



PERMISSIVE TAX EXEMPTION APPLICATION

Date: _____

GENERAL INFORMATION

Official Name of Organization: _____

Alternate Name (if applicable): _____

Address: _____

Applicant Name & Position: _____

Email: _____

Business
Phone: _____

Cell
Phone: _____

Mailing Address (if correspondence needs to go to different address than above): _____

SOCIETY INFORMATION

Society Registration Number: _____

Charity Number: _____

Annual Report filed with the Provincial yes no Date Last Report
Government: _____ Filed: _____

Society Executive Contacts _____

Title	Name	Email	Phone

Department: _____ Finance Policy No.: _____
Sub-department: _____ Created By: _____



LEGAL

Civic Address:	
Roll Number:	PID
Plan:	Block
Lot:	Parcel

The exemption applied for is under Section 224 of the Community Charter and is pursuant to Subsection 2, clause (). Please fill in the relevant clause from Section 224(2) in Appendix A.

Describe the purpose and use of the land and/or buildings:

Does anyone live in the building: No Yes

If yes how many people? _____ What is the square footage of the living area? _____

List all licenses held by your organization (eg. Provincial Licenses – Community Care Facility Act, Hospital Act, Health Act, Liquor Licenses etc.):

USER STATISTICS – AS APPLICABLE

Describe the programs/services/benefits delivered from the subject property.

How is your organization accessible to the public?

List the number of persons that are served by your organization annually:

List the number who are residents of the District:

Department: _____ Finance Policy No.: _____
 Sub-department: _____ Created By: _____



Is the organization run by volunteers, paid staff or a combination of both?

Number of volunteers: _____

Volunteer hours worked per year: _____

Number of paid staff, their titles and number of paid hours per year: _____

Number of staff	Title	Paid Hours per Year

Is the organization in compliance with all municipal policies, plans, bylaws, and regulations of the District (ie. business licences, zoning bylaw, building bylaw, etc.)? If not, please give an explanation.

Has there been any change in the status or use of the building(s) or property in the last 12 months? If yes, please explain briefly.

Explain how the purposes of your organization are directly related to the objectives and purposes of the Council and the District.

Other activities which may be pertinent to your application:



INCOME, GRANTS and FUNDING ASSISTANCE

Does your organization receive any income from rental or use of the building(s), parking lot(s), or other portions of the land(s)? No Yes If yes please indicate:

Income Source	Annual Income	Hours Per Day or Days Per Week

Has your organization received other grants in the last three years from the District? If yes, please indicate the year, the amount and the purpose of the grant:

Year	Amount	Purpose

List funding assistance and grants received from senior governments (Federal/Provincial), local or regional governments (other than the District) or other funding agencies in the past three years:

Year	Amount	Name of Contributor



Please attach audited financial statements including a balance sheet and income statement for the last 3 years

DECLARATION

I hereby declare that the statements and information contained in the material submitted in support of this application are to the best of my belief true and correct in all respects.

I hereby agree to indemnify and save harmless the District of Fort St. James and its employees against all claims, liabilities, judgments, costs and expenses of whatsoever kind which may in any way occur against the said Village and its employees in consequence of and incidental to, the granting of this exemption, if issued, and I further agree to conform to all requirements of the applicable bylaw and all other statutes and bylaws in force in the District of Fort St. James.

X

Signature of Applicant

Date

The personal information on this form is collected for the purpose of an operation program of the District of Fort St. James as noted in Section 26(c) of the *Freedom of Information and Protection Privacy Act*. If you have any questions about the collection and use of this information, please contact the Freedom of Information Coordinator at 250-996-8233.

APPLICATION DEADLINE – MAY 31

Department: _____ Finance Policy No.: _____
Sub-department: _____ Created By: _____



APPENDIX A

General authority for permissive exemptions

224 (2) Tax exemptions may be provided under this section for the following:

(a) land or improvements that

(i) are owned or held by a charitable, philanthropic or other not for profit corporation, and

(ii) the council considers are used for a purpose that is directly related to the purposes of the corporation;

(b) land or improvements that

(i) are owned or held by a municipality, regional district or other local authority, and

(ii) the council considers are used for a purpose of the local authority;

(c) land or improvements that the council considers would otherwise qualify for exemption under section 220 [*general statutory exemptions*] were it not for a secondary use;

(d) the interest of a public authority, local authority or any other corporation or organization in land or improvements that are used or occupied by the corporation or organization if

(i) the land or improvements are owned by a public authority or local authority, and

