

Understanding Regional Tax Policies - 1998-2008

**The Regional Municipality of Niagara
City of Niagara Falls
City of Port Colborne
City of St. Catharines
City of Thorold
City of Welland
Town of Fort Erie
Town of Grimsby
Town of Lincoln
Town of Niagara-On-The-Lake
Town of Pelham
Township of Wainfleet
Township of West Lincoln**



Booklet may be found on this web-site: <http://www.niagararegion.ca>

Introduction

In 1998 the Province introduced a series of reforms to Property Taxation for Municipal Services. These reforms were enacted in several major Provincial Acts designed to revamp the way local taxation is administered and to provide protection against excessive tax burdens in particular classes of properties.

This document has been prepared to summarize and highlight significant areas of reform and to provide a quick reference for Councillors and other interested persons on the steps taken by Regional Council towards satisfying the requirements of the various provincial legislations making up the reform to local taxation.

It should be noted that taxation reform involves a complex set of rules and regulations which is subject to change in each successive taxation year. Therefore this document is not intended to be the final authority but serves only to provide an understanding of what has taken place to-date.

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SECTION I

Pre-1997 Property Assessment and Taxation

Up to and including 1997, the basis for property tax was the market value of properties or the assessment base. These values were based on valuation dates ranging from the 1940s to the 1990s throughout Ontario. The lack of consistency in valuation dates resulted in similar properties with the same market value paying different property taxes. In 1996, Niagara Region underwent Market Value Reassessment. As a result the assessment in all twelve local municipalities was estimated at 1992 values.

Mill rates (tax rates) were established for region, local, and education purposes in two broad assessment classes:

- Residential properties
- Commercial properties (all non-residential).

Property taxes were calculated by applying a mill rate to each \$1,000 of the property assessment value. Legislation required that the residential mill rate be equal to 85% of the commercial (non-residential) mill rate.

Property Assessment & Taxation Reform - Legislation

The following table provides a listing of the legislation enacted by the provincial government to implement property assessment and taxation reform.

Table A - Tax Policy Legislation

Legislation	Title	Date approved
Bill 106	Fair Municipal Finance Act, 1997	May 27, 1997
Bill 149	Fair Municipal Finance Act , 1997, Part 2	December 8, 1997
Bill 16	Small Business and Charities Protection Act, 1998	June 11, 1998
Bill 79	Fairness for Property Taxpayers Act, 1998	December 18, 1998
Bill 14	More Tax Cuts for Jobs, Growth and Prosperity Act, 1999	December 14, 1999
Bill 140	Continued Protection for Property Taxpayers Act, 2000	December 4, 2000

Bill 106 - Fair Municipal Finance Act, 1997 and Bill 149 - Fair Municipal Finance Act, 1997, Part 2

In 1997, the Province enacted Bill 106 and Bill 149, which contained a number of reforms to the existing system of property assessment and taxation to be implemented for the 1998 taxation year. The legislation included the following:

Assessment

Current Value Assessment (CVA)

The new system of property assessment is based on current values. CVA is based on what a property could be sold for on the open market at a specific point in time.

New Reassessment Cycle

A legislated timetable for province-wide updates to current value was introduced. Table F provides the timetable and amendments to date.

Property Classes

Residential Property Class

- condominiums, co-operatives, timeshares, group homes, care homes, campgrounds, life lease projects, rooming house
- non-profit child care, religious organizations, non-profit organizations, conservation authority
- golf courses, and driving ranges
- vacant land principally zoned for residential development
- land to provide horse trail rides or riding lessons to the public

Multi-Residential Property

- land used for residential purposes that has seven or more self-contained units
- vacant land principally zoned for multi-residential development

New Multi-residential Property Class

- consists of land that would otherwise be in the multi-residential property class but satisfies the requirement that the units on the land have been built or converted from a non-residential
- land ceases to be included in the new multi-residential property class after 35 taxation years
- a by-law adopting this class was passed April 17, 2003 in Niagara

Commercial Property Class

- land and vacant land that is not included in any other property class
- office buildings, shopping centres, parking lots, hotels
- a separate building that is used exclusively for storage purposes at the site where manufacturing, production or processing takes place

Industrial Property Class

- land used for or in connection with, manufacturing, producing or processing anything, and associated storage
- research or development in connection with manufacturing, producing or processing anything,
- vacant land principally zoned for industrial development
- land used to manufacture or transform electricity

- land used for mining, producing oil or gas, shipyards and dry docks, grain elevators, sewage or water treatment plants

Pipe Line Property Class

- pipe lines for the transportation or transmission of gas or oil
- any easement or right of way used by a pipe line company

Farmlands Property Class

- land used for farming, including outbuildings

Managed Forests Property Class

- land covered by a forest subject to specific requirements

(Note: The above provides typical examples for each class. For current and detailed information on criteria and eligibility for each class see Ontario Regulation 282/98 of the Assessment Act.)

In addition to the standard classes of property, the Province may create additional property classes at the request of Regional Council to enable municipalities to respond to community needs.

Tax Ratios

Across the province, properties in different classes are taxed at different municipal rates as a result of historical differences in tax burdens that were present prior to the province-wide reassessment in 1998. For the most part, different relative tax burdens continue to exist after reassessment whereby typically, businesses pay higher property taxes than residential properties.

Based on the current environment, taxing all properties at the same rate would result in massive tax shifts from business to residential properties. The province recognized that an immediate move to a position where all properties pay the same tax rate, regardless of class, would be too difficult for residential property owners to absorb. As a result, municipalities were permitted to set different tax rates on each property class, subject to provincially established “ranges of fairness”. Separate tax rates were established for each property class through the use of tax ratios. The ability to establish separate tax rates enabled Regional Council to prevent large tax shifts among property classes and maintain the overall tax burden for each property class.

Ranges of Fairness

Based on provincial rules, the tax ratio for the residential class is always set at 1.00. The farm and managed forest property classes are set at 0.25 . Municipalities can change the tax ratios for the commercial, industrial, multi-residential and pipeline classes of property.

