



## Town of Pincher Creek

### Tax Exemption Bylaw No. 1629-22

#### A BYLAW OF THE TOWN OF PINCHER CREEK IN THE PROVINCE OF ALBERTA, TO ESTABLISH TAX EXEMPTION FOR BUSINESS DEVELOPMENT

WHEREAS the Town of Pincher Creek acknowledges the importance of business development in the Town for the general benefit of the Town, including goods, services, employment and taxes;

AND WHEREAS the Town wishes to facilitate growth of existing businesses and also attract new business construction to support the growth and prosperity of the Town;

AND WHEREAS pursuant to Section 364.2 of the *Municipal Government Act*, RSA 2000, c M-26, Council may pass a tax exemption bylaw to encourage development and revitalization of non-residential properties for the general benefit of the Town;

AND WHEREAS the Town of Pincher Creek is responsible for carrying out measures that will develop and maintain a viable community pursuant to Section 3(c) of the *Municipal Government Act*, which includes measures to improve the long-term economic outlook for the Town;

NOW THEREFORE, the Council of the Town of Pincher Creek, in the Province of Alberta, enacts as follows:

#### 1. Short Title

1.1 This Bylaw may be referred to as the "Tax Exemption Bylaw".

#### 2. Definitions

2.1 In this Bylaw, unless the context otherwise requires:

- a) "Act" means the *Municipal Government Act*, RSA 2000, c M-26, as amended from time to time;
- b) "Administration" means the administrative and operational arm of the Town comprised of the various departments and business units and including all employees who operate under the leadership and supervision of the CAO;
- c) "Agent" means a person or organization appointed to represent the applicant
- d) "Applicant" means a person who applies for an Exemption;
- e) "Assessed Person" means an assessed person as that term is defined under Section 284(1) of the Act;
- f) "Business" means commerce for purposes of the production, storage, buying or selling of goods and services;
- g) "Chief Administrative Officer" or "CAO" means the chief administrative officer as appointed by Council, including the CAO's delegate;



- h) ) "Complete Application" means an application submitted pursuant to this Tax Exemption Bylaw that includes the Application Fee (if any) and the application requirements for non-residential tax exemption and the application form for non-residential tax exemption as set out in Appendices "A" and "B"
- i) "Council" means all the Councillors of the Town including the Chief Elected Official for the Town;
- j) "Exemption" means an exemption from taxation for Non-residential Property as provided for in Part 10, Division 2 of the Act. For purposes of clarity, the exemption from taxation applies only to taxes imposed by the Town under Part 10, Division 2 of the Act and not Provincial requisitions including Education and Pincher Creek Foundation;
- k) "Expansion" means development that adds to an existing Structure to increase the Structure's physical space for purposes of facilitating the Business within that Structure, or to replace an existing Structure for purposes of facilitating the Business within that Structure;
- l) "New Construction" means the construction of a new Structure for the purpose of establishing a Business within that Structure;
- m) "Non-residential Property" means non-residential as defined in the Act section 297 (4) (b) in respect of property;
- n) "Qualifying Property" means a Structure that is the subject of the New Construction or an Expansion;
- o) "Structure" means a structure as that term is defined in s 284(1)(u) of the Act that is Non-residential Property;
- p) "Tax Exemption Agreement" means a written agreement setting out the terms and conditions for an Exemption for the Qualifying Property; and
- q) "Town" means the Town of Pincher Creek in the Province of Alberta.

### 3. Purpose

- 3.1 The purpose of this Tax Exemption Bylaw is to allow for Tax Exemptions under Part 10, Division 2 of the Act for Qualifying Properties in the Town that meet the requirements of this Bylaw.3.2

### 4. Scope

- 4.1 This tax exemption applies to the improvement portion of the property tax. For greater clarity, the Applicant will continue to receive a tax notice for the land portion of their assessed property.
- 4.2 The Applicant will continue to receive a tax notice for any Provincial Requisitions, such as Education, Senior's Housing and requisitions from any other Agencies, Boards, Commissions and Foundations.
- 4.3 The Applicant will continue to receive a tax notice for any Local Improvements.



