

BYLAW NO. 18-2023**Commercial and Industrial Municipal Tax Incentive Bylaw****BEING A BYLAW OF TOWN OF SLAVE LAKE IN THE PROVINCE OF ALBERTA**

A Bylaw of the Town of Slave Lake, in the Province of Alberta for the purpose of providing Non-Residential Property Tax Incentives for New Commercial and Industrial Development and Expansions Within Areas of Town of Slave Lake

WHEREAS the *Municipal Government Act*, R.S.A. 2000, c M-26 and amendments thereto, 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 Council of Town of Slave Lake, in the province of Alberta, has deemed it desirable to provide an incentive to grow its property tax base and provide increased employment opportunities for Town of Slave Lake residents by attracting investment;

AND WHEREAS, the Council of Town of Slave Lake intends this Bylaw to provide a municipal tax incentive to attract commercial and industrial investors and promote expansion by existing investors through providing an exemption to a portion of municipal property taxes attributable to the differential between the pre-construction assessment and the post-construction assessment for eligible property;

NOW THEREFORE, the Council of Town of Slave Lake in the Province of Alberta, duly assembled hereby enacts as follows:

1. CITATION

- 1.1. This Bylaw may be cited as the Town of Slave Lake Commercial and Industrial Municipal Tax Incentive Bylaw.

2. PURPOSE

- 2.1. 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 Slave Lake 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 set out in 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

3.1. For the purposes of this Bylaw the following definitions shall apply:

- a. **"Act"** – means the *Municipal Government Act*, RSA 200, c M-26, and amendments thereto;
- b. **"Administration"** – the administrative and operational units 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. **"Applicant"** – means a person who applies for an Exemption;
- d. **"Application"** – means an application for an Exemption, pursuant to this Bylaw;
- e. **"Application Form"** – means the Town of Slave Lake Commercial and Industrial Municipal Tax Incentive Bylaw Application Form, as provided in Schedule B;
- f. **"Assessed Person"** – means an assessed person as defined under section 284(1) of the Act, or an authorized agent for the Assessed Person;
- g. **"Assessment"** – means a value of property as defined under section 284(1) of the Act;
- h. **"Assessor"** – has the meaning given to it in section 284(1) of the Act;
- i. **"Base Assessment Year"** – means the assessment year immediately prior to the assessment year that has an increased 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 2023 assessment year;
- j. **"Chief Administrative Officer" (CAO)** – means the Chief Administrative Officer of the Town, or delegate;
- k. **"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 to apply for an Exemption under this Bylaw;

- l. **"Council"** – means the Municipal Council of the Town;
- m. **"Crown Land"** – means land owned and/or managed by the federal or provincial governments;
- n. **"Current Taxes"** – means property taxes levied for the current tax year;
- o. **"Decision"** – means the decision to grant an Exemption, to reject an Exemption Application, or to cancel an Exemption;
- p. **"Eligible Property"** – means 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 shall specifically exclude Linear Property from Eligible Property;
- q. **"Exemption"** – means the portion of municipal property taxes for Eligible Property that has been determined to be exempt, in accordance with this Bylaw, and which are computer separately under this Bylaw;
- r. **"Improvement(s)"** – has the meaning given to it in section 284(1) of the Act;
- s. **"Improvement Assessment"** – means the change in an assessed value of a property from immediately prior to the addition of an Improvement or Improvements to a property to the assessed value immediately after the addition of the Improvement or Improvements to the property that is attributable solely to the Improvement or Improvements added to the property, as determined by the Town, acting reasonably;
- t. **"Linear Property"** – has the meaning given to it in section 284(1) of the Act;
- u. **"Non-residential"** – means the type of property falling within the assessment class specified in section 297(4)(b) of the Act. This Bylaw shall specifically exclude the land assessment and Linear Property;
- v. **"Machinery and Equipment"** – has the meaning given to it in section 297(1)(d) of the Act and associated regulation(s) i.e. (Matter Relating to Assessment and Taxation Regulation, as amended from time to time);

- w. **"New Development"** – means new Improvements on an Eligible Property that increased the Improvement Assessment of that property;
- x. **"Renovated Development"** – means renovations or physical additions to existing improvement on an Eligible Property that increased the Improvement Assessment of that property;
- y. **"Tax Arrears"** shall mean taxes remaining unpaid after December 31 of the year in which they are imposed;
- z. **"Tax Incentive Agreement"** – means a written agreement between the Town and the Assessed Person setting out the terms and conditions applicable to an Eligible Property for an Exemption, in accordance with this Bylaw;
- aa. **"Town"** – means the municipal corporation of Town of Slave Lake; and
- bb. **"Working Day"** – means days the Town Office is open to serve the public.

