

BYLAW NO. 2016-17

THE SASKATCHEWAN MULTICULTURAL CENTRE ASSOCIATION INC.
TAX EXEMPTION BYLAW, 2016

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Purpose

- 1 The purpose of this Bylaw is to provide a tax exemption to the owner of property located at 2144 Cornwall Street, Regina, Sask.

Authority

- 2 The authority for this Bylaw is pursuant to section 262(4) of *The Cities Act*.

Exemption

- 3 An exemption for taxation is granted for the real property owned by Saskatchewan Multicultural Centre Association Inc. located at 2144 Cornwall Street and legally described as:

Surface Parcel No. 107011189
Lot 15
Block 407
Plan No. Old 33
As described on Certificate of Title 92R18932

Scope of Exemption

- 4 The City shall exempt from taxation an amount equivalent to 100 percent of the property taxes on the captioned Property for three years commencing January 1, 2016 and concluding on December 31, 2018.

Agreement

- 5 The exemption in sections 3 and 4 shall be governed by the attached agreement between The City of Regina and Saskatchewan Multicultural Centre Association Inc. marked as Schedule "A".
- 6 The City Clerk is authorized to sign and seal the Agreements in section 5 on behalf of the City of Regina.

Approved as to form this _____ day of _____, 20____.

City Solicitor

Coming Into Force

7 This Bylaw comes into force on the day of passage of the Bylaw, or on the date the Agreement is executed, whichever is later.

READ A FIRST TIME THIS 29th DAY OF March 2016.

READ A SECOND TIME THIS 29th DAY OF March 2016.

READ A THIRD TIME AND PASSED THIS 29th DAY OF March 2016.

Mayor

City Clerk (SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule "A"

**TAX EXEMPTION AGREEMENT
2144 Cornwall Street, Regina, Sask.**

Agreement dated _____, 20__ (City Clerk to fill in)

Between:

THE CITY OF REGINA (the "City")

- and -

SASKATCHEWAN MULTICULTURAL CENTRE ASSOCIATION INC.
(the "Owner")

The Parties agree as follows:

Definitions

1 In this Agreement:

"**Property**" means the real property owned by the Owner which Land is civically known as 2144 Cornwall St., Regina, Saskatchewan and legally described as Surface Parcel No. 107011189, with a Reference Land Description of:

Lot 15
Block 407
Plan No. Old 33
As described on Certificate of Title 92R18932

City's Covenants

Tax Exemption

- 2 Pursuant to section 262(4) of *The Cities Act*, and subject to the terms of this Agreement, the City exempts from taxation the Property for the years 2016, 2017 and 2018.
- 3 The scope of the tax exemption, including calculation of any percentage or proportion and the determination of any use or cost, shall be conclusively determined by the City Assessor, subject to any statutory right of appeal against the assessment of the Property.

- 4 The exemption from taxation granted pursuant to this Agreement does not include local improvement levies, utility charges, special taxes, development fees or other such charges or fees property imposed by the City or other taxing authority.

Owners' Covenants

- 5 The Owner shall:
- (a) not sell or agree to sell the Property during the term of this Agreement;
 - (b) manage the property on behalf of its resident members and provide the benefit of the tax exemption to its resident members, the Saskatchewan Organization of Heritage Languages Inc. and the Multilingual Association of Regina Inc.;
 - (c) notify the City of any occurrences which would, pursuant to the Agreement, discontinue or terminate the tax exemption;
 - (d) provide the City Assessor with any information or documents requested by the City Assessor for the purpose of assessing the Property.

