

This document is consolidated into a single publication for the convenience of users. The Official Bylaw and all amendments thereto are available from the Legislative Services Department and should be consulted in interpreting and applying this Bylaw. In the case of any dispute, the original Brownfield Tax Exemption Bylaw and all amendments must be consulted.



CITY OF FORT SASKATCHEWAN

BROWNFIELD TAX EXEMPTION

BYLAW C15-22

A BYLAW OF THE CITY OF FORT SASKATCHEWAN, IN THE PROVINCE OF ALBERTA TO PROVIDE PROPERTY TAX EXEMPTIONS FOR NEW MIXED USE DEVELOPMENT AND MULTI-UNIT DEVELOPMENT PURSUANT TO SECTION 364.1 OF THE *MUNICIPAL GOVERNMENT ACT* (the “Act”).

WHEREAS pursuant to section 364.1 of the Act, Council may pass a bylaw providing for full or partial exemptions from taxation under Part 10, Division 2 of the Act for “Brownfield Property”, as defined by the Act, for the purpose of encouraging development or redevelopment for the general benefit of the municipality;

AND WHEREAS the municipality considers it desirable to encourage the development of mixed use development and multi-unit development in specific locations in the downtown core for the general benefit of the municipality, including to foster downtown revitalization efforts, increase access to affordable housing, and support the local business community;

AND WHEREAS the development of Brownfield Properties has a multiplier effect and can stimulate the community’s economy and foster business development;

NOW THEREFORE, the Council of the City of Fort Saskatchewan, duly assembled, enacts as follows:

1) SHORT TITLE

1.1 This Bylaw shall be cited as the City of Fort Saskatchewan “Brownfield Tax Incentive Bylaw”.

2) DEFINITIONS

For the purposes of this Bylaw:

2.1 “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended;

2.2 “Administration” means the administrative and operational arm of the City comprised of various departments and business units and including all employees who operate under the leadership and supervision of the CAO;

- 2.3 “Applicant” means a person who applies for an Exemption;
- 2.4 “Application Fee” means the fee established by this Bylaw to be paid at the time an application is submitted pursuant to this Bylaw;
- 2.5 “Assessed Person” means an assessed person as defined under Section 284(1) of the Act;
- 2.6 “Brownfield Property” shall have the same meaning as under section 364.1(1) of the Act;
- 2.7 “City” means the municipal corporation of the City of Fort Saskatchewan;
- 2.8 “City Manager” means the chief administrative officer (“CAO”) for the City as appointed by Council, including the CAO’s delegate;
- 2.9 “Council” means the members who comprise the municipal Council for the City;
- 2.10 “Complete Application” means an application for an Exemption in the form established by Administration and submitted pursuant to this Bylaw that includes the Application Fee and the application requirements for an Exemption;
- 2.11 “Completion of Construction” means a Project has been completed in accordance with any and all City development approvals, excluding any conditions in a Development Permit of an ongoing nature;
- 2.12 “Development Permit” means a document authorizing a development pursuant to the provisions of the City’s Land Use Bylaw;
- 2.13 “Dwelling Unit” shall have the same meaning as it does within the City’s Land Use Bylaw;
- 2.14 “Eligible Capital Cost” means the lower of the actual total capital costs incurred to build the Project, and the estimated capital costs to the Applicant to build the Project as outlined in the Complete Application. Capital costs shall include any new expenditures on labour, engineering, materials or other costs associated with the construction of a Project, including remediation or other environmental costs to a maximum of \$2,000,000, but shall not include costs related to the acquisition of land, improvements to land, or buildings that existed on the land before construction commenced, maintenance costs, or other non-capital costs such as legal/regulatory/permitting fees;
- 2.15 “Eligible Property” means one or more of the Brownfield Properties identified in Schedule A in respect of which an application may be made for an Exemption;
- 2.16 “Exemption” means an exemption from taxation as provided for in Part 10, Division 2 of the Act. For purposes of clarity, an Exemption from taxation applies only to taxes imposed by the City under Part 10, Division 2 of the Act and not any Provincial

requisitions; 2.17 “Mixed Use Development” shall have the same meaning as it does within the City’s Land Use Bylaw;

2.17 “Mixed-Use Development” shall have the same meaning as it does within the City’s Land Use Bylaw;

2.18 “Multi-Unit Development” shall have the same meaning as it does within the City’s Land Use Bylaw;

2.19 “New Construction” means the construction on an Eligible Property of:

- a. a Structure, the construction of which is commenced subsequent to the passage of this Bylaw; or
- b. a Structure, the construction of which is completed subsequent to the passage of this Bylaw;

for the purposes of establishing Mixed Use Development or Multi-Unit Development.

