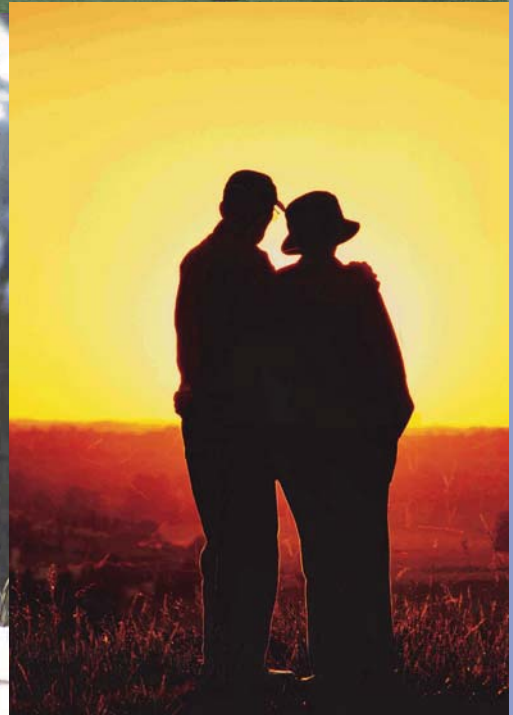


Property Tax Exemptions in Alberta

a guide



A Guide to Property Tax Exemptions in Alberta

- Introduction** 1
- Purpose** 1
- What the Guide Includes** 1
- Chapter 1 - Property Tax Exemption** 3
 - Table 1: Examples of Properties That May be Considered for Exemption
under Sections 362 and 363 of the Act 5
 - Curling Rinks 5
 - Ice Arenas 6
 - Nursing Homes 7
 - Table 2: Property Tax Exemptions Provided by Sections 362(1)(a) to (m),(o),(p)
and 363(1)(a) to (d) of the Act 8
 - Airports 8
 - Army, Navy and Air Force Veterans Clubs 9
 - Cemeteries 9
 - Churches 9
 - Crown Interest in Property 10
 - Ducks Unlimited Properties 10
 - Educational Facilities and Property Under the School Act 10
 - Educational Facilities under Post-secondary Learning Act 11
 - Health Region Facilities (not including hospitals) 11
 - Hospitals 11
 - Hostels 12
 - Libraries 12
 - Municipal Properties 12
 - Municipal Seed Cleaning Plants and Land 12
 - Museums 13
 - Nursing Homes 13
 - Regional Services Commissions 13
 - Royal Canadian Legions 13
 - Senior Citizen Lodge Accommodations 13
 - Student Dormitories 14
 - Table 3: Property Tax Exemptions Provided by Section 362(1)(n) of the Act
and Provisions in the Regulation (AR 281/98) 15
 - Agricultural Societies 16
 - Arts and Cultural Facilities and Organizations 17

A Guide to Property Tax Exemptions in Alberta

- Chambers of Commerce 17
- Charitable and Benevolent Institutions 18
- Community Association Facilities 19
- Community Halls 19
- Day Cares and Child Care Facilities 20
- Ethno-cultural Associations 21
- Exhibitions, Fairs and Agricultural Exhibition Facilities 22
- Licensed Liquor Premises/Gaming Areas Located in Non-profit Facilities 22
- Linguistic Organizations and Facilities 23
- Other Non-profit Organizations Deemed Charitable and Benevolent 24
- Seniors’ Accommodations 25
- Seniors’ Recreation Facilities 26
- Service Clubs 27
- Sheltered Workshops 28
- Sports and Recreation Facilities with a Focus on Youth 29
- Sports Recreation Facilities for Adults 30
- Thrift Shops 31
- Youth Clubs/Groups 32

- Chapter 2: Legislative and Regulatory Overview (including relevant appeals) 33**

- Legislative Context 33**
- Section 351 - Non-taxable property 33
- Section 361 - Exemptions based on use of property 33
- Section 362 - Exemptions for government, churches, and other bodies 33
- Table 4: Specific Requirements for an Exemption
 - under Section 362(1)(n)(i) to (v) of the Act 34
 - Specific Requirements for an Exemption under Section 362(1)(n)(i) of the Act 34
 - Specific Requirements for an Exemption under Section 362(1)(n)(ii) of the Act 34
 - Specific Requirements for an Exemption under Section 362(1)(n)(iii) of the Act ... 35
 - Specific Requirements for an Exemption under Section 362(1)(n)(iv) of the Act ... 35
 - Specific Requirements for an Exemption under Section 362(1)(n)(v) of the Act 35
- Section 363 - Exempt property that can be made taxable 36
- Section 364 - Exemptions granted by bylaw 37

- Regulatory Context 37**
- Part 1 - General Rules 38
- Part 1 Regulation - General Rules - Tests for Determining an Exemption 38

