

BYLAW NO. 1556-23

OF THE

TOWN OF BONNYVILLE

IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF BONNYVILLE IN THE PROVINCE OF ALBERTA, CANADA, FOR THE PURPOSE OF PROVIDING A MUNICIPAL TAX EXEMPTION FOR NON-RESIDENTIAL DEVELOPMENT OR EXPANSIONS.

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, permits municipalities to offer multi-year tax exemptions, partial exemptions, or deferrals, in accordance with section 364.2 of the *Municipal Government Act*, for non-residential properties in order to attract investment, development and substantial redevelopment and expansion of existing non-residential development and machinery and equipment;

AND WHEREAS the Town of Bonnyville seeks to provide an incentive to grow its property tax base and provide increased employment opportunities for Town residents by attracting investment. The intent of this Bylaw is to provide a municipal tax incentive to attract large commercial and industrial investors and promote expansion by existing investors through providing an exemption to a portion of the municipal property taxes attributable to the differential between the pre-construction assessment and the post-construction assessment for eligible property.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF BONNYVILLE IN THE PROVINCE OF ALBERTA DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited as the “**Non-Residential Tax Incentive**” Bylaw.

2. PURPOSE

The purpose of this Bylaw is to:

- a) Encourage the development or revitalization of Non-residential properties and Machinery and Equipment in the Town of Bonnyville for the general benefit of the municipality;
- b) Establish tax exemptions for Eligible Property in accordance with section 364.2 of the *Municipal Government Act* when there is a New Development or a Renovated Development that meets the criteria and requirements of this Bylaw;
- c) Provide a process for an application for a tax exemption under this Bylaw; and

- d) Provide a process for review by Council of the refusal or cancellation of a tax exemption under this Bylaw.

3. **DEFINITIONS**

When used in this Bylaw:

- a) “*Act*” means the *Municipal Government Act*, RSA 2000, M-26, as amended or repealed and replaced from time to time;
- b) “*Appeal Fee*” means the fee established by this Bylaw to be paid at the time an appeal application is submitted pursuant to this Bylaw;
- c) “*Application Fee*” means the fee established by this Bylaw to be paid at the time an application is submitted pursuant to this Bylaw;
- d) “*Arrears taxes*” shall mean taxes remaining unpaid after December 31 of the year in which they are levied;
- e) “*Assessed Person*” means an assessed person as defined under section 284(1) of the Act, or an authorized agent for the Assessed Person;
- f) “*Assessment*” means a value of property as defined under section 284(1) of the Act;
- g) “*Assessor*” has the meaning given to it in section 284(1) of the Act;
- h) “*Base Assessment Year*” shall mean the assessment year immediately prior to the assessment year that has an increase in Improvement Assessment as a result of New Development or Renovated Development and in which the increase is used within the net calculation of Improvement Assessment of the subject property to qualify for an Exemption under this Bylaw. The Base Assessment Year shall not be prior to the 2022 assessment year;
- i) “*Chief Administrative Officer (CAO)*” means the Chief Administrative Officer of the Town, or delegate;
- j) “*Complete Application*” means an application submitted pursuant to this Bylaw that includes the Application Form, any information and documents set out on the application form and any additional application requirements for the tax incentives under this Bylaw;
- k) “*Council*” means the elected officials as a whole who comprise the municipal Council for the Town of Bonnyville;
- l) “*Current Taxes*” shall mean property taxes levied for the current tax year;
- m) “*Decision*” means the decision to grant an Exemption, to reject an Exemption application, or to cancel an Exemption;