2.20 “Project” means New Construction as described in the Complete Application and authorized by a valid Development Permit;

2.21 “Property” means property as defined by the Act;

2.22 “Safety Codes Officer” shall have the same meaning as it does within the Safety Codes Act, RSA 2000 c. S-1, as amended;

2.23 “Structure” means a structure as defined by the Act.

3) TAX EXEMPTION ELIGIBILITY

3.1 To be eligible for an Exemption, the following eligibility criteria must be met:

- a. Requirements for a Project:
 - i) be constructed on Eligible Property;
 - ii) be New Construction;
 - iii) be a minimum of 2 storeys;
 - iv) result in the construction of a minimum of
 - (1) ¹four (4) new Dwelling Units per Multi-Unit Development;

¹ Bylaw C22-25

(2) ²two (2) new Dwelling Units above ground-floor commercial per Mixed Use Development; or

(3) 50% of the total area (m²) of the Project consists of Dwelling Units.

v) obtain all necessary development approvals from the City;

vi) either:

(1) commence construction subsequent to the passing of this Bylaw; or

(2) Completion of Construction occurs subsequent to the passing of this Bylaw.

b. Requirements for a Property:

i) be an Eligible Property;

ii) be in compliance with all conditions of any applicable Development Permit, excluding any condition of an ongoing nature;

iii) not be subject to a stop order, pursuant to section 645 of the Act;

iv) not be in arrears or have amounts owing with regards to property tax, utilities, or other fees owed to the City;

v) not going through foreclosure;

vi) not be the subject of an application or grant under the City's development grants program; and

vii) not be in violation of a development agreement or the *Safety Code Act* at any time during the term of the Exemption provided for in a certificate issued pursuant to this Bylaw.

c. Requirements for Applicant:

i) Applicant is the Assessed Person or authorized agent for the Assessed Person;

ii) Assessed Person must not be in arrears or have amounts owing with regards to property tax, utilities, or other fees owed to the City;

iii) Assessed Person must not be in bankruptcy or receivership;

iv) Assessed Person must be in compliance with terms and conditions of any grant or other financial assistance received from the City, irrespective of the Project; and

² Bylaw C22-25

- v) Assessed Person and their agent must not furnish false information within an application, or furnish false information or misrepresent any fact or circumstance to the City.

4) APPLICATION

4.1 Application Process:

- a. Applicants must submit a Complete Application to the City Manager, and the City Manager has the discretion to reject applications that are incomplete, ineligible, or provided after the deadline provided in this Bylaw.
- b. Applicants must submit a non-refundable application fee in accordance with the City's Fees and Charges Bylaw.
- c. A Complete Application must be received prior to the year in which the requested Exemption is to commence.
- d. If construction of a Project is commenced subsequent to the passage of this Bylaw, a Complete Application must be received before construction of the Project has commenced.
- e. If construction of a Project is commenced prior to the passage of this Bylaw, a Complete Application must be received prior to Completion of Construction.
- f. If, after submitting a Complete Application, the scope or cost of a Project increases subsequent to the City Manager accepting a Complete Application for consideration with respect to the Project such that the potential Eligible Capital Costs of the Project have increased, the Applicant may submit an amended Complete Application under this Bylaw for consideration. The amended application will be considered as if it was received at the same time as the previous Complete Application. Notwithstanding subsection (b) an additional Application Fee will not be required.
- g. Applicants whose applications are returned as incomplete or ineligible may resubmit an application, provided that, as applicable, the application is resubmitted prior to construction commencing or prior to Completion of Construction.
- h. Notwithstanding the Complete Application requirements, the City Manager may require any additional information that, in the discretion of the City Manager, is necessary to complete the application.
- i. Complete Applications may be considered and approved in accordance with this Bylaw before Completion of Construction; however, the Exemption will not begin in effect until the conditions set-out in section 5.8 of this Bylaw are satisfied.

- j. The City Manager 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.

