BY-LAW NO.

ST. JOHN'S COMMERCIAL PROPERTY TAX AND VACANCY RELIEF BY-LAW

PASSED BY COUNCIL ON

Pursuant to the powers vested in it under section 4 of the City of St. John's Municipal Taxation Act, SNL 2006 c.C-17.1, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law related to commercial property tax.

BY-LAW

1.   This By-Law may be cited as the "St. John's Commercial Property Tax and Vacancy Relief By-Law"

2. (1)   In this By-Law:

   a. "Daycare" means a building or part of a building in which licensed child care services are provided and which has been approved for such use by the City;

   b. "Leasable Area" means the floor area of a commercial building designed for tenant occupancy and which is clearly delineated or separated by a physical barrier, or capable of being physically separated by a physical barrier, from any occupied portion of a building;

   c. "Quarter" means either of the periods January 1 to March 31, April 1 to June 30, July 1 to September 30 or October 1 to December 31 in a calendar year;

   d. "Vacancy" means

      i. A Leasable Area for which there is no rent, of any kind, being paid, whether accruing, or not, for the period that such rent is unrecoverable due to bankruptcy proceedings under the Bankruptcy and Insolvency Act (Canada) by a tenant;

      ii. A Leasable Area occupied by a charitable organization registered under the Income Tax Act (Canada) or such entity which has been exempted from municipal taxation by federal, provincial or municipal legislation;

      iii. A Leasable Area that has become vacant due to the annual closing of a seasonal business operation, provided that such period may not exceed a maximum of 2 consecutive Quarters;

iv. A Leasable Area that has been unoccupied for at least 1 Quarter and is capable of being leased and is listed on a publicly accessible forum or media as being available for rent;

v. A Leasable Area that has been unoccupied for at least 1 Quarter and is capable of being leased, but not for immediate occupancy due to repairs, renovations or construction that is needed and/or underway to render the area available for occupancy and for which active development approval and building permits are in place; or

vi. A Leasable Area that is subject to a Closure Order by the City and is vacant;

e. "Vacancy Relief" means relief from the real property tax due to Vacancy in commercial property.

(2) Unless otherwise stated the definitions in the City of St. John's Municipal Taxation Act shall apply.

3. (1) Vacancy Relief may only be applied for where there is a Vacancy in a commercial property

(2) The application for Vacancy Relief shall be made in arrears and shall be in the form as made available by the City;

(3) The application for Vacancy Relief shall be submitted to the City no later than 30 days after the end of a proceeding Quarter. A taxpayer who fails to file an application for Vacancy Relief within the time specified shall be deemed to have filed a nil Vacancy Relief claim for such Quarter

(4) A person applying for Vacancy Relief shall provide to the City all information requested by the City for the purpose of enabling the City to properly process the application.

(5) The City may conduct investigations and inspections of a commercial property to determine the validity of an application for Vacancy Relief.

4. Real property tax on commercial property shall be paid on a quarterly basis with each payment to be remitted within 30 days of the preceding Quarter.

5. The amount of Vacancy Relief shall be 50% of the real property tax applicable to the Leasable Area for which Vacancy Relief is granted.

6. Vacancy Relief shall be credited to the property tax account prior to the end of the Quarter following that Quarter for which Vacancy Relief has been granted.

7.   The City will not pay interest on any adjustments or credits to property tax accounts resulting from Vacancy Relief or an adjustment thereto.

8.   The St. John's Commercial Property Tax By-Law enacted by Council on October 29, 2012 is repealed.