As these classes typically pay relatively higher property taxes, the province only permits municipalities to change tax ratios towards established “ranges of fairness” (see Table B). These ranges ensure that taxes are not shifted onto properties that are already subject to relatively high tax rates. However, any reduction in the tax ratios for commercial, industrial, multi-residential or pipeline classes would directly impact the residential and

related classes. Municipalities can maintain their tax ratios at existing levels or elect to move towards the range of fairness.

Table B - 1998 Prescribed "Ranges of Fairness"

Property Class	Lower Limit		Upper Limit
Residential		1.0	
Multi-residential	1.0	↔	1.1
Commercial	0.6	↔	1.1
Residual Industrial	0.6	↔	1.1
Large Industrial	0.6	↔	1.1
Pipelines	0.6	↔	0.7
Farmlands *		0.2500	
Managed Forests *		0.2500	

* Starting with the 2003 tax year, Bill 198 provides upper-tier municipalities with the option of setting the farmland tax ratio below 0.2500.

The 1998 ratios prescribed by the Province for Niagara Region are provided in Table H. In each case Niagara Region's class ratio exceeded the upper limit of the range of fairness.

(Note: The province provided authority to increase tax ratios in order to achieve a revenue neutral tax position between property classes for the 2004 and 2006 taxation years, eliminating the impact of any reassessment related tax shifts. This option was not available in prior reassessment years.)

(Note: Bill 198 – permits the Farmland tax ratio to be equal to or less than 0.25)

Delegation—Tax Ratio Setting Authority

Regional Council is permitted to delegate the responsibility for the setting of tax ratios to its local municipal councils each taxation year. Delegation requires the development of an apportionment methodology to determine the amount of the region's levy that each of the local municipalities would be required to raise. This responsibility may only be delegated if the Council of each local municipality within Niagara Region has consented to the delegation by resolution. The Minister of Finance must, by regulation, prescribe the delegation of tax ratio setting responsibility.

➤ Regional Council, to date, has not delegated tax ratio setting authority.

Elimination of Business Occupancy Tax (BOT)

Prior to property tax reform, businesses were required to pay BOT in addition to realty tax. The BOT was determined as a percentage of the realty assessment. The applicable percentage rate was specific to the type of business and ranged from a low of 25% to a high of 75%.

As a part of property tax reform the BOT was eliminated and all property taxes are now calculated based on realty assessment. The foregone BOT revenue is recovered within the

tax rates established for each of the commercial and industrial classes. Since the BOT was previously paid by businesses and not the property owner, its elimination has reduced municipalities' tax arrears and write-offs.

Phase-In Program

Municipalities were permitted to phase-in 1998 assessment related tax increases or decreases over a period of up to eight years. The phase-in program was available for all property classes.

- Regional Council did not implement a phase-in program to mitigate the impacts of property reassessment in 1998.

Graduated Tax Bands—Commercial Class

Regional Council may establish up to three assessment bands within the commercial class to which different tax rates may be applied. This tool provides the ability to protect lower valued properties by allowing municipalities to apply different tax rates for each band of current value assessment. However, this program is self-funded within the class, and as such, by providing a lower tax rate below a threshold, increases the tax rate(s) above the threshold(s).

- Regional Council did not adopt graduated tax rates for the commercial class.

Tax Relief for Low Income Seniors and Low Income Disabled Persons

To relieve financial hardship Niagara Region must provide a deferral or cancellation, or other relief for all or part of a tax increase (municipal and education) for property owners in the residential property class that are:

- (a) low-income seniors as defined in by-law; or
- (b) low-income disabled persons as defined in by-law.

- Eligibility requirements and applications are available on the Region of Niagara website <http://www.niagararegion.ca>.
- Applications must be submitted to the local municipality.

Tax Discount for Farmland Awaiting Development (FAD)

Two sub-classes for FAD were prescribed for the purposes of providing tax reductions within each of the following classes of real property:

- Residential
- Multi-Residential
- Commercial
- Industrial

1st Sub-class

The first sub-class consists primarily of land included in a registered plan of subdivision that is used solely for farm purposes and there is no building permit for construction on the land, other than for a farm residence or structure to be used solely for farm purposes.

For land assessed in the first sub-class, the legislation required a tax discount no less than 65% and no more than 75% of the residential tax rate for the 1998 taxation year.

2nd Sub-class

The second sub-class consists primarily of land included in a registered plan of subdivision that is used solely for farm purposes and there is a building permit for construction on the land.

For land assessed in the second sub-class, the legislation permitted a tax discount of up to 75% of the residential rate for the 1998 taxation year.

For subsequent taxation years, the legislation permits an increase or decrease to the percentage discount for the first sub-class by up to 10% per year provided the percentage discount remains in the range of 25% to 75%. Also, Niagara Region may increase or decrease the percentage discount for the second sub-class in any year, provided the percentage discount remains in the range of 0% to 75%.

- Current year FAD discounts adopted by Regional Council are provided in Table L

Bill 16 - Small Business and Charities Protection Act, 1998

In June of 1998, the Province enacted Bill 16. A brief summary of the provisions follow.

2.5% Capping Program (1998, 1999, 2000)

Bill 16 provides for an optional three-year plan that municipalities may use to limit business property tax increases to no more than 2.5% a year in 1998, 1999 and 2000. The limit applies to individual businesses such that their 1997 realty tax and Business Occupancy Tax (BOT) cannot increase more than 2.5% a year.

- Regional Council did not adopt this capping program.

Tax Relief for Eligible Charities

Regional Council must establish a program to rebate at least 40% of property taxes paid by registered charities. Regional Council is permitted to extend the rebate program to other organizations deemed to be similar to registered charities.

- Eligibility requirements and applications are available on the Region of Niagara website <http://www.niagararegion.ca>.
- Applications must be submitted to the local municipality.

Optional Property Classes

In addition to the seven standard classes of properties, the following optional property classes have been introduced:

- Shopping Centres
- Office Buildings

- Parking Lots and Vacant Land
 - Large Industrial
- In 1998, Regional Council adopted the large industrial class to maintain an appropriate balance of tax burden within that class.
- In 2005, Regional Council opted out of the large industrial class.