- n) *"Eligible Property"* shall mean property within Assessment Class 2 – Non-residential and Assessment Class 4 – Machinery and Equipment as defined in the Act that meet the criteria set out in section 4 of this Bylaw. This Bylaw specifically excludes Linear Property from Eligible Property;
- o) *"Exemption"* means the portion of municipal taxes for Eligible Property that has been determined to be exempt and subject to a refund, in accordance with this Bylaw, and which are computed separately under this Bylaw;
- p) *"Improvement(s)"* has the meaning given to it in section 284(1) of the Act;
- q) *"Improvement Assessment"* means the change in an Assessment attributable solely to an Improvement or Improvements on a property;
- r) *"Linear Property"* has the meaning given to it in section 284(1) of the Act;
- s) *"Machinery and Equipment (M&E)"* has the meaning given to it in Section 297(1)(d) of the Act and associated regulations(s) i.e. (Matters Relating to Assessment and Taxation Regulation, as amended from time to time);
- t) *"New Development"* shall mean new Improvements on an Eligible Property that increases the Improvement Assessment of that property;
- u) *"Non-Residential"* means the type of property falling within the assessment class specified in section 297(1)(b) of the Act. This Bylaw specifically excludes the land assessment and Linear property as defined in the Act;
- v) *"Renovated Development"* shall mean renovations or physical additions to existing Improvements on an Eligible Property that increases the Improvement Assessment of that property;
- w) *"Requisitioned Tax"* means the tax that is collected by the Town on behalf of the Province of Alberta or housing authorities, including but not limited to education and social housing tax;
- x) *"Tax Incentive Agreement"* means a written agreement between the Town and the Assessed Person setting out the terms and conditions applicable to Eligible Property for Exemption of municipal property tax and subject to refund and shall be the result of the calculation reference in Section 7 of this Bylaw;
- y) *"Town"* shall mean the municipal corporation of the Town of Bonnyville; and
- z) *"Working Day"* shall mean days the Town's Administration Office is open to serve the public.

4. **CRITERIA FOR TAX INCENTIVE AGREEMENT**

- 4.1 New Developments and Renovated Developments may be eligible for an Exemption and Tax Incentive Agreement provided that:

- a) The property subject to the New Development or Renovated Development must not have any Arrears taxes or have amounts owing with regards to property tax, utilities, or other fees owing to the Town and all Current taxes must be paid in full;
 - b) The property subject to the New Development or Renovated Development must not have development compliance issues, be in violation of a development agreement, or be in violation of the *Safety Codes Act* at any time during the taxation years for which the Exemption applies to the New Development or Renovated Development;
 - c) All applicable Provincial and Federal Approvals and permits are in place with respect to the property subject to the New Development or Renovated Development;
 - d) The Registered Property Owner or the Assessed Person, excluding any authorized agent therefore, of the property subject to the New Development or Renovated Development is not involved in some form of litigation (including an Assessment Review Board Complaint) with the Town; and
 - e) The current Improvement Assessment for the New Development or Renovated Development on the subject property must have increased by at least \$25,000 compared to the Base Assessment Year. The change in valuation for the Assessment of land is excluded from this calculation.
- 4.2 The qualifying property must be located within the geographical boundaries of the Town.
- 4.3 Linear Property is not eligible for an Exemption or Tax Incentive Agreement under this Bylaw.
- 4.4 The exemption program shall be considered open from January 1, 2023, until December 31, 2032.
- 4.5 Any eligible property shall receive an exemption outlined in Section 7 of this Bylaw at any time within the exemption period. By way of an example, if a property becomes eligible by December 31, 2032, this property will receive the full 5 years of exemption; whereas properties becoming eligible after December 31, 2032, shall not enter the exemption program unless it is extended by Council.
- 4.6 Notwithstanding Section 4.4, complete applications may be considered and approved in accordance with this Bylaw before construction on the qualifying property is complete; however, the calculation of exemption and exemption period will not be confirmed until all construction on the qualifying property is complete, the development is inspected and approved, and the property is assessed for taxation.

- 4.7 A property is only eligible for one tax exemption during the exemption period beginning January 1, 2023, and ending December 31, 2032, unless additional assessment growth occurs due to a separate property improvement or expansion project that meets the criteria of this Bylaw.
- 4.8 If a Qualifying Property consists of components that are not Non-residential Property, only the Non-residential Property components will be eligible for an Exemption.

5. APPLICATION FOR TAX INCENTIVE AGREEMENT

- 5.1 The Assessed Person of the property subject to the application must submit a Complete Application to the Town, and the Town has the discretion to reject applications that are incomplete, or ineligible.
- 5.2 As part of a Complete Application, the Assessed Person must agree to enter into a Tax Incentive Agreement with the Town, on the form prescribed by the Town if their application is approved for an Exemption.
- 5.3 The Application Fee is \$100.00 DOLLARS.
- 5.4 Complete Applications must be received by October 1st of the year prior to the year in which the requested Exemption is to commence.
- 5.5 Applications for past years' Expansion or New Construction will not be eligible in accordance with section 5.4.
- 5.6 Notwithstanding the Complete Application requirements, the Town may require any additional information that, in the discretion of the Town, is necessary to complete the application.
- 5.7 Assessed Persons whose application is returned as incomplete, or ineligible may resubmit an application provided the application is resubmitted by the deadline established in Section 5.4 of this Bylaw.
- 5.8 The Town will advise the Assessed Person in writing if their application is accepted for consideration, refused, or rejected. Applications accepted for consideration will become the property of the Town and may not be returned.

