



MUNICIPALITY OF NORTH MIDDLESEX POLICY STATEMENT

**WITH RESPECT TO SECTION 442.5 PROCESSING APPLICATIONS FOR TAX
REDUCTION DUE TO VACANCY.**

Policy Statement

It is the policy of this council that applications for tax reduction for bonifide vacancies of commercial or industrial properties be processed quickly and efficiently.

Legislative Reference

Section 442.5 of the Municipal Act and Ontario Regulation 325/01.

Principles and Processes

1. Any commercial or industrial property owner or their authorized agent may file an application under this policy.
2. The onus rests with the owner to provide full evidence of vacancy and to file an application that is complete. Information to be supplied with the application form shall be considered to be the minimum requirements and every owner should submit all information available that supports the application.
3. Up to two applications per year may be filed by a taxpayer, one for the first six months of the year and one for the last six months of the year or alternatively, one application may be filed by the taxpayer for the whole of the year.
4. All applications must be filed after the period of vacancy and at no time shall the Treasurer process an application during or before the time of vacancy.
5. Applications filed after the last day of February of the year following the year of full or partial vacancy shall be rejected.
6. An incomplete application filed during the application period shall be deemed not to be filed until all minimum evidence in support of the application is filed.
7. The Treasurer of the municipality is hereby directed to receive and expeditiously process all applications for vacancy on behalf of the municipality.
8. The Treasurer may authorize other municipal staff to act on his/her behalf.
9. The Treasurer shall meet at least annually with the Municipal Property Assessment Corporation staff (MPAC) to ensure that a complete codification of process between the municipality and MPAC is in place.

10. Completed applications shall include all information as noted on the application form and accompanying questionnaire (attached to and forming part of this policy) and the Treasurer is authorized to direct submission of additional information if, in the opinion of the Treasurer, the application does not conclusively provide evidence of vacancy. Failure to submit additional evidence of vacancy as required by the municipality within 5 business days of the request of same by the municipality invalidates the application and the Treasurer shall reject the application.
11. In the sole discretion of the Treasurer, (s)he may conduct investigations and inspections of the property to ascertain the validity of an application.
12. Types of evidence to be considered may include but are not limited to:
 - Utility Records
 - Tenant or lease agreements (both outgoing and incoming)
 - Declared income for rental properties
 - Correspondence relating to agreements for usage
 - Mailing, telephone, delivery records
 - Plan or layout of vacant area, other related buildings
 - Zoning information
 - Sworn affidavit of the application authorizing that the information included on the application form and questionnaire is true and correct
13. The Treasurer is directed to audit a representative selection of applications, giving consideration to size of property, complexity of application and other circumstances, which cast doubt on the validity of the application. The audit shall consist of examination of supporting documentation, inquiry of the owner, and site inspection, as deemed appropriate by the Treasurer.
14. The Treasurer is directed to refuse applications where (s)he is not fully satisfied as to its validity.
15. Any person who knowingly makes a false or deceptive statement in an application or other document submitted to the municipality is guilty of an offence and is liable on conviction to a fine of not more than an amount that is twice the amount of the rebate obtained or sought to be obtained by the false or deceptive statement except that the fine shall not be less than \$500.00.
16. Every person who is required to provide information related to an application and who defaults in doing so is guilty of an offence and on conviction is liable to a fine of \$100 for each day during which the default continues.



Municipality of North Middlesex

Supplementary Questionnaire

For Rebate of Property Taxes

for Vacancies in Commercial and Industrial Properties

1. Please state the reason for the vacancy (eg. – Cessation of Operations, termination of lease, etc. . .)

2. Is the vacancy due to the seasonal nature of the occupying business? YES NO

3. If the application is for part of a property, how is the vacant area separated from the area still in use?

4. Is the vacant area normally leased to tenants? YES NO

5. Is the vacant area currently leased? YES NO

6. Has the area been leased again after the period of vacancy? YES NO

7. Is the area leased on short term (daily or monthly basis)? YES NO

8. Is the vacant area used by the owner for storage or any other purpose? YES NO

9. Is the space currently available for lease (if commercial space only)?

YES If yes then how is the availability being advertised? Please provide contact name and number (eg. – Real Estate Broker, if applicable).

NO If no please give the reasons why property is not being actively marketed.

10. What event marked the start of the vacancy period? (eg. – Renovations, cessation of business, etc. . .)

11. When or by what event do you expect the vacancy to end? (eg. – Completion of renovations, sale of property, upturn of business)

ADDITIONAL INFORMATION

- The **minimum evidence required** for acceptance of an application will consist of both the Application for Rebate of Property Taxes Form and the Supplementary Questionnaire being completed to the satisfaction of the Municipal Treasurer. An incomplete application filed during the application period shall be deemed not to be filed.
- The Treasurer may conduct investigations and inspections and require other records in support of the application as (s)he deems necessary.
- **PENALTIES** - any person who knowingly makes a false or deceptive statement(s) in an application or other document submitted to the Municipality is guilty of an offence and is liable on conviction to a fine of not more than an amount that is twice the amount of the rebate obtained or sought to be obtained by the false or deceptive statement(s) except that the fine shall not be less than \$500.
- **PENALTIES** – every person who is required to provide information related to an application and who defaults in doing so is guilty of an offence and on conviction is liable to a fine of \$100 for each day during which the default continues.
- A copy of the Municipalities policy statement is attached and should be read very carefully.

DECLARATION & RELEASE

I certify that all the information contained in all pages of this form and attachments is true and correct, and that the contents of the application and all the attachments have been read and understood. I hereby authorize MPAC to release all information pertinent to the calculation of assessed value.

Name of Applicant (print)	Signature	Date
MPAC USE ONLY Name of Assessor (print)	Signature	Date
MUNICIPAL USE ONLY Name of Municipal Representative	Signature	Date