BYLAW NO. 2110-26

PROVINCE OF ALBERTA

A BYLAW OF THE CITY OF WETASKIWIN, IN THE PROVINCE OF ALBERTA, TO ESTABLISH TAX INCENTIVES

WHEREAS Section 364.2(1.1) of the *Municipal Government Act,* RSA 2000, c M-26, as amended, permits Council to pass a bylaw to provide exemptions from taxation for residential properties (class 1) for the purpose of encouraging residential development and the provision of housing in that assessment class, for the general benefit of the municipality;

AND WHEREAS Section 364.2(2) of the *Municipal Government Act,* RSA 2000, c M-26, as amended, permits Council to pass a bylaw to provide exemptions from taxation for non-residential properties (class 2) for the purpose of encouraging the development or revitalization of such properties for the general benefit of the municipality;

AND WHEREAS the Council of the City of Wetaskiwin considers it desirable to establish the exemptions from taxation set out in this Bylaw for the purpose of encouraging residential development and the provision of housing, and encouraging the development or revitalization of non-residential properties, for the general benefit of the municipality;

NOW THEREFORE the Council of the City of Wetaskiwin, in the Province of Alberta, duly assembled, enacts as follows:

PART 1 – INTERPRETATION AND APPLICATION

1 Title

1.1 This Bylaw may be referred to as the "Tax Incentives Bylaw".

2 Purpose

2.1 The purpose of this Bylaw is to:

(a) Encourage the development or revitalization of non-residential properties in the City for the general benefit of the municipality;

(b) Encourage residential development and the provision of housing for the general benefit of the municipality;

(c) Establish Exemptions for eligible property in accordance with section 364.2 of the Act where property meets the criteria and requirements set out in this Bylaw;

(d) Provide a process for the submission and consideration of an application for an Exemption made under this Bylaw; and

(e) Provide a process for review by Council of the refusal or cancellation of an Exemption under this Bylaw.

3 Definitions

3.1 In this Bylaw, unless the context otherwise requires:

(a) **"Act"** means the *Municipal Government Act,* RSA 2000, c M-26, as amended from time to time;

(b) **"Apartment Building"** means a development consisting of five or more dwellings contained within a building in which the dwellings are arranged in any horizontal or vertical configuration;

(c) **"Applicant"** means a person who applies for an Exemption;

(d) **"Assessed Person"** means an assessed person as that term is defined under Section 284(1) of the Act;

(e) **"CAO"** means the chief administrative officer as appointed by Council, including the CAO's delegate;

(f) **"City"** means the City of Wetaskiwin;

(g) **"Commercial Non-Residential Exemption"** means an exemption from taxation for Non-Residential Property as provided for in Part 10, Division 2 of the Act, that is applicable to property subject to a Development Project pursuant to, and in accordance with, this Bylaw;

(h) **"Complete Application"** means an application submitted pursuant to this Bylaw that includes the applicable application requirements and application form, as required by the CAO;

(i) **"Construction Cost"** means the actual total capital costs incurred to build a Development Project or Expansion Project including expenditures on labour, engineering, materials or other costs associated with construction, but not including the costs of any improvements that existed on the subject land before construction commenced, the land itself, maintenance costs, or other non-capital costs such as legal, regulatory or permitting fees;

(j) **"Council"** means the municipal council of the City;

(k) **"Development Project"** means:

(i) construction of a new Structure that is permanent in nature on a parcel of land that is vacant and undeveloped; or

(ii) construction of a new Structure that is permanent in nature on a parcel of land upon which all existing Structures are demolished for the purpose of facilitating, and in conjunction with, the construction of the new replacement Structure;

but, excludes:

(iii) an Expansion Project;

(iv) renovation or improvement of an existing Structure; and

(v) demolition of a Structure if that demolition does not occur for the purpose of facilitating, and in conjunction with, construction of a new replacement Structure;

(l) **"Exemption"** means a Multi-Family Residential Exemption, an Industrial Non-Residential Exemption and/or a Commercial Non-Residential Exemption;

(m) **"Expansion Project"** means construction of an expansion to an existing Structure, but does not include renovation or improvement of an existing Structure;

(n) **"Industrial Non-Residential Exemption"** means an exemption from taxation for Non-Residential Property as provided for in Part 10, Division 2 of the Act, that is applicable to property subject to a Development Project or Expansion Project pursuant to, and in accordance with, this Bylaw;

(o) **"Multi-Family Residential Exemption"** means an exemption from taxation for Residential Property as provided for in Part 10, Division 2 of the Act, that is applicable to the property subject to a Development Project or Expansion Project pursuant to, and in accordance with, this Bylaw;

(p) **"Non-residential Property"** means non-residential as defined by the Act in respect of property, excluding linear property;

(q) **"Residential Property"** means residential as defined by the Act in respect of property;

(r) **"Stacked Row Housing"** means a development consisting of more than four (4) dwellings arranged either vertically so that dwellings are placed over others, or horizontally so that dwellings are attached at the rear as well as at the side;

(s) **"Structure"** means a structure as defined by the Act;

(t) **"Tax Exemption Approval"** means an approval issued under this Bylaw that sets out the terms and conditions of an Exemption;

(u) **"Townhome"** means a development consisting of a building containing a row of more than four (4) dwellings joined in whole or in part at the side, with each dwelling having separate, individual and direct access.