Graduated Tax Bands—Industrial Class

The provision to establish up to three assessment bands with graduated tax rates has been extended to the industrial class. Regional Council may establish up to three assessment bands within the class to which different tax rates may be applied. This tool provides the ability to protect lower valued properties by allowing municipalities to apply different tax rates for each band of current value assessment. However, this program is self-funded within the class, and as such, by providing a lower tax rate below a threshold, increases the tax rate(s) above the threshold(s).

- Regional Council did not adopt graduated tax rates for the industrial class.

Municipal Tax Rebate

Bill 16 permits Regional Council to pass a by-law providing for tax rebates to commercial and/or industrial property owners. This rebate was created in order to offset all or part of the assessment-related tax increases experienced by business properties. Officials at the Ministry of Finance advised that the Province would not share in the cost of a rebate program.

- Due to the lack of Provincial cost-sharing participation Regional Council did not establish a tax rebate program.

(Note: Bill 140 - replaced the Municipal Tax Rebate with the Municipal Tax Reduction Mechanism.)

Bill 79 - Fairness for Property Taxpayers Act, 1998

In December 1998, the Province enacted Bill 79, which required Niagara Region to limit assessment-related property tax increases for the commercial, industrial, and multi-residential classes.

10-5-5% Capping Program (1998, 1999, 2000)

Bill 79 is commonly referred to as the “10-5-5% Capping” legislation. All municipalities in Ontario (except Toronto which adopted the 2.5% capping program) were required to limit property tax reform related increases from 1997 to the commercial, industrial, and multi-residential classes to a maximum of 10% in 1998, 15% in 1999, and 20% in 2000.

The 10-5-5% cap applied to property tax increases as measured against the amount paid in 1997 based on a comparable 1997 assessed value.

Municipalities are permitted to fund the cost of the cap by limiting the available tax decreases through a “claw back” (known as “Division B” method). Alternatively,

municipalities could fund the cap using non-tax revenues and/or a general tax rate increase (known as “Division C” method).

➤ Regional Council has adopted the “claw back” method in each year.

(Note: Bill 140 –introduced a new capping program for the 2001 taxation year.)

Bill 14 - More Tax Cuts for Jobs, Growth and Prosperity Act, 1999

Bill 14 received Royal Assent in December 1999. It amended various sections of the Municipal Act and Assessment Act. Most of the amendments were administrative.

New Construction Limits

Commercial, industrial and multi-residential properties that are newly constructed, undergo substantial physical changes or that change classification from an unprotected property class to a protected property class are taxed at a level of assessment that is no higher than that of six comparable properties in the same vicinity. Properties that qualify as new construction are not included in the capping calculation. As required by the legislation, MPAC must provide lower-tier municipalities with a list of up to six comparable properties for each eligible new construction property. The lower-tier municipality must give notice of the comparable properties and the total assessment determined to the property owner within 60 days after receiving the comparable information from MPAC. The property owner has 90 days from the mailing of the information by the lower-tier municipality to appeal in writing to the Assessment Review Board (ARB) to request that up to six alternative properties be used as comparables in establishing its assessment.

(Note: Bill 140 – expanded the definition of new construction.)

(Note: Bill 83 – permits municipalities to phase out new construction treatment by the year 2008.)

Bill 140 - Continued Protection for Property Taxpayers Act, 2000

In December 2000, the Province enacted Bill 140. It requires that Regional Council establish several programs related to property taxation in 2001 and beyond, including a revised program to limit tax increases for commercial, industrial, and multi-residential properties resulting from reassessment. There is no requirement to mitigate property tax increases for the residential, farmlands, managed forests, or pipeline classes.

5% Capping Program (2001 & Beyond)

It is required that a permanent program be established to limit the reform-related property tax increase to no more than 5% per year for the commercial, industrial, and multi-residential classes, excluding farmland awaiting development, for the 2001 taxation year and beyond. Regional Council is permitted to adopt the use of property tax mitigation tools made available in previous legislation in conjunction with the new capping program.

The legislation permits Niagara Region to recover all or part of the cost of the cap by limiting the property tax decreases (“claw back”) within the subject property class. The legislation also permits Niagara Region to allow more tax decreases to flow through to those business properties entitled to them by funding the cap with non-tax revenues and general tax rate increases across all property classes.

Niagara Region and the local municipalities are permitted to levy municipal budgetary increases over and above the 5% cap limit. The limit is calculated each year based on the previous year’s annualized taxes.

(Note: Bill 83 – introduced changes to the capping rules allowing municipalities some flexibility in their application starting in 2005.)

Restrictions Related to Municipal Budgetary Increases

Bill 140 restricts municipalities from imposing municipal budgetary increases on those property classes where the tax ratio exceeds a provincially prescribed threshold ratio. The provincial threshold ratios are indicated in Table H.

- In Niagara Region the restriction applied to the industrial classes. During the years 2001 to 2006 the municipal budgetary increases were shifted to the remaining classes of property.
- As of 2007 this restriction no longer applies in Niagara Region as Regional Council lowered the industrial tax ratio to the provincially prescribed threshold ratio of 2.63.

Tax Rebate for Vacant Properties

Vacant commercial and industrial properties are shown on the Returned Assessment Roll as fully occupied commencing in the 2001 taxation year. These properties are now taxed at 100% of the applicable commercial and industrial tax rates. Property owners may apply to the local municipality for a tax rebate for periods of vacancy.

If portions of a property are assessed in different property classes due to multi-use, each portion is considered to be a separate property for the purpose of vacancy rebates.

Legislation permits Regional Council to establish a common tax rebate percentage between 30% and 35% to apply to both vacant commercial and industrial properties.

- Current rebate percentages adopted by Regional Council are indicated in Table L
- Applications must be submitted to the local municipality.

New Construction Limits

For the 2001 taxation year and beyond, Bill 140 continues the tax protection to the commercial, industrial, and multi-residential classes provided in Bill 14, which required that newly constructed properties be taxed at a level of assessment that is no higher than that of six comparable properties in the same vicinity.

Furthermore, Bill 140 extended this tax protection measure to properties that:

- undergo a renovation or addition that increases the assessed value of the property by 50% or more;

- change classification from uncapped to a capped class or between capped classes;
- moved into the commercial, industrial, or multi-residential classes in 1998, 1999 or 2000 due to a change in use;
- used to be exempt but are now taxable; and
- are land and undergo subdivision or severances.

