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REPORT TITLE: **2020 Tax Capping Policy – Selection of Options**

FROM: Stephen Van Ofwegen, Commissioner of Finance and Chief Financial Officer

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## **RECOMMENDATION**

**That a by-law be presented for enactment authorizing the Region of Peel to apply the optional tools for tax capping available to it under subsection 329.1(1) of the *Municipal Act, 2001*, as amended, (“*Act*”) and Ontario Regulation 73/03, as amended, as recommended in the report of the Commissioner of Finance and Chief Financial Officer titled “2020 Tax Capping Policy-Selection of Options”;**

**And further, that the subject by-law remove property in the commercial, industrial and multi-residential property classes from capping and clawback of 2020 taxes for municipal and school purposes, by exempting property from the application of Part IX of the *Act* in accordance with Ontario Regulation 73/03, as amended and as recommended in the subject report.**

## **REPORT HIGHLIGHTS**

- Regional Council is required to pass a by-law each year to apply one or more of the optional tools in subsection 329.1(1) of the *Municipal Act, 2001*, and Part II.1 of O. Reg. 73/03 as amended, in calculating the amount of property taxes for properties in the commercial, industrial and multi-residential (capped) property classes.
- Regional Council has consistently adopted the use of all available optional tools/enhancements at its disposal, as applicable.
- A preliminary analysis shows that using the recommended optional capping tools/enhancements will result in 4 properties being capped, while 11 properties in the capped property class will have their tax decreases reduced or clawed back.
- Regional and local municipal Finance staff endorse the continued application of all applicable optional tools/enhancements as a fair means of moving properties in the capped property classes toward full Current Value Assessment (CVA) tax levels.
- The strategy to adopt all applicable optional capping tools/enhancements for the 2020 taxation year will promote a fairer property taxation system.

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## **DISCUSSION**

### **1. Background**

Since 1998, municipalities have been mandated to cap assessment related tax increases on properties in the commercial, industrial and multi-residential property classes (i.e. capped property classes). In response to requests from the municipal sector, the provincial government introduced optional tools/enhancements and provided municipalities with increased flexibility respecting the property tax capping program in order to move more

## 2020 Tax Capping Policy – Selection of Options

properties to full CVA based taxation. Regional Council has consistently adopted all available optional tools/enhancements at its disposal, as applicable.

### Tools Available Under Part II.1 of O. Reg. 73/03

In response to municipal advocacy, the provincial government amended O. Reg. 73/03 to allow municipalities to annually exempt properties from the application of Part IX of the *Act* (capping and clawback provisions) for a taxation year. This allowed municipalities to tax properties in the capped property classes at their full CVA levels as follows:

1. A property that reached CVA level taxes in the previous year is eligible to be removed from the capping program for the current taxation year.
2. A property that crosses over from being a capped property in the previous year to a clawback property in the current year will be eligible to be removed from the capping program for the current taxation year.
3. A property that crosses over from being a clawback property in the previous year to a capped property in the current year will be eligible to be removed from the capping program for the current taxation year.

Additional amendments were made to O.Reg. 73/03 in 2016 as a result of continued advocacy from many municipal and business stakeholders. These amendments included increasing the annual cap to a new maximum of 10 percent (up from its previous level of 5 per cent) of the property's previous year's CVA level taxes, as well as increasing the threshold to a maximum of \$500 (up from its previous maximum threshold of \$250). The amendments apply to properties that are capped or clawed above and beyond the increase or decrease resulting from the application of all available tools, so that these properties are able to move to full CVA based taxation faster.

The enhancements to O. Reg. 73/03 also included options to exit the program immediately if no properties remained in the capping program, which does not apply to Peel. Additionally, there is an option for a four-year phase-out from the capping program once no capped properties were being taxed at less than 50 percent of their CVA level taxes in a capped property class.

### Increased Flexibility and Additional Enhancement Tools

The Province provided municipalities with the following additional flexibility for 2017 and subsequent years:

1. A municipality is eligible to exclude vacant land from the phase-out eligibility criteria where all capped properties are taxed at 50 per cent or more of their CVA level taxes.
2. A municipality is eligible to exclude reassessment related increases, for the current year, from the capping calculation.

The Region utilizes all options as applicable.

## 2. Findings

The Region of Peel is currently in the final year of its four-year phase-out for multi-residential and industrial capping programs, where all properties in these capping programs will be taxed at full CVA tax for the 2020 and future taxation years. Additionally, the four-year

## 2020 Tax Capping Policy – Selection of Options

phase-out will be implemented for commercial capping program starting in 2020. The Region is not eligible to exit the capping program in 2020 as there remained capped properties in the commercial capping program in the previous taxation year (i.e. 2019).

The use of the following optional capping tools/enhancements is being recommended for 2020:

1. Set the annual cap of the previous year's annualized taxes (i.e. allowed tax increase) to a 10 per cent cap;
2. Set an upper limit on annual increases at the greater of the amount calculated under 1. above or 10 per cent of the property's previous year's CVA level taxes;
3. Establish a maximum \$500 threshold for increasing (capped) properties or decreasing (clawback) properties above and beyond the increase or decrease resulting from the application of the above tools in order to promote the movement of more properties to full CVA based taxation;
4. A property that reached CVA level taxes in the previous year will be removed from the capping program for the current taxation year;
5. A property that crosses over from being a capped property in the previous year to a clawback property in the current year will be removed from the capping program for the current taxation year;
6. A property that crosses over from being a clawback property in the previous year to a capped property in the current year will be removed from the capping program for the current taxation year;
7. Implementation of four-year phase-out programs for the capped property classes;
8. Exclude vacant land from the phase-out eligibility criteria in determining whether all properties are within 50 per cent of CVA level taxes as required; and
9. Exclude reassessment related increases, for the current year, from the capping calculation.

The preliminary analysis of using the recommended optional capping tools/enhancements available under subsection 329.1(1) of the *Act* and O. Reg. 73/03 as amended, shows the following:

	<b>Capped</b>	<b>Clawed Back</b>	<b>At Full CVA</b>
Number of Properties	4	11	17,824
Percentage of Properties	0.0%	0.1%	99.9%
Change from 2019	-0.1%	-0.1%	0.2%

The final capping calculation for 2020 will be completed later this month (i.e. targeted for May 28<sup>th</sup>) and will be the subject of a subsequent report. Regional and local municipal Finance staff are in agreement to use all of the recommended optional capping tools/enhancements as the best available strategy to move as many properties as possible towards full CVA based taxation.

## 2020 Tax Capping Policy – Selection of Options

### CONCLUSION

Regional and local municipal Finance staff propose that all recommended optional tools/enhancements continue to be applied in 2020 as part of the capping program for properties in the commercial, industrial and multi-residential classes to promote a fairer property taxation system.

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#### ***Reviewed and/or approved in workflow by:***

Department Commissioner, Division Director and Legal Services.

Final approval is by the Chief Administrative Officer.



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N. Polsinelli, Interim Chief Administrative Officer