

## **ADMINISTRATIVE ORDER 10**

### **RESPECTING PARTIAL TAX EXEMPTION FOR RESIDENTIAL TAXATION**

**BE IT RESOLVED** as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

#### **SHORT TITLE:**

1. This Administrative Order shall be cited as Administrative Order Number Ten, the Partial Tax Exemption Administrative Order.

#### **DEFINITIONS:**

2. In this Administrative Order

(a) "income" includes wages, salaries, emoluments, gratuities and honorariums arising from employment; fees, earnings and profits from any profession, trade, business or calling after deducting the expenses of earning the same; interest and dividends received directly or indirectly from shares, stocks, bonds, debentures, deposits, mortgages, agreements for sale, estates, loans and other investments; pensions, annuities, retiring allowance, compensation and similar income from any person, business, estate, insurance or other company, government or government agency wherever earned and includes

(i) all world income for deemed residents and for non-residents working outside of Canada; and

(ii) any owner withdrawals from a self-employed applicant;

but does not include:

(i) an allowance paid pursuant to the War Veteran's Allowance Act (Canada)

(ii) a child tax benefit;

(iii) a GST or HST rebate;

(iv) an oil rebate;

(v) a pension paid to armed forces personnel pursuant to the Pensions Act (Canada).

(b) "exemption" means the amount by which taxes levied on a residential property are reduced pursuant to this Administrative Order;

(c) "owner" means an ownership interest holder named in a registered instrument at the Nova Scotia Registry of Deeds, and includes

(i) a part owner, joint owner, tenant in common or joint tenant of the property;

(ii) in the case of the absence or incapacity of the person having title to the property, a trustee, an executor, a guardian, an agent, an heir, or next of kin;

(iii) a person having the care or control of the property through adverse possession; or

(iv) a person with a life interest in the property

but shall not include

- (i) a trustee in bankruptcy; or
- (ii) a corporation (other than a registered Canadian Charity).

(d) “residential property” shall be the structure in which the owner or owners reside and that connected portion of land assessed as residential or resource with a dwelling under the Assessment Act of Nova Scotia (1989), provided that in the case of property assessed under two or more assessment categories, any partial property tax exemption shall be calculated on the residential assessment or resource with dwelling portion only, and property or land assessed as commercial, farmland, resource, forest, residential farmland, or residential forest shall not be deemed to be residential property.

### **3.0 ELIGIBILITY FOR PARTIAL TAX EXEMPTIONS**

**3.1** An application for a partial exemption from the payment of real property taxes rated upon residential property within the Municipality may be made in writing in the prescribed form to the Treasurer of the Municipality.

**3.2** The applicant must be an assessed owner of the residential property and occupy a structure on the property as the applicant’s principal residence.

**3.3** If application is made on behalf of an applicant by a trustee, guardian or executor, or other legal representative, proof of such legal agent status shall be filed with the application.

**3.4** Applications for a low-income exemption shall include proof of income from the prior year from Canada Customs and Revenue Agency, and in respect of self-employment income both the Canada Customs and Revenue Agency business statement and personal income tax statement, for all persons eighteen years of age or older occupying the property as their principal residence.

**3.5** An applicant for a fire damage exemption shall establish that the structure occupied as their principal residence has suffered a major fire, as identified by HRM Fire Services in a fire incident report. Properties damaged by a fire resulting from arson or other criminal activity carried out by, or with the consent of, the property owner are not eligible.

**3.6** An applicant for a low-income exemption may be deemed to occupy a residential property as a principal residence, for up to twelve (12) months, while temporarily displaced due to fire damage. An applicant who wishes to remain eligible beyond this period, on the basis of a delay in re-construction due to financial hardship or insurance settlement delays, may make a request in writing with supporting materials to the Treasurer of the Municipality.

**3.7** A property tax exemption will not be granted in respect of a second home, cottage or a rental unit of the applicant or a residential unit used solely to run a business.

## **4.0 DETERMINATION OF EXEMPTION FOR LOW-INCOME HOUSEHOLDS**

**4.1** Partial real property tax exemptions in respect of a residential property shall be allowed if the total income of all persons eighteen years of age or older occupying the property as their principal residence falls within the thresholds established pursuant this section.

### **Income Ranges**

**4.2** The maximum rebate payable shall vary according to the household income of the applicant in the prior year based upon the following formula:

- (a) The lowest income range shall extend from \$0 to the annual Statistics Canada low income cut-off for a single-person household. This figure will be rounded up to the nearest \$1,000 and shall be based on the population of the entire HRM region.
- b) The program income eligibility threshold shall be established using the annual Statistics Canada low income cut-off for a three-person household, rounded up to the nearest \$1,000, based upon the population of the entire HRM region.
- c) Between the lowest income range and the eligibility threshold, the income ranges shall increase in equal increments.