Local municipalities must give notice of the comparable properties and the total assessment determined to the property owner within 60 days after receiving the comparable information from MPAC.

The property owner has 90 days from the mailing of the information by the municipality, to appeal in writing to the Assessment Review Board (ARB), to request that up to six alternative properties be used as comparables.

- In 2008, new construction treatment has reached 100% in Niagara Region.

(Note: Bill 83 – permits municipalities to phase out new construction treatment by the year 2008.)

Tax Relief for Low Income Seniors & Low Income Disabled Persons

Regional Council may enact by-laws to defer, cancel or provide other relief to low-income seniors or low-income disabled persons. Protection has been expanded to include relief from all property tax increases, including municipal budgetary increases as well as assessment-related tax increases for the year of reassessment. Regional Council has the flexibility to determine the amount of relief, the type of relief, and to define the eligibility criteria.

- Eligibility requirements and applications are available on the Region of Niagara website <http://www.niagararegion.ca>.
- Applications must be submitted to the local municipality.

Phase-In Program for All Property Classes

A new phase-in tool was introduced permitting a municipality to establish a permanent program to phase-in all property tax changes that occur in the year of reassessment, including municipal budgetary increases. Phase-in programs can apply to any or all of the property classes and may be spread over a period of up to eight years. For the purposes of a phase-in program, the residential, farm and managed forests classes are deemed to be one class. With respect to properties in the commercial, industrial, and multi-residential classes, any phase-in program must be used in conjunction with the mandated 5% cap.

A phase-in program is self-financing. Properties entitled to decreases will be required to forego a portion or all of their decrease in order to fund the phase-in of tax increases. Should a program shortfall occur, the upper-tier municipality and its lower-tier municipalities must share any shortfall occurring as a result of a phase-in program. This includes the education portion of the shortfall, as the province does not share in a phase-in program.

Regional Council is permitted to establish phase-in thresholds based on percentages or dollar amounts. Further, the program may phase-in equal amounts or variable amounts

each year, provided that the amount phased-in each year is no more than the amount phased-in for the previous year.

- Regional Council has not implemented a phase-in program.

Municipal Tax Reduction Mechanism

A tax reduction mechanism replaces the former tax rebate tool under Bill 16. Regional Council is permitted to enact a by-law providing tax reductions for commercial, industrial, and multi-residential properties. The tax reductions would be processed as a reduction on the tax bill rather than through an after-the-fact rebate.

Niagara Region is required to fund the entire cost of the tax reduction through either non-tax revenues or a general tax rate increase across all property classes. The cost of the tax reduction would not be shared by the Province with respect to the education portion of property taxes.

- Regional Council did not adopt a municipal tax reduction program.

Tax Relief for People in Hardship

Property tax reductions or refunds may be provided to property owners in the residential, farm, and managed forest classes if the local municipality deems the taxes to be “unduly burdensome”. Local municipalities are required to determine the amount of relief and the eligibility criteria.

The cost of property tax relief for people in hardship will automatically be shared by the Province with respect to the education portion of the tax bill. Niagara Region has the option of sharing the cost with respect to the upper-tier portion of the tax bill.

Exemption for Portion of Homes Built for People with Disabilities

The Assessment Act contains provisions to exempt from taxes (municipal & education) any alterations and additions that are made to existing residential properties to accommodate seniors or persons with disabilities. Bill 140 extends this provision to the prescribed portion of newly built homes that are designed to accommodate seniors or persons with disabilities. It is the responsibility of the property owner of the eligible property to apply to MPAC for the exemption as the exemption must be approved by MPAC.

- Application and information respecting this exemption may be obtained from the local MPAC office or the web-site <http://www.mpac.ca/>.

Business Education Tax Cut

The Province has a program in place to reduce education taxes for businesses. The business education tax cuts apply to those municipalities where the prevailing education tax rate is greater than the Provincial average.

Bill 140 requires the Minister of Finance to prescribe new provincial average business education tax rates following each reassessment.

Bill 127—Responsible Choices for Growth and Fiscal Responsibility Act, 2001

In December of 2001, the Province enacted Bill 127. It contained the following provision:

Heritage Property

The optional Heritage Property Tax Reduction or Refund Program was introduced to encourage the restoration and preservation of heritage buildings by providing property tax relief to owners of heritage properties.

Bill 198 – Keeping the Promise Strong Economy Act (Budget Measures)

In December of 2002, the province enacted Bill 198. It contained the following provision:

Farm Tax Ratio = or < 0.25

Upper-tier and single-tier municipalities have been given the ability (on an annual basis) to set a tax ratio for the farm and managed forests property class that is below 25% of the residential tax rate.

- A reduction to the farm tax ratio has not been adopted by Regional Council.

2004 Tax Policy Announcements

1. Measure #1 – Revenue Neutral Tax Ratios

Upper or single tier municipalities are permitted to increase the tax ratio on business classes (multi-residential, commercial, industrial and pipelines) to the extent necessary to prevent tax shifting onto the residential class as a result of reassessment. This measure is revenue neutral, as taxation on each class would neither increase or decrease compared to the previous year.

This authority is provided through regulation of new tax ratios on a case-by-case basis requiring submission of a satisfactory proposal to the Minister of Finance and a copy of a council resolution supporting the new tax ratios.

It should be noted that prior to 2004, once a tax ratio was reduced, a mechanism did not exist to increase that ratio in future years, until it fell within the provincially prescribed Range of Fairness.

- Regional Council adopted revenue neutral tax ratios in 2004 for the multi-residential, commercial and pipeline classes.

2. Measure #2 – Levy Shift to Restricted Classes

Municipalities (upper or lower tier) with classes subject to the levy restriction may apply up to 50% of the residential tax rate increase to the restricted class. Ontario Regulation 66/04 prescribes the method for undertaking this measure.

➤ Regional Council did not adopt this measure for the 2004 taxation year.

(Note: As of taxation year 2007, this measure does not apply to Niagara Region as the industrial property class is no longer subject to the levy restriction.)

