

CONSOLIDATION UPDATE: MARCH 1, 1995

THE CITY OF WINNIPEG

BY-LAW NO. 6229/93

**A By-law of The City of Winnipeg to limit the
amount of certain increases and decreases in
business taxes.**

WHEREAS section 180.1 of *The City of Winnipeg Act* permits the City, on such terms and conditions as it considers appropriate, to limit increases and decreases in business tax or a licence fee payable in lieu of business tax resulting from the imposition of a uniform rate of business tax pursuant to subsection 180(2) of the Act;

AND WHEREAS section 195.1 of *The City of Winnipeg Act* permits the City, on such terms and conditions as it considers appropriate, to limit increases and decreases in business tax or a licence fee payable in lieu of business tax resulting from an reassessment;

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. In this By-law

"the Act" means "*The City of Winnipeg Act*";

"X" means the amount of business tax that would be payable in the tax year under subsection 180(1) of the Act or the licence fee in lieu of business tax that would be payable in the tax year under subsection 183(2) of the Act in respect of the premises;

"Y" means the amount of business tax or the licence fee in lieu of business tax that would have been payable in the tax year in respect of the premises at the level of value shown on the 1993 assessment roll if the provisions of Schedule D to the Act had continued to apply.

PART I:
PHASE-IN OF INCREASES RESULTING FROM UNIFORM RATE

2. For the tax year 1993, increases in business tax and licence fees payable in lieu of business tax under section 183 of the Act that result from the difference between:

- 1) the amount of business tax that would be payable under subsection 180(1) of the Act or the licence fee in lieu of business tax that would be payable under subsection 183(2) of the Act in respect of the premises; and
- 2) the amount of business tax or the licence fee in lieu of business tax that would have been payable in respect of the premises if the provisions of Schedule D to the Act had continued to apply

shall be limited to 50% by the allowance of a phase-in tax credit calculated as follows:

$$\text{Tax credit} = .50 (X - Y)$$

PART II:
PHASE-IN OF DECREASES RESULTING FROM UNIFORM RATE

3. Except as otherwise provided, decreases in business tax and licence fees payable in lieu of business tax under section 183 of the Act that result from the difference between:

- 1) the amount of business tax that would be payable under subsection 180(1) of the Act or the licence fee in lieu of business tax that would be payable under subsection 183(2) of the Act in respect of the premises; and
- 2) the amount of business tax or the licence fee in lieu of business tax that would have been payable in respect of the premises if the provisions of Schedule D to the Act had continued to apply

shall be limited by the addition to the business tax or licence fees payable in lieu of business tax of the amounts calculated as follows:

- a) for the tax year 1993:
Additional amount = .90 (Y - X);
- b) for the tax year 1994:
Additional amount = .60 (Y - X);
- c) for the tax year 1995:
Additional amount = .30 (Y - X).

4. The additional amounts provided under section 3 shall not exceed that amount which, for any taxpayer, will result in a net business tax or licence fee payable in lieu of business tax equivalent to 15% of the annual rental value of the premises.

**PART III:
RESIDUAL PHASE-IN OF 1991 BUSINESS REASSESSMENT**

5. Except as otherwise provided, for the tax year 1993, increases in business tax in excess of 10%, determined to have resulted from the 1991 business reassessment, shall be limited to 75% of the amount of that increase by the allowance of a phase-in tax credit equal to 25% of the amount by which the said business tax increases exceeds 10% of the 1990 tax levy.

6. For the purpose of section 5, for the tax year 1993, those business taxpayers whose increase in business tax in excess of 10%, determined to have resulted from the 1991 business reassessment, is \$9,333.32 or greater, shall be categorized as a group of businesses and each taxpayer within that group shall be allowed a phase-in tax credit of \$2,333.33.

7. The phase-in tax credits provided under sections 5 and 6 shall be given only to those taxpayers who, prior to July 31, 1991, were liable to assessment for business tax or for a licence in lieu of business tax in respect of that space and the premises to which the phase-in tax credit applies.

8. The phase-in tax credits provided under sections 5 and 6 shall not exceed that amount which will result in a net 1993 business tax or licence fee in lieu of business tax which is lower than the amount of business tax or the licence fee in lieu of business tax that would have been payable in respect of the premises if the provisions of Schedule D to the Act had continued to apply.

9. For the purpose of this By-law, Council hereby determines the amount of the increase in business tax that has resulted from the 1991 business reassessment for each particular taxpayer to be that portion of the taxpayer's total increase as calculated by the City Assessor or his designate.

10. If any provision of this By-law is held to be invalid by any Court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated.

11. This By-law is retroactive and is deemed to have come into force on January 1, 1993.

DONE AND PASSED in Council assembled, this 22nd day of September, 1993.