

**Clause embodied in Report No. 4 of the Policy and Finance Committee, as adopted by the Council of the City of Toronto at its meeting held on March 4, 5, 6, 7 and 8, 2002.**

**2**

**2002 Tax Levy By-Laws**

*(City Council on March 4, 5, 6, 7 and 8, 2002, amended this Clause by adding thereto the following:*

*“It is further recommended that Council adopt the supplementary report dated March 8, 2002, from the Chief Financial Officer and Treasurer, embodying the following recommendations:*

*‘It is recommended that:*

- (1) *the 2002 tax ratios set out in Column II for each of the property classes set out in Column I be adopted:*

<i>Property Class</i>	<i>Pre-Levy Increase Tax Ratio (2002 Tax Ratio)</i>	<i>Post-Levy Increase Tax Ratio (for 2003 taxation year)</i>
<i>(Column I)</i>	<i>(Column II)</i>	<i>(Column III)</i>
<i>Residential/Farm</i>	<i>1.000000</i>	<i>1.000000</i>
<i>Multi-Residential</i>	<i>4.174282</i>	<i>4.001407</i>
<i>New Multi-Residential</i>	<i>1.000000</i>	<i>1.000000</i>
<i>Commercial</i>	<i>3.797620</i>	<i>3.642053</i>
<i>Industrial</i>	<i>5.300892</i>	<i>5.082288</i>
<i>Farmlands</i>	<i>0.250000</i>	<i>0.250000</i>
<i>Pipelines</i>	<i>1.707992</i>	<i>1.707992</i>
<i>Managed Forests</i>	<i>0.250000</i>	<i>0.250000;</i>

- (2) *the tax rates set out in Column II, which rates will raise a general local municipal tax levy for 2002 of \$2,745,536,482.00, and the tax rates set out in Column III, which rates will raise a special local municipal tax levy for 2002 in an amount sufficient to fund the municipal budgetary increase for 2002 of \$44,165,180.00 in accordance with legislative requirements, be adopted:*

<i>Property Class</i>	<i>2002 Rate for General Local Municipal Tax Levy</i>	<i>2002 Rate for Special Local Municipal Tax Levy (to fund Budgetary Levy increase)</i>
<i>(Column I)</i>	<i>(Column II)</i>	<i>(Column III)</i>
<i>Residential/Farm</i>	<i>0.7005440%</i>	<i>0.0302660%</i>
<i>Multi-Residential</i>	<i>2.9242680%</i>	<i>-</i>
<i>New Multi-Residential</i>	<i>0.7005440%</i>	<i>0.0302660%</i>
<i>Commercial</i>	<i>2.6604000%</i>	<i>-</i>
<i>Industrial</i>	<i>3.7135080%</i>	<i>-</i>
<i>Farmlands</i>	<i>0.1751360%</i>	<i>0.0075665%</i>
<i>Pipelines</i>	<i>1.1965240%</i>	<i>0.0516940%</i>
<i>Managed Forests</i>	<i>0.1751360%</i>	<i>0.0075665%;</i>

- (3) *subject to the filing of the requisite regulation by the Minister of Finance, that a tax rate of 0.0012488 percent be levied on the commercial class to raise a special local municipal tax levy in a sufficient amount to fund the estimated rebates to registered charities for properties in the commercial class in 2002, and that a tax rate of 0.0006791 percent be levied on the industrial class to raise a special local municipal tax levy in a sufficient amount to fund the estimated rebates to registered charities for properties in the industrial class in 2002;*
- (4) *the collection of taxes for 2002 other than those levied under By-law No. 1002-2001, the imposition of a penalty charge for non-payment of 2002 taxes, and the provision of interest to be added to tax arrears be authorized;*
- (5) *a by-law in the form, or substantially in the form of the draft by-law attached hereto as Appendix A, be enacted to establish tax ratios for the year 2002, to establish tax rates for 2002, to levy and collect taxes for municipal purposes for the year 2002 other than those levied before the adoption of the estimates for 2002, to impose a penalty charge for non-payment of 2002 taxes, and to provide for interest to be added to tax arrears; and*
- (6) *authority be granted for the introduction of the necessary bill in Council.”)*

**The Policy and Finance Committee recommends the adoption of the following report (February 18, 2002) from the Chief Financial Officer and Treasurer.**

Purpose:

To advise on the current status of the 2002 final levy by-laws, and to seek authority to permit the Chief Financial Officer and Treasurer to report on the municipal levy and the education levy directly to Council at its meetings in March and April 2002.