6. CONSIDERATION OF APPLICATIONS

- 6.1 The CAO shall receive and consider Complete Applications within the provisions of this Bylaw and may consult with, obtain information from, and verify information with other employees or agents of the Town, other governments, government agencies, or persons.
- 6.2 The CAO may, at any time, require an Assessed Person to provide any documents the Town deems necessary to verify any information contained in a Complete Application or to confirm ongoing compliance with the eligibility criteria of the Exemption.

- 6.3 The CAO will consider each Complete Application and shall either:
- a) Grant the Exemption and enter into a Tax Incentive Agreement with the Assessed Person; or
 - b) Reject the application and advise the Assessed Person with written reasons as to why the application was rejected. The written reasons shall also provide the date by which an appeal to Council must be submitted.
- 6.4 The Town shall enter into a Tax Incentive Agreement with the Assessed Person if an Exemption is granted under section 6.3(a) of this Bylaw.
- 6.5 The Exemption shall not be refunded until the Tax Incentive Agreement is fully executed.

7. CALCULATION OF THE EXEMPTION

- 7.1 Subject to section 7.2 of this Bylaw, the amount of the Exemption will be calculated as follows:
- a) The municipal taxes subject to Exemption shall be in accordance with the following:
 - Year 1 equals 100% Exemption of the increase in municipal property taxes attributed to the differential of the New Development or Renovated Development, excluding land and linear property.
 - Year 2 equals 100% Exemption of the increase in municipal property taxes attributed to the differential of the New Development or Renovated Development, excluding land and linear property.
 - Year 3 equals 100% Exemption of the increase in municipal property taxes attributed to the differential of the New Development or Renovated Development, excluding land and linear property.
 - Year 4 equals 75% Exemption of the increase in municipal property taxes attributed to the differential of the New Development or Renovated Development, excluding land and linear property.
 - Year 5 equals 50% Exemption of the increase in municipal property taxes attributed to the differential of the New Development or Renovated Development, excluding land and linear property.
 - b) Should the town determine the installation of municipal infrastructure is required to support the New or Renovated Development, a reduction of the exemption shall apply that equals the total costs associated with the installation of municipal

infrastructure as determined by the Town CAO. Should the cost associated with the installation of municipal infrastructure exceed the exemption amount, the exemption shall not apply, and the Assessed Person shall be responsible to pay the differential between what the exemption amount would be, and the costs associated with the installation of municipal infrastructure.

- c) Only the municipal portion of property taxes is eligible for exemption.

7.2 No Exemption will be granted respecting a Provincial requisition or Requisitioned Taxes.

8. PAYMENT OF THE EXEMPTION

8.1 The Exemption as calculated in accordance with section 7 of this Bylaw shall be paid to the Assessed person as a refund of a portion of the Current Taxes on the Eligible Property, subject to the Current Taxes for the taxation year first being paid in full.

8.2 Subject to the terms of the Tax Incentive Agreement:

- a) The amount of the Exemption shall be paid to the Assessed person each year for a period of no more than five (5) taxation years provided that in each of those years the Current Taxes are paid in full;
- b) Payment shall be made to the Assessed Person within thirty (30) Working days from the date the Current Taxes are paid in full; and
- c) If the Current Taxes are not paid in full by December 31 of any year, then the Exemption shall not be paid to the Assessed Person for that year, nor shall the Assessed Person be eligible to receive the Exemption for any subsequent years.

9. DURATION OF THE EXEMPTION PROGRAM

9.1 The Exemption program as authorized by this Bylaw will be available for Eligible Property from January 1, 2023 to December 31, 2032 and shall operate in accordance with the terms of this Bylaw until such time as this Bylaw is amended or repealed.

