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2017 MAY 29 PM 2:32

THE CITY OF CALGARY
CITY CLERK'S

NOTICE OF MOTION
CC 661 (R2009-05)

NM2017 May 29

RE: SILVERA FOR SENIORS PROPERTY TAX CANCELLATION
COUNCILLOR WARD SUTHERLAND

WHEREAS property tax exemptions in the Province of Alberta are governed by the *Municipal Government Act* (MGA) and ancillary regulations;

AND WHEREAS each Alberta municipality administers property tax exemptions in its jurisdiction within this legislative framework as part of the process of maintaining the municipality's property assessment roll;

AND WHEREAS Silvera is the sole designated "management body" under the *Housing Act* operating within Calgary providing Lodge housing under the Ministry of Seniors, with Silvera and the City of Calgary intricately and uniquely associated by Ministerial Order wherein the City of Calgary is responsible for Silvera's financial losses and capital projects;

AND WHEREAS to qualify for property tax exemption for seniors housing under MGA section 362(1)(m)(ii) there is a requirement that there be actual operational use of the property for the exempt purpose, and not an intended use such as a construction stage towards future operations;

AND WHEREAS Silvera owns the properties with roll numbers 202366720 (previously roll number 086157203), 065006207 and 201443702 (The Properties) which were, in 2014 and years prior, exempt from taxation under MGA section 362(1)(m)(ii), pursuant to Silvera's use of the properties as seniors housing;

AND WHEREAS Silvera's use and operation of The Properties, ceased in 2014 when the buildings were demolished for Silvera's construction of the new Elbow Valley and Jacques Lodge facilities;

AND WHEREAS Silvera has sold 3.43 acres of land from the Elbow Valley property to Horizon Housing in December 2016 for a future affordable housing project;

Signature of Member(s) of Council



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AND WHEREAS The Properties will be under construction throughout 2017 and thus are not eligible for 2017 property tax exemption because the use requirement in MGA section 362(1)(m)(ii) is not being met;

AND WHEREAS Silvera's liability for property taxes for The Properties for 2015 and 2016 were cancelled by a Notice of Motion.

AND WHEREAS Silvera will be levied property taxes for 2017 totalling over \$ 242,105.34 for the Properties

AND WHEREAS any budgetary deficit to Silvera caused by said payment can be requisitioned through The City's budget process, an entitlement of Silvera under its Ministerial Order and the *Housing Act*;

AND WHEREAS through its authority under section 347 of the MGA, Council can cancel property taxes for a particular property when it considers equitable to do so;

NOW THEREFORE BE IT RESOLVED THAT the 2017 property taxes for The Properties, specifically roll numbers 202366720, 065006207 and 201443702, totaling \$ 242,105.34 be cancelled, representing the 12 months in 2017 that The Properties do not qualify for tax exemption and taxes payable can be potentiality requisitioned from The City. This amount includes \$ 148,404.11 in municipal property taxes and \$ 93,701.23 in provincial property taxes.



Signature of Member(s) of Council