Financial Implications:

There are no financial implications at this time.

However, in the event that the regulation prescribing the education tax rates for 2002 is not filed by the Minister of Finance by April 10, 2002, the 2002 final property tax bill may be delayed. For each month that the first installment due date is deferred, a loss of \$1.1 million on interest earnings and a shortfall in cash flow of \$450 million will be experienced. The annualized impact of deferring the three final instalments by one month each is \$3.3 million.

Recommendations:

It is recommended that:

- (1) City Council request the Minister of Finance to file regulations prescribing the 2002 education tax rates by April 10, 2002;
- (2) the Chief Financial Officer and Treasurer be authorized to report directly to Council at its meeting of March 4 to 8, 2002, with respect to the municipal levy by-law; and
- (3) the Chief Financial Officer and Treasurer be authorized to report directly to Council at its meeting of April 16 to 18, 2002, with respect to the education levy by-law and the claw-back by-law.

Comments:

For the 2002 taxation year, Council must adopt the following three by-laws:

- (a) the municipal levy by-law will set the tax ratios and municipal tax rates for the 2002 taxation year, impose a penalty charge for non payment of taxes in the 2002 taxation year and provide for interest at the rate of 1.25 percent per month to be added to tax arrears;
- (b) the education levy by-law will set the education tax rates for the 2002 taxation year; and
- (c) the claw-back levy by-law will establish a percentage by which 2002 tax decreases are limited for properties in the commercial, industrial and multi-residential property classes.

Given that the 2002 Operating Budget is scheduled to be adopted by Council at its meeting of March 4 to 8, 2002, it will be necessary to introduce the municipal levy by-law directly to that meeting. The exact tax rates and tax ratios cannot be set until the 2002 Operating Budget is adopted by Council.

The *Education Act* requires every municipality in each year to levy and collect taxes for school purposes at the education tax rates prescribed by the Minister of Finance. The by-law required to levy taxes for school purposes cannot be adopted by Council until the regulations prescribing the education tax rates are filed by the Minister.

Finance staff have advised Ministry of Finance officials that the education tax rates are required by no later than April 10, 2002.

To determine the claw-back rates for 2002, both the municipal and education tax rates must be known.

In order to maintain continuity and provide consistent customer service, the City of Toronto intends to set its 2002 instalment due dates for the final property tax bill in keeping with the schedule established for 2001. To have the first due date on July 2, 2002, and to ensure that taxpayers receive their bills 30 days prior to that due date, the City must mail the final 2002 tax bills by May 31, 2002. Ordinarily, the City requires six (6) weeks of preparation after Council adopts all tax billing-related levy by-laws to issue its bills. This time frame is required to accurately calculate, print, verify and mail some 600,000 tax bills/statements.

Adherence to this timetable is contingent upon Council adopting all the tax billing related by-laws by the middle of April 2002. If the education tax rate regulations are filed by the Minister, and City staff are able to calculate the claw-back rates in time for the Policy and Finance Committee meeting of April 4, 2002, a full report will be brought forward to Committee at that time. Should the regulation prescribing the education tax rates be filed between April 4 and April 16, staff foresee the need to report directly to the Council meeting scheduled for April 16 to 18, 2002. As such, authority is requested to report directly to Council, if required. A status report on this matter will be provided to Policy and Finance Committee at its April meeting.

If the Minister of Finance fails to file the required regulations prescribing the 2002 education tax rates prior to April 10, 2002, City staff will be unable to bring forward the education tax levy by-law and the claw-back by-law within the schedule referenced above. Consequently, the City will be unable to adhere to its usual timetable for the billing of final property taxes for 2002.