4. ELIGIBILITY FOR EXEMPTION

- 4.1. New Developments and Renovated Developments may be eligible for an Exemption if the following eligibility criteria are met:
 - a. The property subject to the New Development or Renovated Development must not have any Tax Arrears or have amounts owing with regards to property tax, utilities, or other fees owing to the Town;
 - b. the property subject to the New Development or Renovated Development must not have development compliance issues, be in violation of a development agreement, be in violation of any municipal bylaws, 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 municipal, 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 and 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;

- e. the current Improvement Assessment for the New Development or Renovated Development on the subject property must have increased by at least \$50,000 compared to the Base Assessment Year. The change in valuation for the Assessment of land is excluded from this calculation;
- f. the business operating on the property subject to the New Development or Renovated Development must have a current Town Business License;
- g. be located in an area zoned for the applicable commercial or industrial land use district within the Town; and
- h. the New Development or Renovated Development must comply with requirements as stated in the Town Land Use Bylaw.

Linear Property is not eligible for an Exemption or Tax Incentive Agreement under this Bylaw.

5. APPLICATION FOR AN EXEMPTION

- 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 refuse or reject applications, including for reasons of an application being incomplete, or addressing ineligible property.
- 5.2. As part of a Complete Application, the Assessed Person must agree to enter into a Tax Incentive Agreement with the Town, of the form prescribed by the Town, if their application is approved for an Exemption.
- 5.3. A Complete Application may be considered and approved in accordance with the requirements of this Bylaw before construction on the subject property is complete, however, the Exemption will not apply until all construction on the subject property is complete, and all required inspections and approvals are issued.
- 5.4. Complete Applications must be received by June 30 of the year prior to the year in which the requested Exemption is to commence. Any Complete Application received after June 30 of the given year will be considered for an Exemption for the following tax year.
- 5.5. 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.
- 5.6. Assessed Persons whose application is returned as incomplete or ineligible may resubmit an application.

- 5.7. The Town will advise an 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 will 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 Exemption shall not take effect until the Tax Incentive Agreement is fully executed.

7. CALCULATION OF THE EXEMPTION

- 7.1. Exemptions may be granted for the municipal, improvement portion of taxes only and does not include school or other Provincial requisitions.
- 7.2. Exemptions may be granted to a maximum term of three (3) years in accordance with *Schedule A – Table for Calculation of the Exemption*.

8. APPLICATIONS OF THE EXEMPTION

- 8.1. The Exemption as calculated in accordance with Section 7 of this Bylaw shall reduce the portion of the Municipal Property Tax attributable to a New Development or Renovated Development in a given year.
- 8.2. Subject to the terms of the Tax Incentive Agreement:
- a. The Exemption shall reduce the Municipal Property Tax owing, in accordance with Section 7 of this Bylaw, each year for a period of no more than three (3) taxation years; and

- b. The Exemption is not transferrable to any other Assessed Person and is only valid for the property identified in the Tax Incentive Agreement.

9. DURATION OF THE EXEMPTION PROGRAM

- 9.1. The Exemption program as authorized by this Bylaw will be available for Eligible Property commencing with the 2023 assessment year 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 and must be entered into prior to any Exemption taking effect. The Tax Incentive Agreement will include the following:
 - a. the taxation years to which the Exemption applied, which will not include any taxation year earlier than the taxation year in which the Exemption is granted;
 - b. conditions, the breach of which will result in cancellation of the Tax Incentive Agreement and the Exemption, and the taxation year or years to which the conditions apply;
 - c. the date which the Exemption will begin;
 - d. the amount of the Exemption, to be calculated and allocated in accordance with section 7 and Schedule A of this Bylaw; and
 - e. any other information, criteria, or conditions provided by the Town.

11. CANCELLATION OF EXEMPTION

- 11.1. If at any time after the Exemption is granted, the Town determines that:
 - 11.1.1. the Assessed Person or the registered property owner, 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;
 - 11.1.2. if the Current Taxes are not paid in full by December 31 of any year; or
 - 11.1.3. 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 applied.

- 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. A written Decision to cancel an Exemption must be provided to the Assessed Person and must include reasons for the cancellation, identify the taxation year or years to which the cancellation applied, 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 in 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 date the Assessed Person is provided a final copy of the Tax Incentive Agreement for signature.
- 12.3. Council will consider an appeal at:
- a. a regularly scheduled meeting of Council; or
 - b. a special meeting of Council.
- The Assessed Person will be notified of the date their appeal is to be considered within 30 days of submitting a request for appeal to the CAO.
- 12.4. Remedies available to Council upon conclusion of an appeal are:
- a. Council may uphold, vary, or revoke a decision of the CAO with respect to the outcome of an application or cancellation of an Exemption or Tax Incentive Agreement; and/or

- b. Council can revise or direct the CAO to revise a Tax Incentive Agreement.

12.5. Applications for judicial review of a decision pursuant to this Tax Incentives 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. SEVERABILITY

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

14. EFFECTIVE DATE

14.1. The adoption of this Bylaw to establish the Property Tax Incentive Exemption program for Eligible Non-Residential Property and Machinery and Equipment is effective upon the date of the passing of the third and final reading of this Bylaw.