4.2 Consideration Process:

- a. The City Manager may delegate any duty or responsibility of the City Manager under this Bylaw to an employee of the City.
- b. The City Manager shall receive and consider a Complete Application 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 governments, government agencies, or persons.
- c. The City Manager shall consider each application and determine whether to:
 - i) grant the Exemption and issue a certificate granting the Exemption under this Bylaw, or;
 - ii) reject the application and advise the Applicant with written reasons as to why. The written reasons shall provide the date by which a complaint must be made.
- d. The City Manager shall issue a certificate granting the Exemption to the Applicant if an Exemption is granted.

5) CALCULATION OF EXEMPTION

- 5.1 An Exemption granted pursuant to this Bylaw shall be calculated and applied in accordance with this Section.
- 5.2 The total exemption from taxation over the lifetime of the Exemption granted pursuant to this Bylaw (the "Total Exemption") shall be no greater than 5% of the Eligible Capital Costs of the Project.
- 5.3 For all eligible tax years identified in the certificate granting the Exemption, the Project shall receive a maximum 100% Exemption on the incremental increase in the annual property taxes levied upon the Eligible Property based on the increase in the assessed value of the Eligible Property attributable to the Project for which the tax incentive has been granted in that tax year, up to the Total Exemption over the period of eligible tax years identified in the certificate.
- 5.4 Should the remaining amount of the Total Exemption be less than 100% of the incremental increase in the annual property taxes levied upon the Eligible Property based on the increase in the assessed value of the Eligible Property attributable to the Project for which the tax incentive has been granted in that tax year, the Exemption for that taxation year shall equal the remaining amount of the Total Exemption.

- 5.5 Upon Completion of Construction, the Applicant must submit documentation or other supporting evidence to establish the actual total capital costs of the Project, to the satisfaction of the City Manager.
- 5.6 Upon receiving the documentation or other supporting evidence of the actual total capital costs of the Project submitted by the Applicant, the City Manager shall establish the Eligible Capital Costs of a Project and may amend a certificate granting an Exemption to account for any required change resulting from the establishment of the Eligible Capital Costs.
- 5.7 The City Manager may, at their discretion, consult with, obtain information from, and verify information with other employees or agents of the City, other governments, government agencies, or other persons.
- 5.8 Subject to the provisions of this Bylaw, an Exemption will begin in effect:
 - a. following Completion of Construction;
 - b. when the first taxation year to which an Exemption will apply, as provided in the certificate granting the Exemption, is reached;
 - c. when occupancy of the Project has been authorized by a qualified Safety Codes Officer; and
 - d. the City Manager has established the Eligible Capital Costs, in accordance with this Bylaw.
- 5.9 Subject to the provisions of this Bylaw, an Exemption may apply for the following taxation years: 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, and 2037.

6) TAX INCENTIVE CERTIFICATE

- 6.1 A certificate granting an Exemption will be required for all granted Exemptions. The certificate granting an Exemption shall include the following:
 - a. The years within which the Exemption may apply, as outlined in the Bylaw;
 - b. the taxation years to which the Exemption does apply, which must not include any taxation year earlier than the taxation year in which the certificate granting the Exemption is issued;
 - c. the conditions the breach of which will result in the cancellation of the Exemption, and the taxation year or years to which the conditions apply;
 - d. the criteria to be met to qualify for an Exemption, as outlined by this Bylaw;
 - e. the date upon which the Exemption shall begin in effect;

- f. the amount or extent of the Exemption, to be calculated and applied in accordance with this Bylaw, subject to any change made by the City Manager based on the establishment of Eligible Capital Costs; and
 - g. what costs are included in the calculation of Eligible Capital Costs.
- 6.2 At any time, the City Manager may require the Applicant to provide any documents that the City Manager deems necessary to verify any information contained in an application, or to confirm ongoing compliance with a certificate granting an Exemption, the criteria and conditions set out in this Bylaw, and to confirm the calculation of the Exemption.
- 6.3 The City Manager may, in his or her sole discretion, and at the expense of the Applicant, engage the services of external auditors, contractors, or agents of the City to assist with or conduct the review of documents or information provided by the Applicant under section 5.5 or 6.2 of this Bylaw.

