

**Bylaw: exemption from taxation (Durham Art Gallery)
(92-2009)**

**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
BY-LAW NUMBER 92 - 2009**

Being a By-Law to exempt from taxation for municipal and school purposes certain lands owned by the Durham Art Gallery on which municipal capital facilities are located, namely an art gallery, and which is operated by the Durham Art Gallery.

WHEREAS:

(a) Subsection 110 (1) of the Municipal Act, S.O. 2001 c. 25, as amended (hereinafter called "the Act") provides that the council of a municipality may enter into agreements for the provision of "municipal capital facilities" by any person and Ontario Regulation 46/94 as amended by Ontario Regulation 401/02 provides that such an agreement can be entered into for a municipal capital facility used for the provision of cultural services (section 2 paragraph 16 of Ontario Regulation 46/94);

(b) The existing art gallery on certain lands owned by the Durham Art Gallery, namely Lots 16 & 17, Plan 502, east of Albert, west of Elgin, RP17R2024 Part 1, in the said Municipality of West Grey (Town of Durham), in the County of Grey, municipally known as 251 George Street East, assessment roll number 42 05 260 002 10901 0000 (hereinafter called "the lands") exist for the provision of cultural services of the municipality;

(c) By-law number 91 - 2009 is a by-law passed by the Council of the Corporation of the Municipality of West Grey, ("West Grey"), to authorize an agreement being entered into for the provision of a municipal capital facility, being an existing art gallery on the lands and premises owned and operated by the Durham Art Gallery;

(d) The Corporation of the Municipality of West Grey has entered into an agreement with the Durham Art Gallery for the provision of a municipal capital facility, being an existing art gallery on the lands and premises owned and operated by the Durham Art Gallery under subsection 110 (1) of the Act;

(e) The lands are owned by the Durham Art Gallery which has entered into an agreement to provide municipal capital facilities, pursuant to subsection 110 (1) of the Act; and

(f) The lands are entirely occupied and used, and are intended for use for a service or function that may be provided by a municipality.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST GREY HEREBY ENACTS AS FOLLOWS:

1. The lands, as above described, are hereby exempted from taxation for municipal and school purposes pursuant to subsection 110 (6) of the Act.
2. Upon the passing of this by-law, the clerk shall give written notice of the contents of the by-law to, pursuant to subsection 110 (8) of the Act,
 - (a) the Municipal Property Assessment Corporation;
 - (b) the clerk of any other municipality that would, but for the by-law, have had authority to levy rates on the assessment for the land exempted by the by-law; and
 - (c) the secretary of any school board if the area of jurisdiction of the board includes the land exempted by the by-law.
3. This By-law shall be deemed to have lawful effect as of January 1, 2010 or such later date as, in law, the By-law shall be deemed to otherwise have lawful effect, whichever date is lawfully the earliest.

Read a first and second time this 21st day of December, 2009.

Read a third time and finally passed this 21st day of December, 2009.

Mayor – Kevin Eccles

CAO/Clerk, Christine Robinson