10. TAX INCENTIVE AGREEMENT

10.1 A Tax Incentive Agreement will be required for all granted Exemptions. The Tax Incentive Agreement will include the following:

- a) The taxation years to which the Exemption applies, which will not include any taxation years earlier than the taxation year in which the Exemption is granted;

- b) Any criteria in Section 4 which formed the basis of granting the exemption and the taxation year or years to which the criteria applies all of which are deemed to be a condition or conditions of the Tax Incentive Agreement the breach of which will result in the cancellation of the exemption for the taxation year or years to which the criteria applies;
- c) The date which the Exemption will begin;
- d) The amount of the Exemption, to be calculated and allocated in accordance with section 7 of this Bylaw;
- e) In the event of a cancellation pursuant to Section 7 of this Bylaw, any monies owed to the Town shall be immediately paid by the Applicant; and
- f) Any other information or conditions provided by the Town.

11. CANCELLATION OF EXEMPTION

11.1 If at any time after an Exemption is granted, the Town determines that:

- a) The Assessed Person, their application, or the property subject to the application did not meet or ceased to meet any of the criteria in which formed the basis of granting the Exemption; or
- b) There was a breach of any condition of the Tax Incentive Agreement;

the CAO may cancel the Exemption for the taxation year or years in which the criterion was not met or to which the condition applies.

11.2 The Town may, at any time, require an Assessed Person to provide any documents the Town deems necessary to verify compliance with the conditions of the Tax Incentive Agreement.

11.3 The Tax Incentive Agreement is deemed cancelled, effective immediately, and the Applicant will be liable to repay the Town the of any Tax Exemption received by the Applicant prior to the date of cancellation, if:

- a) The Applicant goes bankrupt or enters into receivership;
- b) Foreclosure proceedings are commenced with respect to the Property;
- c) The Application, or any supporting information or documentation provided by the Applicant in connection therewith, was fraudulent or contained inaccurate information or misrepresentations; or
- d) The Applicant fails to provide the CAO with any documentation, information, access, or consents, required to be provided pursuant

to this Bylaw or the Tax Incentive Agreement, to the satisfaction of the CAO, at the CAO's discretion.

- 11.4 A written Decision to cancel an Exemption must be provided to the Applicant and must include reasons for the cancellation, identify the taxation year or years to which the cancellation applies, and provide the date by which an application for an appeal to Council must be made.

12. APPEAL TO COUNCIL

- 12.1 An Assessed Person may appeal to Council on the following situations:

- a) An application for Exemption is refused or rejected;
- b) An Exemption is cancelled for one or more taxation years;
- c) A Tax Incentive Agreement is cancelled; or
- d) The content of the Tax Incentive Agreement is inconsistent with this Bylaw or the Act.

- 12.2 A request for appeal must be submitted in writing to the CAO within 30 days of:

- a) Written notice being sent to the Assessed Person that an application has been refused or rejected;
- b) Written notice being sent to the Assessed Person that an Exemption is cancelled for one or more taxation years;
- c) A Tax Incentive Agreement being cancelled; or
- d) The execution of a Tax Incentive Agreement as the case may be.

- 12.3 An Assessed Person must submit a non-refundable appeal fee of \$100 (Canadian dollars) concurrent with the appeal.

- 12.4 Council will consider an appeal at:

- a) A regularly scheduled meeting of Council; or
- b) A special meeting of Council.

- 12.5 Remedies available to Council upon conclusion of an appeal are:

- a) Council may uphold or revoke a decision of the CAO with respect to the outcome of an application or cancellation of an Exemption or Tax Incentive Agreement; or
- b) Council can revise or direct the CAO to revise a Tax Incentive Agreement.

- 12.6 In accordance with section 460(7) of the Act, complaints about a Decision may not be made to the Assessment Review Board.
- 12.7 Applications for judicial review of a decision pursuant to this Tax Incentive Bylaw must be filed with the Court of King's Bench and served not more than sixty (60) days after the date of decision.

13. CHANGE IN OWNERSHIP

- 13.1 Change in ownership of a property will not affect the exemption unless the new owner(s) fall within one or more of the terms of cancellation.
- 13.2 To maintain eligibility for the exemption, the new owner(s) must assume the obligations that arise under the written decision in accordance with this Bylaw.

14. FEES

- 14.1 Council may from time to time, by resolution, establish and change fees in relation to the administration of Applications and Appeals.

15. SEVERABILITY

- 15.1 Should any provision of the Bylaw be declared to be invalid, then such invalid provision shall be severed, and the remaining Bylaw shall be maintained.