#### Conclusion:

This report advises that three by-laws are required to facilitate this year's final property tax billing and seeks authority for the Chief Financial Officer and Treasurer to report directly to Council, at its meeting held in March and April 2002, on the municipal levy by-law and the by-laws setting the education tax rates and the claw-back rates for 2002. Moreover, this report acknowledges that provincial regulations prescribing the 2002 education tax rates need to be

filed no later than April 10, 2002, in order to allow for the timely production of the 2002 final property tax bill.

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*(City Council on March 4, 5, 6, 7 and 8, 2002, had before it, during consideration of the foregoing Clause, the following report (March 8, 2002) from the Chief Financial Officer and Treasurer:*

Purpose:

*To provide information on the tax levy by-law for municipal purposes, and to establish the 2002 Municipal Tax Ratios and 2002 Municipal Tax Rates that result from Council's approved 2002 Operating Budget.*

Financial Implications and Impact Statement:

*The property tax levy of \$2,790,226,662 arising from the 2002 Operating Budget will result in a 4.32% tax increase for municipal purposes on the residential/farm, farmlands, pipelines and managed forest property classes.*

*The tax rates for school purposes, which the Province has not yet prescribed by regulation, will be reported to Council at its meeting of April 16-18, 2002.*

Recommendation:

*It is recommended that :*

- (1) *The 2002 tax ratios set out in Column II for each of the property classes set out in Column I be adopted:*

<i>Property Class</i>	<i>Pre-Levy Increase Tax Ratio (2002 Tax Ratio)</i>	<i>Post-Levy Increase Tax Ratio (for 2003 taxation year)</i>
<i>(Column I)</i>	<i>(Column II)</i>	<i>(Column III)</i>
<i>Residential/Farm</i>	<i>1.000000</i>	<i>1.000000</i>
<i>Multi-Residential</i>	<i>4.174282</i>	<i>4.001407</i>
<i>New Multi-Residential</i>	<i>1.000000</i>	<i>1.000000</i>
<i>Commercial</i>	<i>3.797620</i>	<i>3.642053</i>
<i>Industrial</i>	<i>5.300892</i>	<i>5.082288</i>

<i>Property Class</i>	<i>Pre-Levy Increase Tax Ratio (2002 Tax Ratio)</i>	<i>Post-Levy Increase Tax Ratio (for 2003 taxation year)</i>
<i>(Column I)</i>	<i>(Column II)</i>	<i>(Column III)</i>
<i>Farmlands</i>	0.250000	0.250000
<i>Pipelines</i>	1.707992	1.707992
<i>Managed Forests</i>	0.250000	0.250000

- (2) *The tax rates set out in Column II, which rates will raise a general local municipal tax levy for 2002 of \$ 2,745,536,482 , and the tax rates set out in Column III, which rates will raise a special local municipal tax levy for 2002 in an amount sufficient to fund the municipal budgetary increase for 2002 of \$44,165,180 in accordance with legislative requirements, be adopted:*

<i>Property Class</i>	<i>2002 Rate for General Local Municipal Tax Levy</i>	<i>2002 Rate for Special Local Municipal Tax Levy (to fund Budgetary Levy Increase)</i>
<i>(Column I)</i>	<i>(Column II)</i>	<i>(Column III)</i>
<i>Residential/Farm</i>	0.7005440%	0.0302660%
<i>Multi-Residential</i>	2.9242680%	-
<i>New Multi-Residential</i>	0.7005440%	0.0302660%
<i>Commercial</i>	2.6604000%	-
<i>Industrial</i>	3.7135080%	-
<i>Farmlands</i>	0.1751360%	0.0075665%
<i>Pipelines</i>	1.1965240%	0.0516940%
<i>Managed Forests</i>	0.1751360%	0.0075665%

- (3) *Subject to the filing of the requisite regulation by the Minister of Finance, that a tax rate of 0.0012488% be levied on the commercial class to raise a special local municipal tax levy in a sufficient amount to fund the estimated rebates to registered charities for properties in the commercial class in 2002, and that a tax rate of 0.0006791% be levied on the industrial class to raise a special local municipal tax levy in a sufficient amount to fund the estimated rebates to registered charities for properties in the industrial class in 2002; and*
- (4) *The collection of taxes for 2002 other than those levied under By-law No. 1002–2001, the imposition of a penalty charge for non-payment of 2002 taxes, and the provision of interest to be added to tax arrears be authorized; and,*
- (5) *A by-law in the form, or substantially in the form of the draft by-law attached hereto as Appendix A, be enacted to establish tax ratios for the year 2002, to establish tax rates for 2002, to levy and collect taxes for municipal purposes for the year 2002 other than those*