3. Changes to the Assessment Cycle

This Act introduced legislation to alter the assessment cycle for the 2006 taxation year. The valuation date has been moved forward from June 30th of the preceding year to January 1st of the preceding year. The 2005 taxation year is based on the same valuation date as the 2004 assessment, that is, June 30, 2003. See Table F.

The implementation of Assessment Averaging, which was to have taken place for the 2005 taxation year, has been indefinitely deferred. Analysis and consultation will be preceding on alternative assessment stabilization measures for residential and business properties for 2006 and future reassessment years. Focus will be placed on developing tools to address taxpayer concerns with assessment volatility for individual properties that will be administratively feasible for municipalities and MPAC.

4. Capping Options (added flexibility)

To facilitate the transition to CVA while still maintaining a manageable pace of change for property owners, the following capping options were introduced in the 2005 taxation year, allowing municipalities to:

- a. increase the amount of the annual cap from 5% to up to 10% of previous year's taxes;
- b. implement a minimum annual increase for capped properties of up to 5% of CVA-level taxes;
- c. move capped or clawed-back properties directly to their CVA taxes if they are within \$250 of their CVA taxes;
- d. phase out the "new construction treatment" by creating floors establishing a minimum percentage of CVA tax responsibility, such that eligible properties would be taxed at:
 - up to 70% of CVA-level taxes in 2005;
 - up to 80% of CVA-level taxes in 2006;
 - up to 90% of CVA-level taxes in 2007; and
 - up to 100% of CVA-level taxes in 2008 and future years.

➤ Regional Council has adopted these options for the taxation years 2005, 2006 and 2007.

5. Graduated Tax Bands – Optional Property Classes

Regional Council may establish up to three assessment bands within the optional

property classes to which different tax rates may be applied. This tool provides the ability to protect lower valued properties by allowing municipalities to apply different tax rates for each band of current value assessment. However, this program is self-funded within the class, and as such, by providing a lower tax rate below a threshold, increases the tax rate(s) above the threshold(s).

- Not adopted by Regional Council

2006 Tax Policy Announcements

6. Measure #1 – Revenue Neutral Tax Ratios

Upper or single tier municipalities are again permitted to increase the tax ratio on business classes (multi-residential, commercial, industrial and pipelines) to the extent necessary to prevent tax shifting onto the residential class as a result of reassessment. This measure is revenue neutral, as taxation on each class would neither increase or decrease compared to the previous year.

- Regional Council adopted revenue neutral tax ratios in 2006 for the commercial and pipeline classes.

7. Measure #2 – Levy Shift to Restricted Classes

Municipalities (upper or lower tier) with classes subject to the levy restriction may apply up to 50% of the residential tax rate increase to the restricted class. Ontario Regulation 66/04 prescribes the method for undertaking this measure.

- Regional Council did not adopt this measure for the 2006 taxation year.

(Note: As of taxation year 2007, this measure does not apply to Niagara Region as the industrial property class is no longer subject to the levy restriction.)

8. Changes to the Reassessment Schedule

The Minister of Finance announced that the Ontario Province-wide reassessment for 2007 and 2008 will be cancelled. The valuation date for 2007 and 2008 for assessment purposes will be January 1, 2005, the same date used for the 2006 taxation year. This two year time period will provide MPAC with time to implement recommendations contained in the Ontario Ombudsman report. MPAC indicated that they are committed to implementing all the Ombudsman's recommendations by 2009. The assessment cycle may be found in Table F.

2007 Tax Policy Announcements

9. Four Year Reassessment Cycle

The next reassessment is still scheduled for the 2009 tax year, based on property values as of January 1, 2008. Future reassessments will be conducted every four years, coupled with a mandatory phase-in program. The assessment cycle may be found in Table F

10. Mandatory Phase-in of Assessment Increases

A mandatory phase-in of assessment increases spread equally over four years for residential property, including the farm class and managed forest class, which will correspond to the new assessment cycle. The program will be implemented province-wide in 2009. Assessment decreases would apply immediately. Business

11. Education Tax Reduction

Over 7 years, BET rates will be lowered to a target maximum rate of 1.60%, compared to the current average BET rate of 1.85%. This will also reduce the wide variation in BET rates across the province. The variation in rates distorts business location decisions - placing many regions of Ontario at a disadvantage.

2008 Tax Policy Announcements

12. Extension of Mandatory Phase-in of Assessment Increases

The 2007 Budget announced changes to the assessment system that included a four year reassessment cycle and mandatory phase-in of assessment increases for residential properties. The Province will extend this mandatory phase-in to all property classes, including commercial, industrial and multi-residential properties.

SECTION II

Legislation

Table C - Legislative Deadline Dates

Legislative Deadline Dates

Deadline	Description	Tax Year	Municipal Act		Responsibility	Action
February 28th	Deadline for upper-tier to delegate tax ratio setting authority to lower -tiers	current	310	(1)	Regional Council	By-Law
February 28th	Deadline for lower-tiers to pass resolution accepting Region's delegations by-law and apportionment plan	current	310	(3)	Lower-Tier Council	Resolution
April 1st	Deadline to make a regulation designating upper-tier to which delegation can apply	current	310	(4)	Minister of MMAH	Regulation
April 30 th	Deadline for upper-tier to set tax ratios if delegation does not occur	current	308	(5)	Regional Council	By-Law
April 30 th	Deadline to apply a tax ratio of less than 0.25 to the farm property class	current	308.1	(5)	Regional Council	By-Law
April 30 th	Deadline to set tax ratios if delegated to lower-tier	current	310	(7)	Lower-Tier Council	By-Law
April 30 th	Deadline to pass upper-tier general levy and tax rates	current	311	(2)	Regional Council	By-Law
April 30 th	Deadline to pass upper-tier special levy and tax rates	current	311	(4)	Regional Council	By-Law
April 30 th	Deadline to establish graduated tax band and rates for the commercial and industrial classes	current	314	(1)	Regional Council	By-Law - if established
April 30 th	Deadline to establish a Municipal Tax Reduction program for multi-res, commercial and industrial	current	362	(1)	Regional Council	By-Law - if established
December 31st	Deadline to establish a phase-in program of tax changes resulting from reassessments	current	318		Regional Council	By-Law - if established
February 28 th	Deadline for tax payers to submit Vacancy Rebate Applications	following	364	(2)	Property Owner	
October 31st	Deadline for upper-tier to opt in or out of an optional property class	preceding	2	(3.2)	Regional Council	By-Law
March 31st	Deadline for property owner to submit an Assessment Appeal	current	40	(2.1)	Property Owner	
December 31st	Deadline for property owner to submit a Request for Reconsideration	current	39.1	(1)	Property Owner	

Note: Deadlines may be extended by the Minister of Finance.