## 5. Criteria for an Exemption

5.1 In order to apply for an Exemption under this bylaw , an Applicant must meet the following criteria:

- 5.1.1 the Applicant must be the Assessed Person for the Qualifying Property that is the subject of the application;
- 5.1.2 the applicant may apply for an exemption for structural improvements to a property on behalf of a tenant of the property;
- 5.1.3 the Applicant must have no outstanding monies owing to the Town.

5.2 In order to qualify for an Exemption, the Qualifying Property must meet the following criteria:

- 5.2.1 The Applicant must submit a Complete Application in accordance with the terms of this Bylaw.
- 5.2.2 the Qualifying Property must be located within the geographical boundaries of the Town;
- 5.2.3 the Development of the Qualifying Property must qualify as New Construction or an Expansion or a structural improvement;
- 5.2.4 All required Town Development approvals with respect to the development of the Qualifying Property must have been issued;
- 5.2.5 Eligibility for a Tax Exemption pursuant to this Bylaw requires the following criteria:
  - 5.2.5.1 Notarized statement from a third-party construction firm indicating that the costs presented by the applicant are true, and that all costs submitted are those only for constructing or expanding or improving the structure of the building.
  - 5.2.5.2 In the case where a property owner elects to use their own labour, then a letter from a third-party accounting firm is required verifying the costs submitted and ensuring that all costs are true, and those that are submitted are only those for constructing or expanding or improving the building.
  - 5.2.5.3 A building/ development permit has been obtained and executed by the Town of Pincher Creek, if required.
  - 5.2.5.4 All construction inspections are completed and a permit for occupancy has been granted by the Town, if required.
  - 5.2.5.5 A minimum of \$25,000 invested in new construction or expansion or structural improvement
- 5.2.6 The Applicant must submit a Complete Application in accordance with the terms of this Bylaw.
- 5.2.7 With respect to a Qualifying Property, only one agreement with a three- year period is allowed.



## 6. Application for an Exemption

- 6.1 Applicants must submit a Complete Application to the CAO. The CAO shall respond to the application within 60 working days from the time of submission.
- 6.2 Applications may be submitted at any time and, if approved, the tax exemption applies for 3 (three) years beginning the year following the year of approval.
- 6.3 Notwithstanding the Complete Application requirements set out in this Bylaw, the CAO may require any additional information that, in the discretion of the CAO, is necessary to complete the application.
- 6.4 The CAO will advise Applicants in writing if their application is accepted for consideration. Applications accepted for consideration shall become the property of the Town and may not be returned.
- 6.5 The CAO has the discretion to reject applications that are incomplete and will provide a written description of the reasons for rejection within 60 business days of the application.
- 6.6 Applicants whose applications are returned as incomplete may resubmit an application at any time.
- 6.7 The CAO will advise Applicants within 60 business days in writing with reasons if their application is rejected.

## 7. Consideration of Applications

- 7.1 The CAO shall review the Complete Application to determine if it meets the criteria and requirements for an Exemption and provide a written report with recommendations to Council within 60 business days of the application.
- 7.2 Council shall review the complete application and the CAO report and may:
  - 7.2.1 pass a resolution directing the CAO to enter into a Tax Exemption Agreement; or
  - 7.2.2 pass a resolution refusing the complete application.
- 7.3 A resolution directing the CAO to enter into a Tax Exemption Agreement must include:
  - 7.3.1 the 3 (three) years to which the Exemption applies; and
  - 7.3.2 the dollar value of the Exemption for the Qualifying Property for each of the fiscal tax years affected whether based upon the costs of New Construction or the costs of an Expansion or improvements.
- 7.4 The CAO shall provide written notice of a refusal by Council to an Applicant within 14 business days which must include the resolution passed under section 7.2.



