

CITY OF THOMPSON
BY-LAW NUMBER 1955-2017
[AM B/L 1972-2018]

BEING A BY-LAW OF THE CITY OF THOMPSON TO CREATE A FINANCIAL ASSISTANCE PROGRAM THROUGH TAX AND SERVICE FEE ABATEMENT FOR THE PURPOSES OF ENCOURAGING AND ASSISTING IN THE REDEVELOPMENT AND NEW CONSTRUCTION OF CERTAIN BUILDINGS ON CERTAIN PROPERTIES IN AND AROUND THE CITY, INCLUDING FIRST NATIONS' LAND

WHEREAS Section 261.2 (1) of The Municipal Act, R.S.M. 1996, c. M225 authorizes the Council of a municipality to establish by by-law financial assistance programs;

AND WHEREAS the Council of the City of Thompson has recognized the importance of enhancing the attractiveness of investing and locating in the City of Thompson, and the surrounding area, including First Nations' land;

AND WHEREAS the Council of the City of Thompson has deemed it necessary and expedient to pass a by-law for the purpose of creating financial incentives to promote certain redevelopment and new construction in the City of Thompson, and the surrounding area, including First Nations' land;

NOW THEREFORE the Council of the City of Thompson, in open session assembled, enacts as follows:

Article 1
Definitions

1.01 In this by-law:

- a. "Application" means an application for Financial Assistance tendered under Article 5 of this by-law;
- b. "Base Year" means the tax year or Service Fee year prior to the tax year or Service Fee year in which the Owner's property or the Nation's Land is assessed by the Municipality at a higher value as a result of the applicable Redevelopment or New Construction.
- c. "Financial Assistance": means
 - i. with respect to an Owner, a tax credit for Municipal Taxes; and

- ii. with respect to the Nation, a credit for Service Fees;
- d. "First Nation" means any of the First Nations listed on Schedule "A" hereto.
- e. "Municipality" means the City of Thompson;
- f. "Municipal Services Agreement" means a lawful and binding written agreement between the Municipality and a First Nation pursuant to which the Municipality provides certain agreed upon municipal services in return for the payment of certain agreed service fees from a First Nation.
- g. "Municipal Taxes" means the property taxes imposed for municipal purposes by the Municipality;
- h. "Nation" means the Nisichawayasihk Cree Nation;
- i. "Nation's Land" means the land beneficially owned by the Nation located within the Municipality's boundaries legally described as:
 - Parcels A and B Plan 5320 PLTO (N. Div.) in 78-3 W.PM Exc. all mines, minerals and other reservations as contained in The Crown Lands Act;
 - Parcel A Plan 4958 PLTO (N. Div.) in 78-3 W.PM. Exc. all mines, minerals and other reservations as contained in The Crown Lands Act;
- j. "New Construction" means either of the following activities:
 - i. the construction of a building on a vacant property that is subject to Municipal Taxes or Service Fees; or
 - ii. on properties subject to Municipal Taxes or Service Fees that are not vacant, the demolition of an existing building and construction of a new building.
- k. "Owner" means a person who is the registered owner under The Real Property Act of land on which a building is located, or the granted thereof of a valid conveyance registered under The Registry Act, or an agent of either such owner.

- I. "Public Body" means any:
 - i. department, office or branch of a municipal, provincial or federal government; or
 - ii. crown corporation or other entity which is owned or operated by any department, office or branch of a municipal, provincial or federal government.

- m. "Redevelopment" means any of the types of work outlined in Article 3.01 of this by-law;

- n. "Service Fees" means the annual service fees the Nation owes to the Municipality pursuant to the Municipal Services Agreement to which the Municipality and the Nation are parties dated January 5, 2010, as amended from time to time;

- o. "Year 1" means the tax or Service Fee year in which the Redevelopment or New Construction resulting in the Municipality assessing the property at a higher value is substantially completed;

- p. "Year 2" means the tax or Service Fee year following Year 1;

- q. "Year 3" means the tax or Service Fee year following Year 2;

- r. "Year 4" means the tax or Service Fee year following Year 3;

- s. "Year 5" means the tax or Service Fee year following Year 4;

Article 2

Establishment and Purpose of Financial Assistance Program

2.01 The Municipality hereby establishes a Financial Assistance program whereby an Owner or a First Nation may receive Financial Assistance to assist with increases in Municipal Taxes or Service Fees resulting from the Municipality assessing an Owner's property or the **First Nations'** land at a higher value due to Redevelopment or New Construction on that property or the **First Nations'** land. **[AM B/L 1972-2018]**

2.02 The Municipality does not intend to provide Financial Assistance to a Public Body under this by-law. An Owner that is a Public Body is not eligible to receive Financial Assistance under this by-law.