READ A FIRST TIME THIS 22 DAY OF August 2023.

READ A SECOND TIME THIS 22 DAY OF August 2023.

READ A THIRD TIME THIS 22 DAY OF August 2023.

X

MAYOR

X

CHIEF ADMINISTRATIVE OFFICER

Schedule A

**Table for Calculation of
the Exemption**

	Increased Improvement Assessment Value				
	\$50,000 - \$100,000	\$100,001 - \$500,000	\$500,001 - \$1,000,000	\$1,000,001 - \$5,000,000	+\$5,000,000
	Exemption Level (Exemption applies only to the increase in Improvement Assessment)				
Year 1	75%	75%	75%	100%	100%
Year 2		50%	50%	75%	100%
Year 3			25%	50%	100%

Schedule B
Town of Slave Lake
Commercial and Industrial Municipal Tax Incentive
Bylaw Application Form

Application Date:	
Roll Number:	
Legal Land Description:	
Assessed Person:	
Tax Incentive Period:	
Business Name:	
Mailing Address:	
Phone:	
Email:	

Required Documents to be Submitted with Application:

- ☐ Approved Development Permit
 ☐ Town of Slave Lake Business License
☐ Safety Code Permits

Business License Number _____

Please read Bylaw xx-2023 Town of Slave Lake Business Incentive Bylaw before filling out this application form.

I/We, the undersigned, understand the conditions of eligibility and further terms set out in Bylaw xx-2023 Town of Slave Lake Commercial and Industrial Municipal Tax Incentive Bylaw and acknowledge that I/we have the authority to request taxation exemption on the above-mentioned property. I hereby acknowledge that:

1. I am the Assessed Person of the property completing the application, and the Town has the discretion to reject applications that are incomplete, or ineligible;
2. As part of a Complete Application, the Assessed Person must agree to enter into a Tax Incentive Agreement with the Town, if the application is approved for an Exemption;
3. Any Complete Applications received after April 30 of the given year will be considered for an Exemption for the following tax year;
4. Assessed Persons whose application is returned as incomplete or ineligible may resubmit an application;
5. The Town will advise an Assessed Person in writing if their application is accepted for consideration, refused, or rejected;



Town of
SLAVE LAKE

6. Only the municipal portion of property taxes is eligible for exemption; and
7. The Exemption, as calculated in accordance with the Table for Calculation of the Exemption, shall apply to reduce the Municipal Property Taxes to be paid in a given year, in accordance with the Town of Slave Lake Commercial and Industrial Municipal Tax Incentive Bylaw, for up to three years.

I hereby declare that the property described above meets the eligibility criteria for tax exemption stipulated in the Town of Slave Lake Bylaw XX-2023 as evidenced by:

Certificate of Title #:	
Name on Certificate of Title:	
Constructed value as indicated on Development Permit:	\$
Land Use Bylaw Development Approval:	Development Permit #:
Commencement of Construction:	Date:
Compliance with safety codes and construction permits:	Permit #:
	Date:
Town of Slave Lake Municipal Tax Levy:	Year:
	Amount: \$
Property herein described, is not in municipal tax arrears nor any other utility or municipal charge.	Verification Date:
Dated:	This _____ day of _____, 20_____
Signature of Applicant:	
Name of Applicant (print):	



Please submit your application to the Town's Finance Department by mail at PO Box 1030, Slave Lake, AB T0G 2A0 or by email at finance@slavelake.ca

For Administrative Use Only:

Development Permit Number: _____

Issue Date: _____

Previous Assessment Value: _____

New Assessment Value: _____

Eligible Tax Years: _____

Eligible Assessment: _____

*Minimum \$50,000

Table for Calculation of the Exemption

	Increased Improvement Assessment Value				
	\$50,000 - \$100,000	\$100,001 - \$500,000	\$500,001 - \$1,000,000	\$1,000,001 - \$5,000,000	+\$5,000,000
	Exemption Level (Exemption applies only to the increase in Improvement Assessment Value)				
Year 1	75%	75%	75%	100%	100%
Year 2		50%	50%	75%	100%
Year 3			25%	50%	100%

Terms of Exemption

1. The amount of the Exemption shall apply each year for a period of no more than three (3) taxation years;
2. The Exemption exempts the portion of increased Assessment Value from Municipal Property tax in a given year to the extent provided in the above Table, to a maximum of 100%.
3. If the Current Taxes are not paid in full by December 31 of any year, then the Exemption shall be cancelled.
4. The Assessed Person must enter into a Tax Incentive Agreement with the Town of Slave Lake which may stipulate further or other conditions.

The personal information on this form is collected in accordance with Section 33 of the Freedom of Information and Protection of Privacy (FOIP) Act for the purpose of processing this application, issuing development permits and land use Bylaw Enforcement. The name of the permit holder and the nature of the permit are available to the public upon request. If you have any questions regarding the collection, use or disclosure of this information, please contact the FOIP Coordinator or (780) 927-3718.