16. EFFECTIVE DATE

- 16.1 The adoption of this Bylaw to establish the Property Tax Incentive Exemption program for Eligible Non-residential property and M&E is effective upon the date of passing of the third and final reading of this Bylaw.

INTRODUCED AND GIVEN FIRST READING this 14th day of November, A.D., 2023.



Mayor



Chief Administrative Officer

GIVEN SECOND READING this 28th day of November, A.D., 2023.




Mayor



Chief Administrative Officer

GIVEN THIRD AND FINAL READING this 28th day of November, A.D., 2023.



Mayor



Chief Administrative Officer

Appendix "A"
Application Requirements for Non-Residential Tax Incentive
Pursuant to the Tax Incentives Bylaw No. 1556-23

1. All applications for an Exemption under the Tax Incentive Bylaw must include the following information:
 - a) a signed and dated application form;
 - b) the Application Fee;
 - c) if the Applicant is not an individual, an agent authorization form or director's resolution;
 - d) if the Applicant is a corporation, a corporate registry record of the Applicant dated within 60 days of the date of the application;
 - e) a land titles certificate for the lands on which the Qualifying Property is located dated within 60 days of the date of the application;
 - f) copies of all building/development permits issued with respect to the development of the Qualifying Property;
 - g) a description of the Business conducted or to be conducted in the Qualifying Property;
 - h) an indication of whether the development is New Construction, Renovations or an Expansion;
 - i) an estimate of when the Qualifying Property will be approved for occupancy after completion of the New Construction, Renovation or Expansion;
 - j) an explanation of how the application meets the criteria for an Exemption; and
 - k) with regards to Expansions or Renovations the following additional information:
 - i) photographs of the Qualifying Property before the Expansion or Renovation; and
 - ii) a financial summary and copies of the receipts or paid invoices in relation to the development showing the location of the Expansion or Renovation.
 - l) a copy of previous and current tax assessment notices showing an increase of \$25,000.00 in assessed value.
2. Applicants may provide any other information, including additional print, visual or audio visual material, which the Applicant believes will support their application.

NOTE: Applications and material provided may be included in reports to Council and the Council agenda packages that are available to the public.

All Qualifying Property may be subject to inspection by Town staff to ensure the validity of the application.

Appendix "B"
Application Form for Non-Residential Tax Incentives
Pursuant to the Tax Incentive Bylaw No. 1556-23

Application Information:

Applicant Name:	
Registered Corporate Name, if Different:	
Tax Roll Number:	
Legal Description of Assessed Property:	
Mailing Address of Assessed Property:	
Email Address for Applicant:	
Telephone Number for Applicant:	
Corporate Registry Office Address of Applicant:	

Agent Information:

Name of Authorized Agent for Applicant:	
Mailing Address for Agent:	
Email Address for Agent:	
Telephone Number for Agent:	

Personal Information required by the Town of Bonnyville application forms is collected under the 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 Coordinator at 780-826-3496 or admin@town.bonnyville.ab.ca.



Eligibility:

- a) Are you the owner of this Property? Yes No
- b) Do you have any outstanding amounts due to the Town? Yes No
- c) Are you involved in any legal actions or proceedings opposite the Town? Yes No
- d) Are you involved in bankruptcy, foreclosure or receivership? Yes No
- e) Are you in compliance with the terms and conditions of any grants or other financial assistance received from the Town? Yes No

Project Specific Qualifications:

- f) Is the Non-residential property located within the geographical boundaries of the Town of Bonnyville? Yes No
- g) Have you obtained, and maintained compliance with, all required development permits and other applicable approvals respecting the Project otherwise? Yes No
- h) Will the project cause, or expect to cause, the assessed value of the Non-residential Property, as set out in the Notice of Assessment for the Non-residential Property, to experience an incremental increase of at least \$25,000.00 between the taxation year immediately prior to the commencement of development associated with the Project and the taxation year in which the Project receives its final required construction completion certificate? Yes No
- i) Is the Project classified as an industrial and/or commercial development? Yes No

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

The Applicant is applying for a five-year tax incentive for: (choose applicable)

- New Development Renovation Development



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

What date is the Qualifying Property expected to be approved for occupancy:

Indicate if the application includes the following:

- Building/Development Permits (required)
- Tax Assessment Notices (required)
- Agent Authorization Form/Directors' Resolution (if applicable)
- Financial Summary and Receipts/Invoices (if applicable)
- Corporate Registry Record (if applicable)
- Application Fee (required)
- Land Title Certificates (required)
- Photos (if applicable)
- Other Materials (optional)

Declaration:

I declare that the above information is true and accurate. I declare that I will immediately inform the Town of Bonnyville if I cease to be eligible for the Tax Incentive Program for any reason such as that the project is terminated.

