registered as condominiums but used in a rental multi-residential capacity.

**Rationale for Recommendation:**

Administration supports the proposed bylaw as it will reduce fiscal risk through assessment appeals and provide clarity for the public as to Council’s intent to have an equitable tax rate applied to all property used in a rental multi-residential capacity as defined as “Other Residential” in the Bylaw.

**Attachments:**

1. Bylaw No. 13/012
2. Bylaw No. 96/029

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Department: Assessment & Taxation