Article 3
Qualifying for Financial Assistance

3.01 Financial Assistance is only available with respect to Redevelopments which cause the Municipality to assess the property upon which the Redevelopment occurs at a higher value for the purpose of Municipal Taxes or Service Fees, including the following:

- a. the exterior and interior restoration of a building;
- b. the structural repair and stabilization of a building;
- c. the installation, repair or replacement of electrical, mechanical, sprinkler or plumbing systems of an entire building;
- d. asbestos removal or other environmental abatements from an entire building;
- e. energy efficiency upgrading of an entire building;
- f. significant new interior construction, unless to an individual units in a mall or strip-plaza;
- g. handicap accessibility requirements throughout an entire building and property; or
- h. any other work done to a building that the City Manager or his or her delegate decides is worthy of Financial Assistance.

3.02 Financial Assistance is only available with respect to New Construction which causes the Municipality to assess the property on which the New Construction occurs at a higher value for the purpose of Municipal Taxes or Service Fees.

3.03 Financial Assistance will not be provided to an Owner or the Nation with respect to any Redevelopment or New Construction where:

- a. an Application is submitted and approved after the Redevelopment or New Construction commences;

- b. Financial Assistance has previously been granted with respect to the New Construction or the square footage that the Redevelopment under consideration concerns;
- c. the Redevelopment or New Construction occurs on property that is not classified by the Municipality as **industrial**, commercial, commercial/residential or residential with five (5) or more dwelling units; **[AM B/L 1972-2018]**
- d. any required permit, certificate or other authorization was not obtained before the Redevelopment or New Construction commences;
- e. the Redevelopment or New Construction violates any applicable zoning and building by-laws or required design approval process, if any;
- f. the Redevelopment or New Construction is not substantially complete;
- g. the Redevelopment or New Construction does not meet Manitoba Building Codes standards or comply with applicable legislation;
- h. the Owner applying for Financial Assistance has outstanding taxes, utility charges, or other amounts owing to the Municipality; or
- i. the Nation has outstanding Services Fees or other amounts owing to the Municipality at the time of its application for Financial Assistance.

Article 4
Financial Assistance Available

4.01 If an Owner or the Nation qualifies for Financial Assistance with respect to any Redevelopment or New Construction, the Financial Assistance shall be paid for a consecutive five (5) year period commencing in Year 1.

4.02 If an Owner or the Nation qualifies for Financial Assistance with respect to any Redevelopment, the Financial Assistance shall be:

- a. in each of Year 1 and Year 2, an amount equal to the Municipal Taxes or Services Fees that are owing in respect of a property upon which the Redevelopment occurred or in respect of the Nation's Land upon which the Redevelopment occurred in the applicable year, less the Municipal Taxes or Service Fees for the Base Year indexed for increases to the mill rate in the applicable year; and

- b. in each of Year 3, Year 4 and Year 5, an amount equal to the ordinary Municipal Taxes or Services Fees owing in respect of a property upon which the Redevelopment occurred or in respect of the Nation's Land upon which the Redevelopment occurred in the applicable year, less the Municipal Taxes or Service Fees for the Base Year indexed for increases to the mill rate in the applicable year and then multiplied by 50%.

4.03 If an Owner or the Nation qualifies for Financial Assistance with respect to any New Construction, the Financial Assistance shall be, in each of Year 1 through Year 5, an amount equal to the ordinary Municipal Taxes or Services Fees owing in respect of the property upon which the New Construction occurred or in respect of the Nation's Land where the New Construction occurred in the applicable year, less the Municipal Taxes or Service Fees for the Base Year indexed for increases to the mill rate in the applicable year and then multiplied by 50%.

Article 5 **Applying for Financial Assistance**

5.01 An Owner or the Nation may apply for Financial Assistance with respect to any Redevelopment or New Construction within the Municipality's boundaries or within the Nation's Land by providing an application in the form set out in Schedule "B" to the Municipality's Development Services Department.

5.02 An Owner or the Nation may apply for Financial Assistance with respect to any Redevelopment or New Construction outside the Municipality's boundaries or outside the Nation's Land by providing an application in the form set out in Schedule "B" to the Municipality's Council.

5.03 Applications will be considered in the order in which they are received. Incomplete Applications will not be considered.

5.04 The Municipality's Development Services Department may contact an applicant to acquire information to determine whether an application for Financial Assistance should be granted or rejected under this by-law.

5.05 Provided none of the circumstances listed in Article 3.03 are present, the City Manager or his or her delegate may, in his or her reasonable discretion, grant or reject an Application tendered pursuant to Article 5.01.

5.06 Provided none of the circumstances listed in Article 3.03 are present, City Council may, in its reasonable discretion, grant or reject an Application tendered pursuant to Article 5.02.