I understand that this incentive approval may be cancelled if my service accounts become delinquent, and that this agreement can become void for any valid reason at the discretion of the Town of Bonnyville.

Date of 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

Personal Information required by the Town of Bonnyville application forms is collected under the 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 Coordinator at 780-826-3496 or admin@town.bonnyville.ab.ca.



**Bylaw No. 1556-23
"Non-Residential Tax Incentive"**

**Appendix "C"
Agreement Non-Residential Tax Incentive**

THIS AGREEMENT MADE EFFECTIVE this _____ day of _____, 20 ____

BETWEEN:

TOWN OF BONNYVILLE
(hereinafter referred to as "the Town")

OF THE FIRST PART

- and -

(insert name of party)
(hereinafter referred to as "the Non-Residential Property Owner")

NON-RESIDENTIAL TAX INCENTIVE AGREEMENT

WHEREAS:

- A.** Pursuant to S. 364.2 of the Municipal Government Act, Council for the Town of Bonnyville has passed a Non-Residential Tax Incentive Bylaw that allows for the Exemption from municipal taxation for a specified term for purposes of encouraging development and revitalization of non-residential properties for the general benefit of the Town.
- B.** Pursuant to the Non-Residential Tax Incentive Bylaw, the Non-Residential Property Owner submitted an application to the Town for an Exemption relating to the Qualifying Property, and that application was accepted and approved by the Chief Administrative Officer (CAO) on **(insert date)**.
- C.** Pursuant to S. 364.2(5) of the Act, an approved tax exemption pursuant to a Non-Residential Tax Incentive Bylaw must be granted in a written form.
- D.** The Town and the Non-Residential Property Owner enter into this Agreement to set out the terms of the Exemption and any conditions associated with the Exemption.

NOW THEREFORE, in consideration of the mutual terms, conditions and covenants to be observed and performed by each of the parties hereto, the Town and the **(insert name of party)** agree as follows:

1. Interpretation

1.1 For the purposes of this Agreement, the following words shall have the meaning ascribed below:

- a.) **"Act"** means the *Municipal Government Act*, RSA 2000, CM 26 as amended from time to time;



- b.) **“Administration”** means the administrative and operational departments of the Town including all employees who operate under the leadership and supervision of the CAO;
- c.) **“Agreement”** means this Non-Residential Tax Incentive Agreement;
- d.) **“Assessed Person”** means an assessed person as that term is defined under S. 284(1) of the Act;
- e.) **“Chief Administrative Officer” or “CAO”** means the Chief Administrative Officer as appointed by Council, including the CAO's delegate;
- f.) **“Council”** means all the Councillors including the Chief Elected Official of the Town;
- g.) **“Exemption”** means an exemption from the municipal taxation for Non-Residential Property as provided for in Part 10, Division 2 of the Act and not any Provincial Requisitions;
- h.) **“New Development or Renovated Development”** means the owner in respect of a Non-Residential property, constructing a new structure, construction or an expansion to an existing structure and/or renovation or improvement of an existing structure or new business established in an existing building, but excludes demolition of a structure if that demolition does not occur in conjunction with a new replacement structure;
- i.) **“Non-Residential Property”** means Non-Residential Property as defined in the Act in respect of property;
- j.) **“Non-Residential Tax Incentive Bylaw”** means Town of Bonnyville Bylaw No. 1556-23; and
- k.) **“Qualifying Property”** means the Non-Residential Property that is legally described and identified in Appendix “B” to this agreement which is the subject of Development or Revitalization.