(ii) the land or improvements are used by the corporation or organization for a purpose in relation to which an exemption under this Division or Division 6 of this Part would apply or could be provided if the land or improvements were owned by that corporation or organization;

(e) the interest of a public authority, local authority or any other corporation or organization in land or improvements that are used or occupied by the corporation or organization if

(i) the land or improvements are owned by a person who is providing a municipal service under a partnering agreement,

(ii) an exemption under section 225 [*partnering and other special tax exemption authority*] would be available for the land or improvements in



relation to the partnering agreement if they were used in relation to the service,

(iii) the partnering agreement expressly contemplates that the council may provide an exemption under this provision, and

(iv) the land or improvements are used by the corporation or organization for a purpose in relation to which an exemption under this Division or Division 6 of this Part would apply or could be provided if the land or improvements were owned by that corporation or organization;

(f) in relation to property that is exempt under section 220 (1) (h) [*buildings for public worship*],

(i) an area of land surrounding the exempt building,

(ii) a hall that the council considers is necessary to the exempt building and the land on which the hall stands, and

(iii) an area of land surrounding a hall that is exempt under subparagraph (ii);

(g) land or improvements used or occupied by a religious organization, as tenant or licensee, for the purpose of public worship or for the purposes of a hall that the council considers is necessary to land or improvements so used or occupied;


(h) in relation to property that is exempt under section 220 (1) (i) [*seniors' homes*],

(j) [*hospitals*] or (l) [*private schools*], any area of land surrounding the exempt building;

(i) land or improvements owned or held by an athletic or service club or association and used as a public park or recreation ground or for public athletic or recreational purposes;

(j) land or improvements owned or held by a person or organization and operated as a private hospital licensed under the *Hospital Act* or as a licensed community care facility, or registered assisted living residence, under the *Community Care and Assisted Living Act*,

(k) land or improvements for which a grant has been made, after March 31, 1974, under the *Housing Construction (Elderly Citizens) Act* before its repeal.

	POLICY / PROCEDURE	No.	2.9
	Permissive Tax Exemption	Effective Date	October 9, 2013
		Revision Letter	A
		Council Approval	April 25, 2023

1. PURPOSE

- 1.1. The purpose of this policy is to:
 - a. provide guidance to staff and Council in the review and evaluation of applications for exemption from property taxes pursuant to Section 224 of the Community Charter; and
 - b. establish the application process for a permissive tax exemption.

2. SCOPE

- 2.1. This policy applies to all permissive tax exemption applications.

3. POLICY

- 3.1. This policy sets out the responsibility of the District to advertise the permissive tax exemption opportunity annually, establishes the application process, and describes the criteria Council will apply when evaluating an application for a permissive tax exemption.
- 3.2. The intent of this policy and associated evaluation categories and guidelines is to identify the services and organizations which are the most complementary extensions of municipal services, and for which the burden resulting from the exemption is a justifiable expense to the taxpayers of District of Fort St. James. Support by way of tax exemption should be directed towards services the municipality would consider providing given adequate resources.

4. BACKGROUND

- 4.1. Section 220 of the *Community Charter* establishes statutory tax exemptions for a range of properties including those held or used by the Province, municipalities, or regional districts, and those used for libraries, hospitals, schools, cemeteries, and places for public worship. For some properties, such as those used for public worship, the statutory exemption is limited to the building and the land beneath the building.

Section 224 extends to municipalities the authority to grant permissive tax exemptions for properties used by non-profit organizations that provide services that Council considers to be directly related to the purposes of the organization and allows municipalities to grant permissive exemptions in addition to statutory exemptions under Section 220, such as church halls and land surrounding places for public worship and privately run schools.

The *Community Charter* permits exemption from municipal taxes. Similar provisions in other taxing authority legislation extend the exemption to those levies.

Exemptions provided for in Section 224 are at the discretion of Council. There is no obligation to give the exemption. Exemptions cannot be granted if the organization does not qualify under the *Community Charter*.

5. PROCEDURE

Public Notice of Permissive Tax Exemption Opportunity

- 5.1. District staff will advertise the permissive tax exemption opportunity and application deadlines through the District website, FaceBook page, on the public noticeboard, and once in the local newspaper, at least two weeks prior to the application deadline each year.

Application Process

- 5.2. An applicant for a permissive tax exemption shall submit to the District office prior to the deadline:
 - a. an application on an application form approved by the Chief Financial Officer for the District;
 - b. a copy of financial statements for the last three (3) years, except if the exemption being applied for is for one year only, in which case only the financial statement of the previous year is required;
 - c. copy of registered charity or non-profit information return for previous year;
 - d. copy of title certificate or lease agreement, as applicable;
 - e. description of programs, services, or benefits delivered from the subject property;
 - f. justification of the need for the services provided to the community; and
 - g. description of any third-party use of the subject land and improvements including user group names, fees charged, terms of use.
- 5.3. Staff or Council may choose not to consider an incomplete application.
- 5.4. Late applications will be held until the next review cycle.