### **Tax Brackets**

**4.3** The maximum rebate payable shall vary according to the amount of tax payable by the applicant in the current year. Three property tax brackets shall be determined, based upon:

- (a) The upper value of the middle property tax bracket shall be equal to the average residential tax payable across HRM in the prior year on a property with a single dwelling, rounded up to the nearest \$100.
- (b) The upper value of the lower property tax bracket shall be set \$1,000 lower than the upper value of the middle property tax bracket.

### **Maximum Rebate Levels**

- 4.4** (a) The reference rebate, used to calculate maximum rebate values by income range and amount of property tax payable, shall be set at one-third of the average residential tax payable across HRM in the prior year on a property with a single dwelling, rounded to the nearest \$50.
- (b) The maximum rebate for those in the middle property tax bracket and the lowest income range shall be equal to the reference rebate.
  - (c) The maximum rebate at the lower property tax bracket and the lowest income range shall be \$100 lower than the reference rebate.
  - (d) The maximum rebate at the higher property tax bracket and the lowest income range shall be \$100 higher than the reference rebate.
  - (e) Within each property tax bracket, the maximum rebate values shall decrease, as income increases, in decrements equal to the maximum rebate at the highest

income range.

## **5.0 DETERMINATION OF EXEMPTION FOR HOMES DESTROYED BY FIRE**

**5.1** Upon receipt of an acceptable fire damage tax exemption application, the municipal Clerk shall request the Director of Assessment to have the property reassessed to reflect the condition of the property following the fire. If reconstruction work has been done prior to the time of reassessment, the estimated assessment value for this program shall be based on the property condition prior to the reconstruction work.

**5.2 (a)** The revised assessment shall be used for taxation, pro-rated for the period commencing from the date of the fire to the end of the fiscal year.

(b) Notwithstanding subsection 5.2 (a), if the fire occurs between the assessment State Date (December 1<sup>st</sup>) and the end of the fiscal year, the revised assessment shall be used for taxation, prorated for the period: from the date of the fire to the end of the fiscal year, plus the entire subsequent fiscal year.

**5.3** An applicant may apply for both the low-income and fire damage tax exemptions in respect of a residential property, if eligible for both. The low-income tax exemption shall be applied to the tax bill for the subject fiscal year after adjusting for the fire damage tax exemption.

**5.4** If the property taxes for the subject fiscal year, after adjusting for the fire damage tax exemption, are below the minimum tax payable identified in subsection 6.1, then the taxes would not be further reduced and the minimum tax payable would not apply.

## **6.0 MINIMUM TAX PAYABLE**

**6.1** The low-income tax exemption granted shall not reduce the tax payable on a property to less than the greater of:

- (i) \$100, or
- (ii) 1% of the median point of the relevant income range described in Section 4.2, rounded to the nearest \$10.

## **7.0 APPLICATION DEADLINES**

**7.1** An application for a low-income tax exemption for a fiscal year shall be submitted by March 31<sup>st</sup> of that fiscal year. No application can be made for a retroactive low-income tax exemption.

**7.2** An application for a fire damage tax exemption shall be submitted within six (6) months after the fire.

**7.3** Notwithstanding, subsection 7.2, for fires that occurred between December 1<sup>st</sup>, 2008 and March 31<sup>st</sup>, 2010, an application for a fire damage tax exemption shall be submitted by September 30<sup>th</sup>, 2010.

**8.0 EXEMPTION AND DEFERRAL ALLOWED:**

**8.1** Nothing in this Administrative Order prohibits an applicant from being granted an partial real property exemption pursuant to this Administrative Order as well as a deferral in respect of those taxes pursuant to By-Law T-700, subject to the terms and conditions therein, in respect of the same fiscal period.

**9.0 REPEAL**

**9.1** Administrative Order Number Ten dated the 12<sup>th</sup> day of September, 2006 and any amendments thereto is hereby repealed.

Done and passed in Council this 27<sup>th</sup> day of April, 2010.

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Mayor

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Acting Municipal Clerk

I, Cathy Mellett, Acting Municipal Clerk of Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed by a meeting of Halifax Regional Council held on April 27, 2010.

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Cathy Mellett, Acting Municipal Clerk

Notice of Motion:  
Approval:

April 13, 2010  
April 27, 2010