

Municipal Law Bulletin

February 2008

Fasken Martineau DuMoulin LLP

FILING DEADLINES:

Property Tax 2007 - Vacancy Rebate Applications for Commercial and Industrial Buildings

In accordance with section 364 of the *Municipal Act, 2001* and *Ontario Regulation 325/01*, owners of vacant or partially vacant commercial or industrial buildings are entitled to property tax relief. In order to obtain the vacancy rebate for the 2007 tax year, property owners must submit an application to the relevant municipality on or before **February 28, 2008**.

Please review your commercial and industrial classed properties and identify any vacancies that are consistent with the following rebate eligibility criteria:

For entirely vacant buildings:

- Whole commercial or industrial buildings that were unused or unfit for occupancy for at least 90 consecutive days;

For partially vacant buildings:

- Units or portions of buildings that were unused or unfit for occupancy for at least 90 consecutive days;

[Note: vacancies for 90 days from and after October 4, 2006 may be eligible even though the period of vacancy in 2007 was less than 90 days]

- The vacant units or portions must be clearly delineated and separated from used portions of the building; and
- Where units or suites of a commercial building were either capable of being leased for immediate occupation or not capable of being leased for immediate occupation because it was in need of or undergoing repairs/renovations.

To the extent you qualify for a rebate, Fasken Martineau DuMoulin LLP would be pleased to file a Vacancy Rebate Application on your behalf or process an application that you will have filed. If you require our assistance in preparing an application by the **February 28, 2008** deadline, please fill out the attached form entitled *Vacancy Rebate Application Form* with the following required information and fax to the attention of Todd Evershed at 416-364-7813 or by email to tevershed@fasken.com:

- Name of property owner
- Municipal address of property
- Roll number of property
- Vacancy dates: date vacant from and date vacant to (for each unit)

Vancouver

Calgary

Toronto

Ottawa

Montréal

Québec City

London

Johannesburg

New York

- Description of vacant portion of property (building address, floor number, unit number)
- Size of vacant area in sq. ft. (for each unit); and
- Property class: commercial and (or) industrial

We will require the completed information form no later than Tuesday, February 26, 2008, to ensure applications are processed on time. As the applications will be based

on the information you provide to us, we ask that you ensure such information is correct.

For any further information please do not hesitate to contact:

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