Table D - Pertinent Sections of the Assessment Act & Municipal Act

Pertinent Sections of the Assessment Act & Municipal Act	Act	
	Assessment	Municipal
5% Capping Program		327
Exemption for Portion of Homes Built for Seniors and People with Disabilities	3 (1)22	
Municipal Tax Reductions		362
Optional Property Classes	7	
Ranges of Fairness		308 (8) (9)
Subclass Reduction		313 (4)
Rebate - Charitable Organizations		361
Rebate - Heritage Property		3.65.2 (7) (8)
Rebate - Vacant Unit		364
Relief - from Hardship		365
Relief - Low-Income Senior and Disabled Homeowners		319
Restrictions Related to Municipal Budgetary Increases – Upper Tier		311 (7)
Restrictions Related to Municipal Budgetary Increases – Lower Tier		312 (7)
Tool - Graduated Tax Rates		314
Tool - Phase-in		318

Table E - Optional Tax Policy Adopted in Niagara Region

Optional Tax Policy Adopted in Niagara Region	Adopted by Region
Capping Program 2.5% Cap 5% Cap Increase the amount of the annual cap from 5% to up to 10% of previous year's taxes; Implement a minimum annual increase for capped properties of up to 5% of CVA-level taxes; Move capped or clawed-back properties directly to their CVA taxes if they are within \$250 of their CVA taxes;	No Yes Yes Yes Yes
Phase out the "new construction treatment" minimum percentage of CVA tax responsibility - up to 70% of CVA-level taxes in 2005; - up to 80% of CVA-level taxes in 2006; - up to 90% of CVA-level taxes in 2007; and - up to 100% of CVA-level taxes in 2008 and future years.	Yes Yes Yes N/A
Funding of Capping Program Claw back Non-tax revenues General tax rate increase	Yes No No
Delegation of Tax Ratio Setting Authority to Local Municipalities	No
Graduated Tax Bands Commercial Classes Industrial Classes Subclasses	No No No
Heritage Rebate Program	Yes
Municipal Tax Reduction/Rebate	No
Optional Property Tax Class Large Industrial New Multi-residential Office Building Parking Lots Shopping Centres	No Yes No No No
Phase-in Program	No
Subclass Farmland Awaiting Development I and II	Yes

Table F - Assessment Cycle

Original Assessment Cycle

Taxation Year	Date of Current Value Assessment
1998	30-Jun-96
1999	30-Jun-96
2000	30-Jun-96
2001	30-Jun-99
2002	30-Jun-99
2003	30-Jun-01
2004	30-Jun-03
2005	Average of Current Value on June 30, 2003 & 2004
2006 & beyond	Average of Current Value on June 30 of the three previous years

Bill 83 - Budget Measures Act, 2004

Taxation Year	Date of Current Value Assessment
2005	30-Jun-03
2006	1-Jan-05
2007 & beyond	January 1 of the preceding taxation year

June 2006 - Announcement by Minister of Finance

Taxation Year	Date of Current Value Assessment
2007	1-Jan-05
2008	1-Jan-05
2009 & beyond	To be announced

Bill 187 - Budget Measures and Interim Appropriations Act, 2007

Taxation Year	Date of Current Value Assessment	
2009	1-Jan-08	4 year phase-in
2010	1-Jan-08	
2011	1-Jan-08	
2012	1-Jan-08	
2013	1-Jan-12	4 year phase-in
2017	1-Jan-16	
2021	1-Jan-20	
2025	1-Jan-24	

Shaded areas indicate actual valuation date that occurred for the respective taxation year

SECTION III

Niagara Region

Property Tax Burden and Collection

Municipal Services

Regional Council determines its property tax revenue requirements through the annual capital and operating budget process. The approved levy requirement is then translated into a Regional tax rate for each class of property based on current value assessments.

The local municipal councils establish municipal property tax rates for their purposes but collect property taxes for regional, local and education purposes.

Education

The Province has raised monies for commercial and industrial education purposes in Niagara Region by:

- Requisitions for which Regional Council establishes the required tax rates, and
- Setting of specific rates.

The Minister of Finance prescribes province-wide education tax rates for residential, multi-residential and farm properties.

Tax Policy

The introduction of Bill 79 in 1998 froze Niagara Region's ability to lower its tax ratios in the years 1998, 1999 and 2000. To avoid the full impact of this Bill, the Region lowered the tax rates for the multi-residential, commercial, industrial and large industrial classes of property in 1999 by utilizing what is now section 311 (25) of the Municipal Act, 2001. This section allowed upper-tier municipalities to lower tax rates, without adjusting tax ratios.

The Region developed a strategy to fund tax rate reductions using sustainable residential assessment growth. In 1999 and 2000 the Region lowered its tax rates and theoretically the tax ratios for the multi-residential, commercial and industrial classes.

The Region's use of this section of the Act caused its ratios to be below those used by the Area Municipalities in the years 1999 and 2000. In 2001, the Region further reduced the burden for these classes resulting in a shift in property tax burden to the residential class at the area municipal level.

Property Tax Plan (2000 to 2004)

A Realty Tax Study was performed for Niagara Region in 1999. It identified that Niagara Region's property taxes for the multi-residential, industrial, and large industrial classes were higher in comparison to other municipalities. As a result a tax mitigation plan was designed to reduce the tax burden on these classes of property.

Beginning in 2001, municipalities were permitted to lower tax ratios. Niagara Region took advantage and lowered the multi-residential, industrial and large industrial classes of property affecting both the upper-tier and lower-tier tax rates.