PART 2 – CRITERIA FOR AN EXEMPTION

4 Applicant Eligibility Criteria

4.1 In order to be eligible for an Exemption, the following criteria must be met:

(a) the Applicant must be the Assessed Person for the property that is the subject of the application or an authorized agent for the Assessed Person;

(b) the Assessed Person must not be in arrears or have outstanding amounts owing with regards to property tax, utilities, or other amounts payable to the City;

(c) the property subject to the Development Project or Expansion Project must be in compliance with all subdivision and development approvals and agreements, municipal bylaws and other applicable legislation during the taxation years for which the Exemption would otherwise apply;

(d) all applicable municipal, provincial and federal approvals and permits, as applicable, are in place with respect to the Development Project or Expansion Project;

(e) the Assessed Person must not be in bankruptcy or receivership;

(f) the Applicant and Assessed Person must not furnish false information within an application, or furnish false information or misrepresent any fact or circumstance to the City;

(g) the Applicant must submit a Complete Application in accordance with this Bylaw; and

(h) the Applicant and Assessed Person must meet all requirements under this Bylaw and the Act.

5 Eligibility Criteria for a Multi-Family Residential Exemption

5.1 In order to qualify for a Multi-Family Residential Exemption, in addition to the requirements in section 4.1, the following criteria must be met:

(a) the property must be subject to a Development Project or an Expansion Project;

(b) the property subject to the Development Project or Expansion Project must be assessed as Residential Property and located within the geographical boundaries of the City;

(c) the Development Project or Expansion Project must have a Construction Cost of a minimum of $2,000,000 (two million dollars) as evidenced by a statutory declaration provided by the Applicant; and

(d) the Development Project or Expansion Project must be for construction of an Apartment Building, Townhome or Stacked Row Housing.

6 Eligibility Criteria for an Industrial Non-Residential Exemption

6.1 In order to qualify for an Industrial Non-Residential Exemption, in addition to the requirements in section 4.1, the following criteria must be met:

(a) the property must be subject to a Development Project or an Expansion Project;

(b) the property subject to the Development Project or Expansion Project must be assessed as Non-Residential Property and located within the geographical boundaries of the City; and

(c) the Development Project or Expansion Project must be for an industrial development.

7 Eligibility Criteria for a Commercial Non-Residential Exemption

7.1 In order to qualify for a Commercial Non-Residential Exemption, in addition to the requirements in section 4.1, the following criteria must be met:

(a) the property must be subject to a Development Project;

(b) the property subject to the Development Project must be assessed as Non-Residential Property and located within the geographical boundaries of the City;

(c) the Development Project must be for a commercial development; and

(d) the Development Project must have a Construction Cost of a minimum of $2,000,000 (two million dollars) as evidenced by a statutory declaration provided by the Applicant.

PART 3 – APPLICATION

8 General Application Requirements and Process

8.1 To be considered for an Exemption, Applicants must submit a Complete Application to the City.

8.2 The deadline for submitting a Complete Application for an Exemption to be granted in the same tax year is January 31 of the given year. Any Complete Application received after January 31 of the given year will be considered for an Exemption for the following tax year.

8.3 Notwithstanding the Complete Application requirements set out in this Bylaw, the CAO may require any additional information that, in the discretion of the CAO, is necessary to complete the application.

8.4 The CAO will advise Applicants in writing if their application is accepted for consideration. Applications accepted for consideration shall become the property of the City and may not be returned.

8.5 The CAO has the discretion to reject applications that are incomplete, illegible, or provided after an applicable deadline set out in this Bylaw, and the CAO will advise an Applicant in writing with reasons if their application is rejected.

8.6 Applicants whose applications are returned as incomplete or illegible may resubmit an application provided the application is resubmitted by the applicable deadlines set out in this Bylaw.

9 Consideration of Applications

9.1 The CAO shall receive and consider Complete Applications within the provisions of this Bylaw and may consult with, obtain information from, and verify information with other employees or agents of the City, other government, government agencies, or persons.

9.2 The CAO may, at any time, require an Applicant or Assessed Person to provide any documents the City deems necessary to verify any information contained in a Complete Application or to confirm ongoing compliance with the eligibility criteria of an Exemption.

9.3 The CAO will consider each Complete Application and shall either:

(a) Grant the Exemption and issue a Tax Exemption Approval; or

(b) reject the application and advise the Applicant with written reasons as to why the application was rejected. The written reasons shall also provide the date by which an appeal to Council must be submitted.