Article 6
Future Application to Other First Nations

6.01 At the time this by-law was passed, the Nation was the only **First** Nation to have entered into a Municipal Services Agreement with the Municipality. Should any other First Nation enter into a Municipal Services Agreement with the Municipality, that First Nation shall be entitled to the benefit of this by-law. In that case, all Articles of this by-law shall apply to that First Nation and its land as legally described in the applicable Municipal Services Agreement in the same manner as it applies to the Nation and the Nation's Land, with necessary changes.

[AM B/L 1972-2018]

Article 7
Coming Into Force

7.01 This by-law shall come into force and take effect on the day following its passage.

Read a first time this 23rd day of MAY 2017 A.D.

Read a second time this 5th day of JUNE 2017 A.D.

Read a third time this 11th day of December 2017 A.D.

Done and passed in Council at the Council Chambers of the City of Thompson, in the Province of Manitoba this 11th day of December, 2017 A.D.

The City of Thompson

Per: _____

Mayor

Per: _____

City Manager

SCHEDULE "A" TO BY-LAW NO. 1955-2017
List of Qualifying First Nations

- Barren Lands First Nation
- Berens River First Nation
- Birdtail Sioux First Nation
- Bloodvein First Nation
- Brokenhead Ojibway Nation
- Buffalo Point First Nation
- Bunibonibee Cree Nation
- Canupawakpa Dakota First Nation
- Chemawawin Cree Nation
- Cross Lake First Nation
- Dakota Plains First Nation
- Dakota Tipi First Nation
- Dauphin River First Nation
- Ebb and Flow First Nation
- Fairford First Nation
- Fisher River Cree Nation
- Fox Lake Cree Nation
- Gamblers First Nation
- Garden Hill First Nation
- God's Lake First Nation
- Grand Rapids First Nation
- Hollow Water First Nation
- Keeseekoowenin Ojibway First Nation
- Kinonjeoshtegon First Nation
- Lake Manitoba First Nation
- Lake St. Martin First Nation
- Little Black River First Nation
- Little Grand Rapids First Nation
- Little Saskatchewan First Nation
- Long Plain First Nation
- Manto Sipi Cree Nation
- Marcel Colomb First Nation
- Mathias Colomb First Nation
- Mosakahiken Cree Nation
- Nisichawayasihk Cree Nation
- Northlands First Nation
- Norway House Cree Nation
- O-Chi-Chak-Ko-Sipi First Nation
- Opaskwayak Cree Nation
- Pauingassi First Nation
- Peguis First Nation
- Pinaymootang First Nation
- Pine Creek First Nation
- Poplar River First Nation
- Red Sucker Lake First Nation
- Rolling River First Nation
- Roseau River Anishinabe First Nation
- Sagkeeng First Nation
- Sandy Bay First Nation
- Sapotaweyak Cree Nation
- Sayisi Dene First Nation
- Shamattawa First Nation
- Sioux Valley Dakota Nation
- Skownan First Nation
- St. Theresa Point First Nation
- Swan Lake First Nation
- Tataskweyak Cree Nation
- Tootinaowaziibeeng First Nation
- War Lake First Nation
- Wasagamack First Nation
- Waterhen Lake First Nation
- Waywayseecappo First Nation
- York Factory First Nation

SCHEDULE "B" TO BY-LAW NO. 1955-2017

**City of Thompson
Application Form**

Please read the City of Thompson Financial Assistance By-law 1955-2017 and all instructions accompanying this Application Form before completing it. Attach additional supporting material. Incomplete Application Forms will not be considered. Please type or print clearly.

Section 1. Applicant Information

1. What is the name and address of the registered property owner?
Owner's Name: _____ Representing: _____
Telephone: _____ Fax No: _____ E-mail Address: _____
Address: _____
Postal Code: _____ Contact Person: _____ Representing: _____
Address: _____ Postal Code: _____
Telephone: _____ Fax No: _____ E-mail Address: _____

2. What is the name and address of the site lessee, if applicable? _____

3. Lessee's Name: _____ Representing: _____
Telephone: _____ Fax No: _____ E-mail Address: _____
Address: _____
Postal Code: _____ Contact Person: _____ Representing: _____
Address: _____ Postal Code: _____
Telephone: _____ Fax No: _____ E-mail Address: _____

Section 2: Site Information

4. What is the name of the property? _____
5. What is the address of the property? _____
6. What is the Legal Address of the property? _____
7. Postal Code: _____
8. Current Assessment Value of Property? Land _____ Buildings _____

Section 3: (Re)Development or New Construction Proposal

9. Project Title: _____
10. What are the planned project start and completion dates? _____
11. What is the present use of the building?

12. Briefly describe the scope of work of this project that you consider eligible for a grant from this program.

Applicant's Name

Applicant's Signature

Date