- 5.5. The Chief Financial Officer will review each application received prior to the deadline and present a report to Council summarizing each application the extent to which each aligns with this policy.
- 5.6. If requested by staff or Council, an applicant must make a presentation to Council in support of the application.

Conditions for Approval of Permissive tax Exemption

- 5.6. Every organization receiving a permissive tax exemption from the District of Fort St. James will publicly acknowledge the exemption.
- 5.7. Permissive tax exemptions approved in the current year for the subsequent tax year will not exceed 1.5% of the current year's total budgeted property tax requisition calculated by using the current year's assessment multiplied by the current year's tax rates. In the case where the calculated permissive exemption values for the subsequent year exceed 1.5% of the current year's tax requisition, all permissive exemptions will be proportionately reduced.

Evaluation of Application

- 5.8. Council will consider the following information will be considered when determining whether to grant a permissive tax exemption:
 - a. the principal use of the property and the services offered;
 - b. the community's need for the services;
 - c. availability of the services and facilities to all residents;
 - d. use of the services or facilities by a significant number of residents;
 - e. other funding sources;
 - f. evidence that the organization is working towards financial self-sufficiency;
 - g. evidence of active and ongoing volunteer involvement, including the use of volunteers to deliver services;
 - h. District budget; and
 - i. demonstration of clear mandate and competent administration.
- 5.9. A permissive tax exemption may not be granted if:
 - a. the organization is unable to demonstrate a need for its services;
 - b. the organization has made no effort to obtain other funding sources for provision of services;
 - c. use of the property contravenes any municipal policies, bylaws and legislation or any other applicable enactment;
 - d. the subject land is held for future development;

- e. the subject property includes more land dedicated to off street parking, buffer zones, or to make a reasonably shaped parcel than is normally required for these purposes; or
 - f. the organization is in arrears with the municipality.
- 5.10. Exemptions may only be granted to the portion of a property that meets all the requirements of this policy.
- 5.11. The exemption may apply to the whole or part of the taxable assessed value of land, improvements, or both.
- 5.12. Only that part of the property used for non-profit activities will be considered for an exemption. Land used for commercial activities will be excluded. For clarity, society administration is considered part of the non-profit's program delivery.
- 5.13. An organization receiving a permissive tax exemption must:
- a. be the registered owner of the property or a tenant under a lease requiring the tenant to pay taxes directly to the District; and
 - b. qualify for an exemption under the provisions of the *Community Charter* Part 7, Division 7, section 224.

Term of Tax Exemption

- 5.14. Tax exemptions under section 224, except those granted for rail and track properties, will be granted for a term not exceeding three years, unless a bylaw specifies a longer term.
- 5.15. Permissive tax exemptions for rail and track properties may be granted for a ten-year term pursuant to 224(4)(a) of the *Community Charter*.
- 5.16. An application to renew a permissive tax exemption must follow the application process set out in paragraphs 5.2 to 5.5 of this policy.

6. EXEMPTION CATEGORIES

- 6.1. An organization must meet the description of at least one of the categories below:
- a. **Special needs and supportive housing properties:** short term emergency or crisis protection for members of the community, supportive housing for people with special needs, halfway houses, transitional homes and group homes with supportive staff and programs.

- b. **Social service properties:** support services and programs to members of the community with special needs, who are in some way disadvantaged and need assistance in maximizing their quality of life.
- c. **Arts and Cultural facilities:** preparation and delivery of artistic and cultural events or exhibits to the public.
- d. **Educational facilities** – exemption will be equivalent to the percentage of provincial funding allotted based on Certificate of Group Classification issued by the Inspector of Independent Schools.
- e. **Athletic or recreational facilities:** provide space and equipment for the physical and mental enjoyment of the participants.
- f. **Places of Worship:** facilities for public worship occupied by a religious organization as a tenant or land surrounding places for public worship; church halls and land surrounding them or other property attached and deemed necessary.

7. RESPONSIBILITY

7.1. Council is responsible for:

- a. approving this policy, and
- b. considering each permissive tax exemption application.

7.2. The Finance Department is responsible for:

- a. receiving and processing all permissive tax exemption applications,
- b. reviewing individual applications and making recommendations to Council, and
- c. updating the application form as necessary.