*levied before the adoption of the estimates for 2002, to impose a penalty charge for non-payment of 2002 taxes, and to provide for interest to be added to tax arrears; and*

- (6) *Authority be granted for the introduction of the necessary bill in Council.*

Background:

*The Municipal Act (the “Act”) requires the Council of a local municipality in each year to prepare and adopt estimates of all sums required during the year for the purpose of the municipality, including amounts sufficient to pay all debts of the municipality falling due within the year, amounts required to be raised for sinking funds and amounts required for any board, commission, or other body.*

*For the purposes of raising the general local levy, the Council of a local municipality is required, each year, to pass a by-law levying a separate tax rate, as specified in the by-law, on all the assessment in each property class in the local municipality rateable for local municipality purposes. The Act also permits the Council of a local municipality to raise a special levy by levying a separate tax rate on less than all the assessment in the local municipality.*

*Furthermore, the council of a single tier municipality must pass a by-law each year to establish the tax ratios for that year for the municipality.*

*The Chief Financial Officer and Treasurer reported to the Policy and Finance Committee at its meeting of February 21, 2002, requesting authority to report directly to Council at its meeting of March 4 - 8, 2002 with respect to the municipal levy by-law, and to directly to Council at its meeting of April 16 - 18, 2002 regarding the education levy by-law and the claw-back by-law.*

Comments:

*This report provides a brief commentary in respect of funding the property tax levy for municipal purposes.*

*Subsection 368(4.1) of the Municipal Act, as enacted by Bill 140, precludes the passing on of municipal budgetary levy increases to the capped classes (commercial, industrial and multi-residential classes) where a municipality’s tax ratios exceed provincial threshold levels. Given that Toronto’s current tax ratios exceed the provincial thresholds, as prescribed by Ontario Regulation 76/01, no municipal budgetary levy increase can be passed on to the capped classes in 2002.*

*Table 1  
 Toronto’s Tax Ratios vs. Provincial Threshold Ratios*

	<i>Capped Classes</i>		
	<i>Commercial</i>	<i>Industrial</i>	<i>Multi-Residential</i>
<i>Provincial Threshold Ratios</i>	<i>1.98</i>	<i>2.63</i>	<i>2.74</i>
<i>Toronto’s Tax Ratios (for 2002 taxation purposes)</i>	<i>3.80</i>	<i>5.30</i>	<i>4.17</i>

*A further regulation, replacing or updating Ontario Regulation 171/01, is required to prescribe the manner in which municipalities with tax ratios in excess of the provincial threshold ratios are to determine their tax rates for 2002. Provincial staff intend to file such a regulation by the end of March, and it is not expected that the approach will differ from that set out in O. Reg. 171/01. Accordingly, the draft by-law attached hereto takes the approach prescribed by O. Reg. 171/01 of raising a special levy on the uncapped classes to account for the municipal budgetary increase. This levy is subject to the requisite regulation being filed.*

*Funding Rebates for Charities:*

*Ontario Regulation 389/98 provides that the tax rates for the commercial classes and industrial classes may be greater than would be allowed by the tax ratios to the extent necessary to raise an amount sufficient to fund rebates to eligible charities within those classes. However, after a further technical review with Provincial staff, and despite the intent, it would appear Ontario Regulation 389/98 does not permit the tax rates for the commercial and industrial classes to be greater than the tax rates allowable where the tax ratios for those classes exceed the provincial threshold ratios, to the extent necessary to raise an amount sufficient to fund rebates to eligible charities.*

*Provincial staff advise that it is their intent to file a clarifying regulation allowing such tax increases on the commercial and industrial classes sufficient to cover the cost of rebates to eligible charities within those classes.*