7) CANCELLATION OF EXEMPTION

- 7.1 If at any time after an Exemption is granted, the City Manager determines that:
 - a. any of the criteria which formed the basis of granting the Exemption were not met, or cease to be met, which without limiting the generality of the foregoing include
 - i. Requirements for a Project:
 - (1) be constructed on Eligible Property;
 - (2) be New Construction;
 - (3) be a minimum of 2 storeys;
 - (4) result in the construction of a minimum of
 - a. 6 new Dwelling Units per Multi-Unit Development;
 - b. 3 new Dwelling Units above ground-floor commercial per Mixed Use Development; or
 - c. 50% of the total area (m²) of the Project consists of Dwelling Units.
 - (5) obtain all necessary development approvals from the City;
 - (6) either:
 - a. commence construction subsequent to the passing of this Bylaw; or
 - b. completion of Construction occurs subsequent to the passing of this Bylaw.

ii. Requirements for a Property:

- (1) be an Eligible Property;
- (2) be in compliance with all conditions of any applicable Development Permit, excluding any conditions of an ongoing nature;
- (3) not be subject to a stop order, pursuant to section 645 of the Act;
- (4) not be in arrears or have amounts owing with regards to property tax, utilities, or other fees owed to the City;
- (5) not going through foreclosure; and
- (6) not be in violation of a development agreement or the *Safety Code Act* at any time during the term of the Exemption provided for in a certificate issued pursuant to this Bylaw.

iii. Requirements for a Applicant:

- (1) Applicant is the Assessed Person or authorized agent for the Assessed Person;
- (2) Assessed Person must not be in arrears or have amounts owing with regards to property tax, utilities, or other fees owed to the City;
- (3) Assessed Person must not be in bankruptcy or receivership;
- (4) Assessed Person must be in compliance with terms and conditions of any grant or other financial assistance received from the City, irrespective of the Project; and
- (5) Assessed Person and their agent must not furnish false information within an application, or furnish false information or misrepresent any fact or circumstance to the City.

or

there has been a breach of any condition of the Exemption the City Manager shall cancel the Exemption for the taxation year or years in which the criterion was not met or to which the condition applies.

7.2 If the conditions set out at section 5.8 of this Bylaw are not satisfied on January 1 of the first taxation year to which an Exemption will apply, as provided in the certificate granting the Exemption, the Exemption will be cancelled for:

- a. the first taxation year to which an Exemption will apply; and

- b. each subsequent eligible taxation year in which the conditions set out at section 5.8 of this Bylaw are not met prior to that taxation year.

7.3 If an Exemption is cancelled pursuant to this Bylaw for any taxation year, the Total Exemption shall be reduced by the equivalent value of what the Exemption would have been if it were granted in the subject taxation year.

7.4 Notification of a decision to cancel an Exemption must be provided to the Applicant and must include reasons and identify the taxation year or years to which the cancellation applies.

8) COMPLAINT TO ASSESSMENT REVIEW BOARD

8.1 An Applicant may submit a complaint to the appropriate assessment review board respecting certain decisions under this Bylaw, in accordance with the Act.

9) SEVERABILITY

9.1 That if at any time any provision of this Bylaw is declared or held to be illegal, invalid, or *ultra vires*, in whole or in part, then that provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and shall be constructed as it had been enacted without the illegal, invalid or *ultra vires* provision.

10) REVIEW

10.1 The provisions and applicability of this Bylaw shall be reviewed by Council on annual basis.

11) EFFECTIVE DATE

11.1 This Bylaw becomes effective upon third and final reading.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, R.S.A. 2000., c.M-26, and Bylaw C5-13 Office Consolidation and Revision of Bylaws, and printed under the Director, Legislative Services Authority).

Bylaw C15-22 passed by Council May 24, 2022

Amendments

Bylaw C22-25 passed by Council June 24, 2025

Schedule A – Eligible Properties

Plan 2545RS, Block 3, Lot A
Plan 812 2532, Block 4, Lot 30
Plan 3549HW, Block 5, Lot C
Plan O, Block 5, Lot 15
Plan O, Block 11, Lots 14 & 15
Plan O, Block X
Plan O, Block 15, Lot 9
Plan O, Block 15, Lots 7 & 8
Plan O, Block 11, Lot 4
Plan 1523380, Block 1: Lots 2, 6MR, 7MR, 8MR, 9MR, 10MR

Plan 1524851:
Unit A
Unit B
Units 1 – 19
Common Property of Condo Plan

Plan 1622714:
Units 1 – 5
Units 8 – 9
Common Property of Condo Plan

Plan 1722104: Units 10 – 11

Plan 1823388: Units 15 – 18
Common Property of Condo Plan

Plan 1922483: Unit 2
Plan 1922484: Units 3– 9