



1ST SESSION, 41ST LEGISLATURE, ONTARIO  
65 ELIZABETH II, 2016

# **Bill Pr38**

## **An Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation**

**Mr. M. Mantha**

**Private Bill**

1st Reading      March 2, 2016

2nd Reading

3rd Reading

Royal Assent

Printed by the Legislative Assembly of Ontario



## EXPLANATORY NOTE

The purpose of the Bill is set out in the Preamble.

## An Act respecting the Corporation of the Municipality of Huron Shores and the Thessalon First Nation

### Preamble

The Corporation of the Municipality of Huron Shores has applied for special legislation to authorize the municipality to exempt certain land from taxation for municipal and school purposes, other than local improvement rates, beginning January 1, 2015, while the land is occupied and used by the Thessalon First Nation and owned by or held in trust for it, and to cancel all or a portion of the taxes for municipal and school purposes, other than local improvement rates, that were payable on the land for the years 2001 to 2014.

The applicant is a municipality in the District of Algoma. The applicant represents that the land in question was acquired in trust for the Thessalon First Nation by way of Crown patents on June 19 and 20, 2000. The applicant represents that the land falls within an area over which the Thessalon First Nation, which is a band as defined in the *Indian Act* (Canada), asserts a claim as unsurrendered Indian land.

The municipality represents that, since the land was acquired, it has not collected any revenue from taxation applicable to the land, but that it has paid tax levy charges for municipal, school and other services to the province and other municipal agencies. The municipality represents that making these payments has caused it significant financial hardship.

The municipality represents that it has appealed the assessment levied by the Municipal Property Assessment Corporation on the basis that the claim of the Thessalon First Nation eliminates the commercial exchange value of the land. The applicant represents that private legislation would be the most expedient and appropriate way to obtain the relief it seeks while preserving the relationship between the municipality and the Thessalon First Nation, and avoiding constitutional litigation.

It is appropriate to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### Definitions

1. In this Act,

“Municipality” means the Corporation of the Municipality of Huron Shores;

“specified land” means the land, as defined in the *Assessment Act*, specifically described as:

Parcel 9058 Sec ACS SRO; Firstly; Pt Lot 5 Con 5 Kirkwood; Pt Lot 6 Con 5 Kirkwood Being Location CL 10623 Pt 1, 2, 3 & 4 1R9794; S/T LT 169181 (S/T Lt170486); Secondly; Pt Lot 5 Con 5 Kirkwood; Pt Lot 6 Con 5 Kirkwood Being Location CL 9707 Pt 1, 2, 3 & 4 1R9300; Huron Shores and described as PIN 31447-0063 (LT), and

Parcel 9057 Sec ACS SRO; Pt Lot 7 Con 5 Bright Additional Being Location CL11012, Pt 1 1R9968; Huron Shores and described as PIN 31444-0023.

### Municipal tax exemption by-law

2. (1) The council of the Municipality may pass by-laws exempting the specified land from taxation for municipal purposes, other than local improvement rates, beginning January 1, 2015, if the specified land is,

- (a) occupied and used solely by the Thessalon First Nation; and
- (b) owned by the Thessalon First Nation or held in trust solely for the benefit of the Thessalon First Nation.

### Municipal tax cancellation by-law

(2) If the council of the Municipality passes a by-law under subsection (1), it may pass by-laws cancelling the taxes for municipal purposes, other than local improvement rates, including interest and penalties, on the specified land, for the periods specified in subsection (3), provided that the conditions set out in clauses (1) (a) and (b) are satisfied for those periods.

### Periods

- (3) For the purposes of subsection (2), the periods are,
  - (a) all or part of the period from January 1, 2001 to December 31, 2014; and
  - (b) any year or part of a year,

- (i) to which the exemption applies under subsection (1), and
- (ii) for which taxes have been levied.

**Non-exempt portion of land**

(4) For greater certainty, if any portion of the specified land is occupied and used by an entity other than the Thessalon First Nation, that portion of the specified land is not exempt from taxation for municipal purposes under a by-law passed under subsection (1) and a cancellation of taxes for municipal purposes under subsection (2) does not apply to that portion.

**School tax exemption**

**3.** (1) If the council of the Municipality passes a by-law under subsection 2 (1), the specified land is also exempt from taxation for school purposes for the period for which the specified land is exempt from taxes for municipal purposes, other than local improvement rates, under the by-law.

**School tax cancellation**

(2) If the council of the Municipality passes a by-law under subsection 2 (2), the taxes for school purposes on the specified land, including interest and penalties, are also cancelled for the period for which

the taxes for municipal purposes, other than local improvement rates, are cancelled.

**Non-exempt portion of land**

(3) For greater certainty, if any portion of the specified land is not exempt from taxation for municipal purposes under a by-law passed under subsection 2 (1), as described in subsection 2 (4), that portion of the specified land is not exempt from taxation for school purposes under subsection (1) and a cancellation of taxes for school purposes under subsection (2) does not apply to that portion.

**Chargeback**

(4) Section 353 (taxes collected on behalf of other bodies) of the *Municipal Act, 2001* applies, with necessary modifications, to taxes cancelled by subsection (2).

**Commencement**

**4. This Act comes into force on the day it receives Royal Assent.**

**Short title**

**5. The short title of this Act is the *Corporation of the Municipality of Huron Shores and Thessalon First Nation Act (Tax Relief), 2016.***