2. Term and Extent of Exemption

2.1 Subject to the conditions set out within this Agreement, the Exemption applies to the following Taxation years:

2.1.1 New Development

- a.) (insert taxation year)
- b.) (insert taxation year)
- c.) (insert taxation year)
- d.) (insert taxation year)
- e.) (insert taxation year)

2.1.2 Renovated Development

- a.) (insert taxation year)
- b.) (insert taxation year)
- c.) (insert taxation year)
- d.) (insert taxation year)
- e.) (insert taxation year)

- 2.2 The extent of the Exemption is as follows:
 - 2.2.1 for the first to third taxation year identified in S. 2.1 (a-b) of this Agreement shall receive 100% exemption;
 - 2.2.2 for the fourth to fifth taxation year identified in S. 2.1 (c-e) of this Agreement shall receive 75% and 50% exemption respectively.

3. Conditions of Agreement

- 3.1 The Non-Residential Property Owner must provide proof to the Town, satisfactory to the Town in its sole discretion, that the Qualifying Property has been approved for occupancy, no later than December 31 of the year immediately prior to the first taxation year specified in section 2.1 of this Agreement.
- 3.2 It is a condition of this Agreement in respect of every taxation year in which the Exemption applies, as set out in S. 2.1 of this Agreement, that the Non-Residential Property Owner and the Qualifying Property meet all of the following conditions:
 - 3.2.1 the Non-Residential Property Owner must be the Assessed Person for the Qualifying Property;
 - 3.2.2 there must be no outstanding monies owing to the Town;
 - 3.2.3 there must be no outstanding litigation with the Town, including Assessment Review Board Complaints;
 - 3.2.3 the Qualifying Property must be located within the geographical boundaries of the Town;
 - 3.2.4 the development of the Qualifying Property must qualify as new development or renovated development;
 - 3.2.5 the development or revitalization must be complete, and the Qualifying Property inspected and approved for occupancy by December 31st of the year immediately prior to the first taxation year specified in S. 2.1 of this Agreement;
 - 3.2.6 all required Town development approvals with respect to the new development or renovated development must be issued;
 - 3.2.7 the assessed value of the Qualifying Property, as set out in notices of assessment for the Qualifying Property, just have experienced in incremental increase of at least \$25,000.00 between the taxation year immediately prior to the commencement of construction of the new development or renovated development and the first taxation year identified in S. 2.1 of this Agreement;
- 3.3 Failure to meet or a cessation of compliance with any of the conditions in this Agreement or the Tax Incentive Bylaw constitutes an act of default by the Non-Residential Property Owner.



- 3.4 In addition, the following constitute acts of default and are applicable to every taxation year that the Exemption applies:
- 3.4.1 misrepresentation or omission of any information required on the application submitted to the Town;
 - 3.4.2 bankruptcy within the meaning of the Bankruptcy and Insolvency Act RSC 1985, c-3 as amended or repealed and replaced from time to time;
 - 3.4.3 a receiver, interim receiver, receiver and manager, custodian or liquidator is appointed for the business, Qualifying Property, affairs or revenues which are not diligently challenged or contested; or
 - 3.4.5 any steps are taken or action or proceeding instituted by the applicant or by any other person, including without limitation, any court, or governmental body of competent jurisdiction for the dissolution, winding up or liquidation of the assets or property which are not diligently challenged or contested by the property or building owner.

4. Cancellation of Exemption and Agreement

- 4.1 Administration, acting reasonably, in good faith and in a bone-fide manner, may determine whether or not the applicant has committed an act of default under this Agreement. In the event Administration so determines that the Developer has committed an act of default under this Agreement, Administration shall make a recommendation to the CAO that the Agreement and the Exemption be cancelled with respect to one or more of the taxation years specified in this Agreement.
- 4.2 The decision to cancel the Exemption must include reasons and identify the taxation year or years to which the cancellation applies.
- 4.3 Administration must provide written notice of a cancellation to the applicant.
- 4.4 In the event of a cancellation of the Exemption and this Agreement, any monies owed to the Town shall be immediately paid by the Applicant. For the purposes of this paragraph, "immediately" means 30 days.
- 4.5 Upon cancellation of the Exemption and this Agreement, all benefits of the applicant under this Agreement shall cease.

5. Indemnity

- 5.1 The applicant shall indemnify and save harmless the Town, and all of its respective officials, officers, employees and authorized representatives from and against any and all losses, costs (including without restriction, all legal costs on a solicitor and their own client full indemnity basis), damages, actions, causes of action, suits, claims, and demands resulting from anything done or omitted to be done by the applicant in pursuance or purported pursuance of this Agreement including, without restriction, any default by the applicant in the due and punctual performance of any of its representations, warranties, covenants and agreements contained within this Agreement.



