

## **COMMITTEE OF THE WHOLE - DECEMBER 3, 2007**

### **RESOLUTION IN SUPPORT OF: THE CITY OF MISSISSAUGA'S RESOLUTION 0233-2007 ADOPTED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF MISSISSAUGA**

#### **Recommendation**

Mayor Linda D. Jackson recommends:

1. THAT the City of Vaughan support the motion of the Federation of Canadian Municipalities calling for the Federal Government to withdraw its appeal to pay its fair share of the cost of the local government in communities where it owns real property;
2. THAT a copy of this recommendation is forwarded to the Prime Minister, Federal Ministers of Transport, the Minister of Public Works and Government Services Canada, the Premier of Ontario and Leaders of the Opposition Parties; local MP's and MPP's, the Federation of Canadian Municipalities, Big City Mayor's Caucus and the Association of Municipalities of Ontario.

#### **Economic Impact**

There is no immediate budgetary impact resulting from the adoption of this Resolution.

#### **Communications Plan**

No immediate plan required.

#### **Purpose**

To support the motion in Canadian Municipalities.

#### **Background - Analysis and Options**

On July 5, 2007, the Federal Court of Canada released three (3) decisions relating to an application for judicial review by the City of Montreal respecting the determination of payments-in-lieu-of-taxes owed to that City in respect of land occupied by two (2) Crown corporations, the Montreal Port Authority and Radio-Canada.

1. The Court determined it had jurisdiction to consider this matter and the way in which the Payments in Lieu of Taxes Act ("PLTA") is applied by the Federal Government;
2. The Court confirmed that federal officials cannot arbitrarily decide how much they will pay to municipalities in lieu of property tax and that the federal government should assume and pay its fair share of the costs of local government communities where it owns real property and instead make PILT payments with reference to the tax rates set by the City.
3. The Federal Government has indicated an intention to appeal the court decisions.

On September 6, 2007, the Federation of Canadian Municipalities urged the Federal Government to "do the right thing" and pay its fair share of local taxes and withdraw its appeal.

### **Relationship to Vaughan Vision 2007**

This report is consistent with the priorities previously set by Council.

### **Regional Implications**

Not Applicable.

### **Conclusion**

As members of the Federation of Canadian Municipalities, we support other municipalities in this regard. It should be noted that Federal lands are not currently owned by the City of Vaughan.

### **Attachments**

1. Resolution 0233-2007 adopted by the Council of The Corporation of the City of Mississauga.

### **Report prepared by:**

Linda D. Jackson, Mayor, City of Vaughan, Ext. 8836

A copy of the attachment is on file in the office of the City Clerk.

Respectfully submitted,

Linda D. Jackson  
Mayor



RESOLUTION 0233-2007  
adopted by the Council of  
The Corporation of the City of Mississauga  
at its meeting on September 12, 2007

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0233-2007      Moved by:    N. Iannicca                      Seconded by: E. Adams

Whereas on July 5, 2007 the Federal Court of Canada released three (3) decisions relating to an application for judicial review by the City of Montreal respecting the determination of payments-in-lieu-of-taxes owed to that City in respect of land occupied by two (2) Crown corporations, the Montreal Port Authority and Radio-Canada;

And Whereas the Court determined it had jurisdiction to consider this matter and the way in which the *Payments in Lieu of Taxes Act* ("PLTA") is applied by the Federal Government;

And Whereas the Court confirmed that federal officials cannot arbitrarily decide how much they will pay to municipalities in lieu of property tax, and that the federal government should assume and pay its fair share of the costs of local government in communities where it owns real property and instead make PILT payments with reference to the tax rates set by the City;

And Whereas the Federal Government has indicated an intention to appeal the court decisions;

And Whereas on September 6, 2007 the Federation of Canadian Municipalities urged the Federal Government to "do the right thing" and pay its fair share of local taxes, and withdraw its appeal;

Now be it resolved that:

1. The City of Mississauga support the motion of the Federation of Canadian Municipalities calling for the Federal Government to withdraw its appeal and to pay its fair share of the cost of the local government in communities where it owns real property;



RESOLUTION 0233-2007  
adopted by the Council of  
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0233-2007

Moved by: N. Iannicca

Seconded by: E. Adams

2. That given these recent court rulings supporting the Federal Government paying its fair share, the Province of Ontario be requested to rescind those portions of Ontario Regulation 282/98 establishing payments in lieu of taxes for airport authorities based on a per passenger formula set in 1998 and not adjusted, and return to assessing federal property on the same basis as all other property, market value assessment, and
3. That a copy of this Resolution be forwarded to the Prime Minister, the Federal Minister of Transport, the Minister of Public Works and Government Services Canada, the Premier of Ontario and Leaders of the Opposition Parties; local MPs and MPPs, the Federation of Canadian Municipalities, Big City Mayor's Caucus and the Association of Municipalities of Ontario.

Carried  
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