Continuation

- 6 The tax exemption will continue only for so long as the Owner complies with the terms of this Agreement.
- 7 The tax exemption will cease if the Owner:
- (a) becomes bankrupt or insolvent or is so adjudged;
 - (b) makes a general assignment for the benefit of creditors;
 - (c) substantially changes its operations such that the Property is no longer being used or occupied by the Saskatchewan Organization of Heritage Languages Inc. and the Multilingual Association of Regina Inc., unless such change has been expressly approved in writing by the City;
 - (d) ceases to operate entirely;
 - (e) carries out major alterations or improvements to the Property, unless such alterations have been expressly approved in writing by the City;
 - (f) sells or agrees to sell the Property;

- (g) fails to pay local improvement levies, utility charges, special taxes, development fees or other such charges or fees properly imposed by the City or other taxing authority with respect to the Property.
- 8 If the tax exemption ceases by reason of an event in section 7 occurring:
- (a) the Property will be taxable on a pro-rated basis for the portion of the year during which the exemption granted no longer continues; and
 - (b) the taxes that would have been payable on the Property during the term of this agreement up to the date of the termination including any penalties shall become due and payable as a debt due to the City.

Notices

- 9(1) Any notice required or permitted to be given to either Party pursuant to this Agreement shall be in writing and may be delivered to the Party in person, or to its authorized agent, or by sending it by prepaid mail, addressed:

To the City at:

Attention: City Clerk
 City of Regina
 2476 Victoria Avenue
 P.O. Box 1790
 Regina, Saskatchewan
 S4P 3C8

To the Owner at:

Saskatchewan Multicultural Centre Association Inc.
 2144 Cornwall St.
 Regina, Saskatchewan
 S4P 2K7

or to such alternate address as either Party may, from time to time, by notice advise.

- (2) If a notice is mailed pursuant to subsection (1), it is deemed to be given on the third business day after the date of such mailing.
- (3) If postal service is interrupted or substantially delayed, any notice shall be hand-delivered.

General

- 10 This Agreement is not assignable without the prior written consent of the City.
- 11 In the event that this Agreement or any part of it is found to be invalid or ultra vires of Council, then the City shall not be liable to the Owner for any amount of the tax exemption which would otherwise have been granted to the Owner.
- 12 The City may register this Agreement at the Land Titles Registry, Saskatchewan Land Registration, with respect to the Property.
- 13 This Agreement will not become effective until adopted by bylaw of the Council of the City and fully executed by all parties to the Agreement.

In witness whereof, the Parties have executed the Agreement on the date first written above.

THE CITY OF REGINA

SASKATCHEWAN MULTICULTURAL

City Clerk

The corporate seal should be affixed. If the corporate seal is not Affixed the attached affidavit of corporate signing authority must be filled out.

AFFIDAVIT OF CORPORATE SIGNING AUTHORITY

CANADA

SASKATCHEWAN

I, _____ of Regina, Saskatchewan,
Print Full Name of Signing Authority

MAKE OATH/AFFIRM AS FOLLOWS:

1. I am a _____ (insert position) of Saskatchewan Multicultural Centre Association Inc. named in the Tax Exemption Agreement to which this Affidavit is attached.

2. I am authorized by Saskatchewan Multicultural Centre Association Inc. to execute the Tax Exemption Agreement without affixing the Corporate Seal of Saskatchewan Multicultural Centre Association Inc.

SWORN BEFORE ME at
 _____, Saskatchewan
 on
 _____ 20____
 Month Date

A Commissioner for Oaths in and for the
 Province of Saskatchewan.
 Being a lawyer —or—
 My commission
 expires:

Signature of Signing Authority

ABSTRACT

BYLAW NO. 2016-17

THE SASKATCHEWAN MULTICULTURAL CENTRE ASSOCIATION INC.
TAX EXEMPTION BYLAW, 2016

PURPOSE: To provide a tax exemption to the owner of property located at 2144 Cornwall Street, Regina, SK.

ABSTRACT: The owner of the property located at 2144 Cornwall Street will receive a tax exemption which is governed by a tax exemption agreement between the parties.

STATUTORY AUTHORITY: Clause 262(4) of *The Cities Act*.

MINISTER'S APPROVAL: N/A

PUBLIC HEARING: N/A

PUBLIC NOTICE: N/A

REFERENCE: Finance and Administration Committee, March 8, 2016, FA16-4

AMENDS/REPEALS: N/A

CLASSIFICATION: Executory

INITIATING DIVISION: City Planning and Development

INITIATING DEPARTMENT: Assessment Tax & Real Estate