9.4 The Exemption shall not take effect until the Tax Exemption Approval is issued.

PART 4 – CALCULATION OF EXEMPTION

10 Calculation of Exemptions

10.1 Exemptions shall begin in the first year the Development Project or Expansion Project is complete as of the valuation date and apply for three years as follows:

(a) 75% of the value of the current year's municipal tax levy in the first year of taxation of the completed Development Project or Expansion Project.

(b) 50% of the value of the current year's municipal tax levy in the second year of taxation of the completed Development Project or Expansion Project.

(c) 25% of the value of the current year's municipal tax levy in the third year of taxation of the completed Development Project or Expansion Project.

10.2 For multi-year, phased projects where each phase meets the required threshold, each additionally completed portion will receive the tax incentive for three years beginning on the first year that specific phase is completed by the valuation date.

10.3 No Exemption may be granted in respect of:

(a) any provincial requisitions; or

(b) any penalties related to non-payment or late payment of taxes.

PART 5 – TAX EXEMPTION APPROVAL, CANCELLATION AND REVIEW

11 Requirements for Tax Exemption Approval

11.1 A Tax Exemption Approval must specify:

(a) Whether a Multi-Family Residential Exemption, Industrial Non-Residential Exemption or a Commercial Non-Residential Exemption has been granted;

(b) the taxation years to which the Exemption applies, which must not include any taxation year earlier than the taxation year in which the Exemption is granted;

(c) conditions, the breach of which will result in cancellation of the Tax Exemption Approval and the Exemption, and the taxation year or years to which the conditions apply;

(d) the date which the Exemption will begin;

(e) the amount of the Exemption, to be calculated and allocated in accordance with this Bylaw; and

(f) any other conditions that the CAO deems necessary and the taxation year or years to which the condition applies.

11.2 The criteria in Sections 4.1 and 5.1 of this Bylaw are deemed to be conditions of any issued Multi-Family Residential Exemption, the breach of which will result in the cancellation of the Multi-Family Residential Exemption for the taxation year or years to which the criterion applies.

11.3 The criteria in Sections 4.1 and 6.1 of this Bylaw are deemed to be conditions of any issued Industrial Non-Residential Exemption, the breach of which will result in the cancellation of the Industrial Non-Residential Exemption for the taxation year or years to which the criterion applies.

11.4 The criteria in Sections 4.1 and 7.1 of this Bylaw are deemed to be conditions of any issued Commercial Non-Residential Exemption, the breach of which will result in the cancellation of the Commercial Non-Residential Exemption for the taxation year or years to which the criterion applies.

12 Cancellation of Exemption

12.1 If at any time after an Exemption is granted, the City determines that:

(a) the Applicant, the Assessed Person, the property subject to the Development Project or Expansion Project or the application did not meet or ceased to meet any applicable criteria in this Bylaw which formed the basis of granting the Exemption; and/or

(b) there was a breach of any condition of the Tax Exemption Approval;

the CAO may cancel the Exemption for the taxation year or years in which the criterion was not met or to which the condition applies.

12.2 The City may, at any time, require an Applicant or Assessed Person to provide any documents the City deems necessary to verify compliance with the conditions of the Tax Exemption Approval.

12.3 Written notice of cancellation shall be provided to the Applicant or Assessed Person, which shall include the reasons for the cancellation, identify the taxation year or years to which the cancellation applies, and provide the date by which a review by Council must be submitted.

13 Review by Council

13.1 An Applicant or Assessed Person may apply to Council for a review in the following situations:

(a) an application for an Exemption is refused or rejected;

(b) an Exemption is cancelled;

(c) the contents of a Tax Exemption Approval is inconsistent with this Bylaw or the Act.

13.2 An application for a review shall be submitted in writing to the CAO within 15 days of the date that:

(a) written notice was sent to the Applicant that an application has been refused or rejected;

(b) written notice was sent to the Applicant or Assessed Person that an Exemption has been cancelled; or

(c) the Tax Exemption Approval was sent to the Applicant or Assessed Person,

as the case may be.

13.3 Council shall conduct a review at:

(a) a regularly scheduled meeting of Council; or

(b) a special meeting of Council.

13.4 Remedies available to Council upon conclusion of a review are:

(a) to uphold or revoke a decision of the CAO with respect to the outcome of an application or cancellation of an Exemption; or

(b) to revise or direct the CAO to revise a Tax Exemption Approval.

PART 6 – GENERAL PROVISIONS

14 Severability

14.1 If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed valid.

15 Repeal

15.1 This Bylaw repeals Bylaw 1970-20.

16 Effective Date

16.1 This Bylaw shall come into force and take effect upon being passed.

READ a first time this 28 day of July, 2026.

READ a second time this 28 day of July, 2026.

READ a third time this 28 day of July, 2026.

Original has been signed, sealed & filed with Records Management

Mayor

Chief Administrative Officer