*In 2001, 72 charities made application and were eligible for a property tax rebate of 40% of property taxes paid. The total amount rebated for municipal and school purposes is shown in Table 2 below. Based on actual experience from 2001, this report recommends an increase in the commercial tax rate of 0.0012488%, which is an amount sufficient to raise \$500,000 in municipal taxes estimated to be rebated to charities in the commercial class in 2002, and an increase in the industrial tax rate of 0.0006791%, which is an amount sufficient to raise \$25,000 in municipal taxes estimated to be rebated to charities in the industrial class in 2002, subject to the requisite regulation being filed. In any event, all properties in the commercial and industrial classes will still be protected from a tax increase greater than 5% pursuant to Section 447.65 of the Act (the “capping” provision).*

*Table 2  
 2001 Rebates to Charities in the Commercial & Industrial Classes*

<i>Property Class</i>	<i>No. of Eligible Applicants</i>	<i>Municipal Taxes</i>	<i>School Taxes</i>	<i>Total Taxes</i>
<i>Commercial</i>	65	\$ 404,091	\$ 403,137	\$ 807,228
<i>Industrial</i>	7	\$ 17,343	\$ 17,826	\$ 35,169
<i>Total</i>	72	\$ 421,434	\$ 420,963	\$ 842,397



*Assessment Changes:*

*Most of the assessment growth for 2002 over 2001 occurred in the residential class, which experienced a net assessment growth of 0.8%, which translates into an additional \$8.22 million in tax revenue over 2001. The growth in the multi-residential class will contribute an additional \$3.3 million in municipal tax revenue over 2001, while commercial will contribute an additional \$1.2 million. This growth is offset by a net loss in industrial assessment equivalent to \$4.6 million in revenue. In total, net assessment growth will contribute an additional \$7.885 million (0.29%) in municipal revenues over 2001, as shown in Table 3.*

*Table 3  
Assessment Growth 2002 vs. 2001*

	Assessment (\$ millions)			Tax Revenue (\$ millions)	
	2001	2002	% Change in Assessed Value	Revenue Impact (Growth)	% Change in Revenue
<i>Residential/Farm</i>	144,296.4	145,470.1	0.81%	\$ 8.22	0.81%
<i>Multi-Residential</i>	17,717.8	17,830.0	0.63%	\$ 3.28	0.63%
<i>New Multi-Residential</i>	20.5	20.5	0.00%	-	0.00%
<i>Commercial</i>	40,301.2	40,319.0	0.04%	\$ 1.16	0.11%
<i>Industrial</i>	3,952.5	3,822.1	( 3.30%)	( \$ 4.63 )	( 3.28%)
<i>Farmlands</i>	1.9	2.0	7.49%	\$ 0.00	7.49%
<i>Pipelines</i>	265.5	253.1	( 4.68%)	( \$ 0.15 )	( 4.68%)
<i>Managed Forests</i>	0.20	0.2	18.28%	\$ 0.00	18.28%
<i>Total</i>	206,556.0	207,716.9	0.56%	\$ 7.89	0.29%

*Tax Rates and Tax Ratios:*

*The 2002 Operating Budget necessitates a property tax levy requirement of \$2,790,226,662 for municipal purposes. Table 4 shows the municipal tax rates necessary to provide for the property tax component of the 2002 Operating Budget. For the residential class, the rate for the 2002 municipal levy increase is 0.0302660%, which translates into a property tax increase of approximately \$79.00 for the average residential property assessed at \$261,000. This rate for the levy increase is not permitted by legislation to be phased-in over time.*

*Table 4  
2002 Municipal Tax Rates*

<i>Property Class</i>	<i>2002 Taxation Year</i>				
	<i>2001 Municipal Tax Rates</i>	<i>Rate for 2002 Budgetary Levy Increase (not phaseable)</i>	<i>C&amp;I Rate for funding Charities</i>	<i>2002 Total Municipal Tax Rates</i>	<i>Change 2002 vs. 2001</i>
<i>Residential/Farm</i>	0.700544%	0.0302660%	-	0.7308100%	4.320%
<i>Multi-Residential</i>	2.924268%	-	-	2.9242680%	-
<i>New Multi-Residential</i>	0.700544%	0.0302660%	-	0.7308100%	4.320%
<i>Commercial</i>	2.660400%	-	0.0012488%	2.6616488%	0.047%
<i>Industrial</i>	3.713508%	-	0.0006791%	3.7141871%	0.018%
<i>Farmlands</i>	0.175136%	0.0075665%	-	0.1827025%	4.320%
<i>Pipelines</i>	1.196524%	0.0516940%	-	1.2482180%	4.320%
<i>Managed Forests</i>	0.175136%	0.0075665%	-	0.1827025%	4.320%