The intent of the 5-year plan (Table G) was to address results of the Realty Tax Study by:

1. lowering the large industrial tax ratio until it reached the residual industrial ratio,
2. in 2004, once the large and residual tax ratios were the same, the class was to be combined into a broad industrial class, and
3. reduce the multi-residential tax ratio to 1.50 by the year 2004.

Council adopted the following Tax Plan in 1999.

Table G - 5-Year Mitigation Plan

Property Class	Tax Ratios				
	5-Year Mitigation Plan				
	2000	2001	2002	2003	2004
Residential	1.0000	1.0000	1.0000	1.0000	1.0000
Multi-Residential	2.3953	2.1169	1.6828	1.5122	1.5000
Commercial	1.6147	1.6147	1.6147	1.6147	1.6147
Industrial	3.5184	3.5184	3.5184	3.5184	3.5184
Large Industrial	3.8743	3.6074	3.5810	3.5400	3.5184
Pipelines	1.3341	1.3341	1.3341	1.3341	1.3341
Farmland/Mgd Forest	0.2500	0.2500	0.2500	0.2500	0.2500

Each year further review and analysis has taken place to determine if and what further tax ratio adjustments should occur in each class.

Table H - Approved Tax Ratios

The following table provides tax ratios approved to date by Regional Council.

Year	Residential	Multi-residential	New Multi-residential ^(a)	Commercial	Industrial ^(b)	Large Industrial ^(b)	Pipeline	Farm/Mgd Forest	FADI ^(c)	FADI II ^(c)
2008	1.0	2.0600	1.0	1.7586	2.6300		1.6334	0.25	0.75	1.0
2007	1.0	2.0600	1.0	1.7586	2.6300		1.6334	0.25	0.75	1.0
2006	1.0	2.0600	1.0	1.7586	2.8000		1.6334	0.25	0.75	1.0
2005	1.0	2.0990	1.0	1.6621	3.1142		1.4220	0.25	0.75	1.0
2004	1.0	2.0990	1.0	1.6621	3.2038	3.5279	1.4220	0.25	0.75	1.0
2003	1.0	2.0000	1.0	1.6147	3.3243	3.6606	1.3341	0.25	0.75	1.0
2002	1.0	2.0000		1.6147	3.3648	3.7052	1.3341	0.25	0.75	1.0
2001	1.0	2.1169		1.6147	3.5184	3.8743	1.3341	0.25		
2000	1.0	2.3953		1.6147	3.5184	3.8743	1.3341	0.25		
1999	1.0	2.4922		1.6147	3.5184	4.0371	1.3400	0.25		
1998	1.0	2.5568		1.6464	3.6362	4.1880	1.3514	0.25		
Prescribed Ratios	1.0	2.5568		1.6464	3.6362	4.1880	1.3514	0.25		
Levy Restriction Threshold		2.7400		1.9800	2.6300	2.6300				

^(a) Adopted in 2003 Taxation Year

^(b) Region of Niagara opted out of Large Industrial class in 2005 Taxation Year

^(c) Adopted in 2002 Taxation Year

The industrial tax ratios for 2001, 2002 and 2003 were achieved by the combination of the threshold cap and consideration of the recommended tax ratios.

As previously indicated the intent of the five-year plan was to reduce the large industrial class tax ratio until it reached the residual industrial tax ratio (3.5184), which was anticipated to occur in the year 2004. At which time the optional large industrial class and the residual industrial class were to be combined into one class, the broad industrial class.

However with the introduction of Bill 140 budgetary increases on capped classes with ratios above the Provincial threshold were restricted. This restriction applied to both the residual and large industrial classes in Niagara during the years 2001 to 2006. The restriction moved both the residual and large industrial ratios towards the Provincial threshold 2.63, preventing the Region from attaining its goal of combining the class into one with a ratio of 3.5184. In 2005, Niagara Region reduced both the industrial and large industrial ratios to 3.1142 and opted out of the large industrial class. The industrial class tax ratio was further reduced in 2006 to 2.80.

Niagara Region reached the industrial Provincial threshold ratio of 2.63 in 2007.

Education Tax Cut

In addition to the Province's Business Education Tax cut, the Region has sought, annually when possible, an industrial education tax rate reduction equivalent to the reduction of the tax ratio burden adopted by Regional Council.

As a result of the Province's Education Tax Reduction Plan and the Province's matching to the Region's Tax Mitigation Plan the industrial education tax rate has been significantly reduced.

Table I - Industrial Education Tax Rates

Class	1998	1999	2000	2001	2002	2003	2004
Residual Industrial	0.0451	0.0424	0.0405	0.0371	0.0332	0.0304	0.0301
Large Industrial	0.0520	0.0488	0.0453	0.0408	0.0365	0.0334	0.0332

Class	2005 ⁽¹⁾	2006	2007	2008
Broad Industrial	0.0305	0.0263	0.0259	0.0259

⁽¹⁾ Regional Council opted out of the large industrial class

Deferral and Rebate Programs

Niagara Region provides the following tax relief programs:

1. Tax Relief for Low Income Seniors and Low Income Disabled Persons
2. Charitable Rebate

For complete details and an application form, please see the Region of Niagara's web-site <http://www.niagararegion.ca>. An application is also available from each local municipality.

3. Heritage Tax Rebate Program
Niagara Region will match the rebate percentage adopted by the local municipality, per section 365.2(7) and (8) of the Municipal Act, 2001.

Annual BMA Tax Study Results

The Region has been participating in annual tax studies performed by Bruzese Minshull & Associates Inc. (BMA) since 2001. In addition to tax policy information this study also provides insight into financial, economic and demographic trends. Table J and

Table K provides the results which are intended as a guide for determining the extent and direction of tax policy implementation.