## 8. Tax Exemption Agreement

- 8.1 Where Council has passed a resolution approving an Exemption, The CAO shall draft a Tax Exemption Agreement in accordance with the resolution of Council.
- 8.2 A Tax Exemption Agreement must outline:
- 8.2.1 the taxation years to which the Exemption applies, which must not include any taxation year earlier than the taxation year in which the Exemption is granted;
  - 8.2.2 the amount of the Exemption for each taxation year to which the Exemption applies;
  - 8.2.3 a deadline for submission of proof that the Qualifying Property has been approved for occupancy, if required;
- 8.3 In the event of a cancellation pursuant to section 9.1 of this Bylaw, any monies owed to the Town shall be immediately paid by the Applicant; and
- 8.4 Any other conditions the CAO deems necessary and the taxation year(s) to which the condition applies.
- 8.5 A Tax Exemption Agreement shall be honored notwithstanding this bylaw being amended or repealed subsequent to entering into such agreement.
- 8.6 Notwithstanding that the market value of a property could increase, decrease or remain the same, no applicant will be allowed to use the municipal exemption tax rebate to reduce the tax notice to below zero.
- 8.7 Annual Taxation must be paid when due.
- 8.8 Sale of the Property - If the property is sold during the three years of the agreement, the agreement will be considered terminated and no further tax exemption will apply.

## 9. Cancellation of Tax Exemption Agreements

- 9.1 If at any time after an Exemption is granted, The CAO determines that the Applicant or their application:
- 9.1.1 did not meet, or ceased to meet, any of the material applicable criteria in Section 5 which formed the basis of granting the Exemption;
  - 9.1.2 Tax arrears are owing with respect to the Qualifying Property; or
  - 9.1.3 that there was a breach of any material condition of the Tax Exemption Agreement; then
- The CAO shall make a recommendation to Council and Council may, by resolution, cancel the Tax Exemption Agreement. .
- 9.2 A resolution passed by Council pursuant to section 9.1 must include reasons and identify the taxation year or years to which the cancellation applies.
- 9.3 The CAO shall provide written notice of a cancellation to an Applicant which must include the resolution passed under section 9.1.



**10. Review of Decision**

- 10.1 Where an application has been rejected by the CAO on the basis that it is incomplete, Applicants may resubmit to the CAO a revised application at any time;
- 10.2 Applicants may apply to Council within 30 business days of receiving a notice of cancellation to review the cancellation and Council may uphold or revoke the cancellation.
- 10.3 Applications for judicial review of a decision pursuant to this Tax Exemption Bylaw must be filed with the Court of Queen's Bench and served not more than sixty (60) days after the date the decisions is received by the Applicant.

**11. Review of Bylaw**

- 11.1 This bylaw shall be reviewed by Council in a public Council meeting at least every second year from the date of passing of the bylaw for the purpose of assessing whether to amend or repeal the bylaw.

**12. Severability**

- 12.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of this Bylaw is deemed valid.

**13. Effective Date**

- 13.1 This Bylaw shall come into force and take effect when it is approved after third reading.

READ a First time this 24th day of May, 2022.

  
 \_\_\_\_\_  
 Don Anderberg, MAYOR

  
 \_\_\_\_\_  
 Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

READ a Second time this 13<sup>th</sup> day June, 2022.

  
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 Don Anderberg, MAYOR

  
 \_\_\_\_\_  
 Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER



READ a Third time this 27<sup>th</sup> day of June, 2022.

A handwritten signature in blue ink, appearing to be "D. Anderberg", written above a horizontal line.

Don Anderberg, MAYOR

A handwritten signature in blue ink, appearing to be "L. Wilgosh", written above a horizontal line.

Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER

SIGNED AND PASSED this 27th day of June, 2022.

A handwritten signature in blue ink, appearing to be "D. Anderberg", written above a horizontal line.

Don Anderberg, MAYOR

A handwritten signature in blue ink, appearing to be "L. Wilgosh", written above a horizontal line.