*Table 5 shows the municipal levy impact on each of the property classes.*

*Table 5  
2002 Municipal Tax Impacts by Property Class*

<i>Property Class</i>	<i>2001 Municipal Levy</i>	<i>2001 Growth-Related Increase</i>	<i>2002 General Levy</i>	<i>2002 Special Levy - Budgetary Increase</i>	<i>2002 Special Levy - Funding Rebates for Charities</i>	<i>2002 Municipal Levy</i>
<i>Residential/Farm</i>	\$ 1,010,860,020	\$ 8,222,224	\$ 1,019,082,245	\$ 44,027,989	-	\$ 1,063,110,233
<i>Multi-Residential</i>	518,116,303	3,279,423	521,395,725	-	-	521,395,725
<i>New Multi-Residential</i>	143,529	-	143,529	6,201	-	149,729
<i>Commercial</i>	1,064,024,809	1,161,188	1,065,185,997	-	500,000	1,065,685,996
<i>Industrial</i>	141,325,685	( 4,628,631 )	136,697,053	-	25,000	136,722,054
<i>Farmlands</i>	3,251	243	3,494	151	-	3,645
<i>Pipelines</i>	3,176,735	( 148,704 )	3,028,031	130,821	-	3,158,853
<i>Managed Forests</i>	345	63	408	18	-	426
<i>Total</i>	\$ 2,737,650,676	\$ 7,885,806	\$ 2,745,536,482	\$ 44,165,180	\$ 525,000	\$ 2,790,226,662

*Table 6 below shows the resulting 2002 tax ratios, and provides a comparison over the past three years. Since 2000, the multi-residential tax ratio has fallen by 24%, and the commercial and industrial tax ratios by 15%.*

*Table 6  
2002 Tax Ratios*

<i>Property Class</i>	<i>2000</i>	<i>2001 (for 2002 taxation year)</i>	<i>2002 (for 2003 taxation year)</i>	<i>% Change 2002 vs. 2000</i>
<i>Residential/Farm</i>	<i>1.000000</i>	<i>1.000000</i>	<i>1.000000</i>	<i>0%</i>
<i>Multi-Residential</i>	<i>5.235500</i>	<i>4.174282</i>	<i>4.001407</i>	<i>( 24%)</i>
<i>New Multi-Residential</i>	<i>1.000000</i>	<i>1.000000</i>	<i>1.000000</i>	<i>0%</i>
<i>Commercial</i>	<i>4.275900</i>	<i>3.797620</i>	<i>3.642053</i>	<i>( 15%)</i>
<i>Industrial</i>	<i>5.968500</i>	<i>5.300892</i>	<i>5.082288</i>	<i>( 15%)</i>
<i>Farmlands</i>	<i>0.250000</i>	<i>0.250000</i>	<i>0.250000</i>	<i>0%</i>
<i>Pipelines</i>	<i>1.923100</i>	<i>1.707992</i>	<i>1.707992</i>	<i>( 11%)</i>
<i>Managed Forests</i>	<i>0.250000</i>	<i>0.250000</i>	<i>0.250000</i>	<i>0%</i>

*Next Steps:*

*The Chief Financial Officer and Treasurer will be reporting directly to Council at its meeting of April 16-18, 2002, with respect to the education levy by-law, claw-back by-law, and the new multi-residential class by-law.*

*Conclusion:*

*This report establishes the 2002 Municipal Tax Ratios and 2002 Municipal Tax Rates which result from Council's approved 2002 Operating Budget, along with a brief commentary in respect of funding the property tax levy for municipal purposes.*

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*Attachment: Draft 2002 Municipal Levy By-Law )*

*(A copy of the Draft 2002 Municipal Levy By-law, referred to in the foregoing report, is on file in the office of the City Clerk.)*