Table J - Tax Study Results

Multi-Residential Results

Study	# of muni's	Walk-up per unit		Niagara Burden Higher/(Lower)	High-Rise per unit		Niagara Burden Higher/(Lower)
		Niagara	Outside		Niagara	Outside	
2001	42	\$1,117	\$1,099	\$18	\$1,161	\$1,262	(\$101)
2002	57	\$1,072	\$1,196	(\$124)	\$1,109	\$1,343	(\$234)
2003	61	\$1,117	\$1,197	(\$80)	\$1,175	\$1,356	(\$181)
2004	66	\$1,145	\$1,222	(\$77)	\$1,217	\$1,393	(\$176)
2005	67	\$1,197	\$1,255	(\$58)	\$1,274	\$1,440	(\$166)
2006	82	\$1,190	\$1,223	(\$33)	\$1,386	\$1,423	(\$37)
2007	80	\$1,269	\$1,320	(\$51)	\$1,375	\$1,483	(\$108)

Industrial Results

Study	# of muni's	Residual per sq. ft.		Niagara Burden Higher/(Lower)	Large per sq. ft.		Niagara Burden Higher/(Lower)
		Niagara	Outside		Niagara	Outside	
2001	42	\$1.83	\$1.82	\$0.01	\$1.36	\$1.42	(\$0.06)
2002	57	\$1.77	\$1.82	(\$0.05)	\$1.33	\$1.32	\$0.01
2003	61	\$1.78	\$1.88	(\$0.10)	\$1.44	\$1.34	\$0.10
2004	66	\$1.84	\$1.88	(\$0.04)	\$1.35	\$1.32	\$0.03
2005	67	\$1.87	\$1.92	(\$0.05)	\$1.26	\$1.36	(\$0.10)
2006	82	\$1.75	\$1.93	(\$0.18)	\$1.11	\$1.38	(\$0.27)
2007	80	\$1.74	\$1.94	(\$0.20)	\$1.12	\$1.39	(\$0.27)

Commercial Results

Study	# of muni's	Hotel per room		Niagara Burden Higher/(Lower)	Motel per room		Niagara Burden Higher/(Lower)
		Niagara	Outside		Niagara	Outside	
2001	42	\$2,176	\$2,399	(\$223)	\$1,073	\$1,484	(\$411)
2002	57	\$2,169	\$2,568	(\$399)	\$1,077	\$1,428	(\$351)
2003	61	\$2,155	\$2,134	\$21	\$1,016	\$1,346	(\$330)
2004	66	\$2,124	\$1,877	\$247	\$1,032	\$1,333	(\$301)
2005	67	\$2,238	\$1,987	\$251	\$1,118	\$1,318	(\$200)
2006	82	\$2,276	\$1,933	\$343	\$1,203	\$1,308	(\$105)
2007	80	\$2,317	\$1,970	\$347	\$1,225	\$1,372	(\$147)

Table K - Tax Study Results cont.

Study	# of muni's	Office Building per sq. ft.		Niagara Burden Higher/(Lower)	Neighbourhood Shopping per sq. ft.		Niagara Burden Higher/(Lower)
		Niagara	Outside		Niagara	Outside	
2001	42	\$2.21	\$3.86	(\$1.65)	\$2.99	\$3.35	(\$0.36)
2002	57	\$2.21	\$3.02	(\$0.81)	\$3.00	\$3.63	(\$0.63)
2003	61	\$2.42	\$2.93	(\$0.51)	\$3.05	\$3.42	(\$0.37)
2004	66	\$2.34	\$2.87	(\$0.53)	\$3.02	\$3.50	(\$0.48)
2005	67	\$2.40	\$2.95	(\$0.55)	\$3.11	\$3.59	(\$0.48)
2006	82	\$2.19	\$2.94	(\$0.75)	\$3.00	\$3.32	(\$0.32)
2007	80	\$2.23	\$3.04	(\$0.81)	\$3.11	\$3.48	(\$0.37)

Table L - Subclass Reductions (1998 - 2008)

Property Class	Excess Land	Vacant Land	FAD I	FAD II
Residential	n/a	n/a	25%	0%
Multi-Residential	n/a	n/a	25%	0%
Commercial	30%	30%	25%	0%
Industrial	35%	35%	25%	0%

Table M - 2007 Niagara Region & Education Tax Rates

2008 Taxation Year					
Property Class	Tax Ratios	Niagara Region Tax Rates			Education Tax Rates
		Department	NHS	Total	
Residential	1.0000	0.00690056	0.00001264	0.00691320	0.00264000
Multi-Residential	2.0600	0.01421516	0.00002602	0.01424118	0.00264000
New Multi-Residential	1.0000	0.00690056	0.00001264	0.00691320	0.00264000
Commercial	1.7586	0.01213532	0.00002222	0.01215754	0.01592891
Excess/Vacant Land	1.7583	0.00849473	0.00001556	0.00851029	0.01115024
Industrial	2.6300	0.01814848	0.00003324	0.01818172	0.02566768
Excess/Vacant Land	2.6300	0.01179651	0.00002161	0.01181812	0.01668399
Pipelines	1.6334	0.01127137	0.00002062	0.01129199	0.01532030
Farmlands/Mgd Forests	0.2500	0.00172514	0.00000316	0.00172830	0.00066000
FAD I	0.7500	0.00517542	0.00000948	0.00518490	0.00198000
FAD II	1.0000	0.00690056	0.00001264	0.00691320	0.00264000

Table N - Clawback Percentages

Taxation Year	Property Class		
	Multi-residential	Commercial	Industrial
2008	53.16%	63.37%	59.28%
2007	57.42%	69.93%	19.24%
2006	60.07%	68.97%	11.25%
2005	35.27%	71.60%	25.75%
2004	28.04%	80.11%	37.75%
2003	33.09%	93.75%	100.00%
2002	3.46%	87.23%	47.74%
2001	3.17%	93.48%	21.62%
2000	27.27%	44.83%	30.26%
1999	83.31%	87.11%	98.16%
1998	83.06%	87.11%	98.16%

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Contact Information

The Regional Municipality of Niagara	1-800-263-7215
Local Municipalities	
City of Niagara Falls	905-356-7521
City of Port Colborne	905-835-2900
City of St. Catharines	905-688-5600
City of Thorold	905-227-6613
City of Welland	905-735-1700
Town of Fort Erie	905-871-1600
Town of Grimsby	905-945-9634
Town of Lincoln	905-563-8205
Town of Niagara-On-The-Lake	905-468-3266
Town of Pelham	905-892-2607
Township of Wainfleet	905-899-3463
Township of West Lincoln	905-957-3347
Municipal Property Assessment Corporation (MPAC)	905-688-0233

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