Schedule "A"
Tax Incentive Agreement
Application Requirements for Non-Residential Tax Incentives
Pursuant to the Tax Incentive Bylaw No. 1556-23

Application Information:

Applicant Name:	
Registered Corporate Name, if Different:	
Tax Roll Number:	
Legal Description of Assessed Property:	
Mailing Address of Assessed Property:	
Email Address for Applicant:	
Telephone Number for Applicant:	
Corporate Registry Office Address of Applicant:	

Agent Information:

Name of Authorized Agent for Applicant:	
Mailing Address for Agent:	
Email Address for Agent:	
Telephone Number for Agent:	

Personal Information required by the Town of Bonnyville application forms is collected under the 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 Coordinator at 780-826-3496 or admin@town.bonnyville.ab.ca.

Eligibility:

- 2. Are you the owner of this Property? Yes No
- 3. Do you have any outstanding amounts due to the Town? Yes No
- 4. Are you involved in any legal actions or proceedings opposite the Town? Yes No
- 5. Are you involved in bankruptcy, foreclosure or receivership? Yes No
- 6. Are you in compliance with the terms and conditions of any grants or other financial assistance received from the Town? Yes No

Project Specific Qualifications:

- 7. Is the Non-residential property located within the geographical boundaries of the Town of Bonnyville? Yes No
- 8. Have you obtained, and maintained compliance with, all required development permits and other applicable approvals respecting the Project otherwise? Yes No
- 9. Will the project cause, or expect to cause, the assessed value of the Non-residential Property, as set out in the Notice of Assessment for the Non-residential Property, to experience an incremental increase of at least \$25,000.00 between the taxation year immediately prior to the commencement of development associated with the Project and the taxation year in which the Project receives its final required construction completion certificate? Yes No
- 10. Is the Project classified as an industrial and/or commercial development? Yes No

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

The Applicant is applying for a five-year tax incentive for: (choose applicable)

- New Development
- Renovation Development

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

What date is the Qualifying Property expected to be approved for occupancy:

Indicate if the application includes the following:

- Building/Development Permits (required)
- Tax Assessment Notices (required)
- Agent Authorization Form/Directors' Resolution (if applicable)
- Financial Summary and Receipts/Invoices (if applicable)
- Corporate Registry Record (if applicable)
- Application Fee (required)
- Land Title Certificates (required)
- Photos (if applicable)
- Other Materials (optional)

Declaration:

I declare that the above information is true and accurate. I declare that I will immediately inform the Town of Bonnyville if I cease to be eligible for the Tax Incentive Program for any reason such as that the project is terminated.

I understand that this incentive approval may be cancelled if my service accounts become delinquent, and that this agreement can become void for any valid reason at the discretion of the Town of Bonnyville.

Date of 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

Personal Information required by the Town of Bonnyville application forms is collected under the 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 Coordinator at 780-826-3496 or admin@town.bonnyville.ab.ca.

**Appendix "D" – Decision Form
Tax Incentive Bylaw No. 1556-23**

Applicant Name: _____

Mailing Address: _____

Tax Roll Number: _____

Legal Land Location: _____

Email Address: _____ Telephone: _____

New Development or Renovated Development Property Legal Description:

Lot/Block/Plan: _____

Civic Address: _____

By signing this form, I/We understand that the following property tax exemptions will be calculated for the above-mentioned property on the new assessment on the improvements only:

Year 1 (_____) Property Tax Exemption = (Increase/New Assessment x Non-Residential Municipal Tax Rate x 100%) for municipal portion of tax only.

Year 2 (_____) Property Tax Exemption = (Increase/New Assessment x Non-Residential Municipal Tax Rate x 100%) for municipal portion of tax only.

Year 3 (_____) Property Tax Exemption = (Increase/New Assessment x Non-Residential Municipal Tax Rate x 100%) for municipal portion of tax only.

Year 4 (_____) Property Tax Exemption = (Increase/New Assessment x Non-Residential Municipal Tax Rate x 75%) for municipal portion of tax only.

Year 5 (_____) Property Tax Exemption = (Increase/New Assessment x Non-Residential Municipal Tax Rate x 50%) for municipal portion of tax only.

Date Applicant Name (Printed) Applicant Signature

Date Applicant Name (Printed) Applicant Signature

Date Town of Bonnyville CAO CAO Signature