Laurie Wilgosh, CHIEF ADMINISTRATIVE OFFICER



**Appendix "A"**  
**Application Requirements for**  
**Tax Exemption**  
**Bylaw No. 1629-22**

1. All applications for an Exemption under the Tax Exemption Bylaw must include the following information:
  - a) a signed and dated application form:
  - b) if the Applicant is not an individual, an agent authorization form or directors' resolution:
  - c) if the Applicant is a corporation, a corporate registry record of the Applicant dated within 60 days of the date of the application:
  - d) a land titles certificate for the lands on which the Qualifying Property is located dated within 60 days of the date of the application:
  - e) copies of all building/development permits issued with respect to the development of the Qualifying Property:
  - f) a description of the Business conducted or to be conducted in the Qualifying Property:
  - g) an indication of whether the development is New Construction or an Expansion or an improvement:
  - h) an estimate of when the Qualifying Property will be approved for occupancy after completion of the New Construction or Expansion, if required:
  - i) an explanation of how the application meets the criteria for an Exemption; and
2. With regards to Expansions the following additional information:
  - i. photographs of the Qualifying Property before the Expansion; and
  - ii. a notarized statement from a third-party construction firm indicating that the costs presented by the applicant are true, and that all costs submitted are those only for constructing or expanding the structure of the building
  - iii. a financial summary and copies of receipts or paid invoices in relation to the development showing the location of the Expansion.
3. Applicants may provide any other material, including additional print, visual or audio-visual material, which the Applicant believes will support their application.

**All Qualifying Properties will be subject to inspection by Town staff to ensure the validity of the application.**





**Appendix "B"**  
**Application Form for**  
**Tax Exemption**  
***Pursuant to the Tax Exemption Bylaw No. 1629-22***

**Business Information**

Business Name: \_\_\_\_\_

Registered Corporate name, if different: \_\_\_\_\_

Legal Address of Qualified Property: \_\_\_\_\_

\_\_\_\_\_

Mailing Address of Qualified Property: \_\_\_\_\_

\_\_\_\_\_

**Personal Information**

Name of applicant or agent: \_\_\_\_\_

Mailing Address for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Email Address for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Telephone number for applicant or agent: \_\_\_\_\_

\_\_\_\_\_

Personal information required by Town of Pincher Creek application forms is collected under authority of sections 33(a) and (c) of the Alberta Freedom of Information and Protection of Privacy (FOIP) Act. Your personal information will be used to process your application(s). Please be advised that your name, address and details related to your application may be included on reports that are available to the public as required or allowed by legislation. If you have any questions, please contact the Town's FOIP Head at 403-627-3156 or email [reception@pinchercreek.ca](mailto:reception@pinchercreek.ca)



Provide, or append, a brief description of the Business:

The Applicant is applying for a three-year (36 month) tax exemption for: (choose applicable)

- New Construction
- Expansion

Describe, or append, an explanation of why you are seeking an Exemption and how you meet the criteria for one of the tax exemption programs listed above:

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What date is the subject property expected to be approved for occupancy:

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Indicate if the application includes the following:

- |   |   |
|---|---|
| <input type="checkbox"/> Building/Development Permits (required)                        | <input type="checkbox"/> Land Titles Certificate (required) |
| <input type="checkbox"/> Tax Assessment Notices (required)                              | <input type="checkbox"/> Notarized cost statement           |
| <input type="checkbox"/> Agent Authorization Form/Directors' Resolution (if applicable) | <input type="checkbox"/> Photos (if applicable)             |
| <input type="checkbox"/> Financial Summary and Receipts/Invoices (if applicable)        | <input type="checkbox"/> Other materials (optional)         |
| <input type="checkbox"/> Corporate Registry Record (if applicable)                      |   |

\_\_\_\_\_  
Date of the Application

\_\_\_\_\_  
Signature of Applicant (or Applicant's Agent)

\_\_\_\_\_  
Print Name of Applicant (or Applicant's Agent)

**FOR OFFICE USE ONLY**

\_\_\_\_\_  
DATE APPLICATION WAS RECEIVED

\_\_\_\_\_  
NAME OF RECIPIENT