A Guide to Property Tax Exemptions in Alberta

- Part 2 Regulation - Qualifications for exemptions
 under Section 362(1)(n)(ii-iv) of the MGA 39
- Part 3 Regulation - Other property exempt under Section 362(1)(n) of the Act 39
- Specific Sections, Requirements and Relevant Board Orders 40
- Section 1 - Interpretation 40
- Part 1: General Rules 40
- Section 2 - Application 40
- Section 3 - Part of a property 40
- Section 4 - Primary use of property 40
- Section 5 - Holding property 40
- Section 6 - Non-profit organization 40
- Section 7 - Meaning of restricted 41
- Section 8 - Gaming and liquor licences 41
- Part 2: Qualifications For Exemption under Section 362(1)(n)(ii) to (v) of the Act 41
- Section 9 - Exemption under Section 362(1)(n)(ii) of the Act 41
- Section 10 - Exemption under Section 362(1)(n)(iii) of the Act 41
- Section 11 - Exemption under Section 362(1)(n)(iv) of the Act 42
- Section 12 - Exemption under Section 362(1)(n)(v) of the Act 42
- Part 3: Other Property Exempt under Section 362(1)(n) of the Act 42
- Section 13 - Definitions 42
- Section 14 - Exemption for other property 42
- Section 15 - Day cares, museums and other facilities 43
- Section 16 - Conditions for exemption 43
- Section 17 - Waiver of application requirement 43
- Section 18 - Retail commercial areas 44
- Part 4: Repealed 44
- Part 5: Repeal and Review 44
- Section 22 - Repeal 44
- Section 23 - Expiry 44
- Relevant Board Orders 44

- Chapter 3: How to Apply the Community Organization Property Tax Exemption Regulation .. 48**
- Sample Property 49

- Summary 52**

- Appendices 53**

This Guide is intended to provide only a descriptive overview of the Act and the Regulation as they affect the property tax status of facilities held by non-profit organizations. The information is presented in summary form. For specifics, reference should be made to the Act and the Regulation.

PURPOSE

This Guide is intended to be helpful to members of non-profit organizations, municipal administrators, property assessors, and others who have an interest in property tax exemptions.

The scope of this Guide is limited and it does not include information about exemptions for farm residences and buildings, linear property (power lines, wells, pipelines, etc.), or machinery and equipment. For more information, please refer inquiries to the Assessment Services Branch by calling (780) 422-1377 or toll-free by first dialing 310-0000. You may also choose to e-mail a municipal advisor at lgsmail@gov.ab.ca.

WHAT THE GUIDE INCLUDES

Chapter 1 of this Guide

provides a brief history and rationale for property tax exemptions in the context of Alberta and a quick reference of properties and organizations that may be typically considered for a property tax exemption. Table 1 provides a general listing of such properties and their usual tax status, and indicates where in the Guide to obtain further information.

Tables 2 and 3 provide specific information about the conditions and detailed requirements for a property exemption for those organizations and properties listed in Table 1. Table 4 summarizes situation specific requirements for property tax exemptions under sections 362(1)(n)(i) to (v) of the Municipal Government Act (the Act). These tables include the basic, access, and other conditions and requirements of an applicant organization and property.

Chapter 2 of this Guide

provides an overview of the legislative and regulatory context for property tax exemption provisions. The structure of the *Community Organization Property Tax Exemption Regulation* (AR 281/98) is explained, along with the main considerations for determining a property tax exemption. Recent Municipal Government Board Orders concerning property tax exemptions are also included in this part.

Introduction

Chapter 3 of this Guide

focuses on specific property tax exemptions for non-profit organizations, which are provided under section 362(1)(n) of the Act and in the Community Organization Property Tax Exemption Regulation (the Regulation). To assist decision-making, a five-step process is outlined in questions beginning on page 49, along with a flow chart in Appendix C that illustrates the five-step process visually. An example property held by a non-profit organization is also provided to allow the reader to work through the decision making process by applying the five steps required to determine eligibility for a property tax exemption.

The Appendices include:

Appendix A

A copy of the *Community Organization Property Tax Exemption Regulation* (AR 281/98)

Appendix B

A flow chart that shows provisions in the Act for tax exemptions

Appendix C

Step-by-step illustration of use of the Regulation

Appendix D

Sample application forms that can be used or modified by municipalities to suit their individual local needs.

1.0

Property Tax Exemption

A key principle of the Alberta property assessment and taxation system is that all property¹ is subject to local assessment and taxation. However, “every nation provides exemptions from property tax. Typical exemptions include property owned or used by organizations providing services related to government, education, charity, religion, culture, and historic preservation.”²

Exemptions provided to qualifying properties tend to reflect social values that are based on collective priorities. The usual basis for determining tax exemption is the facility’s accessibility and the public benefit that arises from its use. Government, churches, hospitals, schools and other properties described as eligible for property tax exemption in section 362 are examples of this.

Over time, this understanding of “public benefit” has been embraced at the community level, giving rise to a myriad of local property tax exemption decisions that were specific to a property, an area, an organization or a combination of these three. Varying assumptions about “public benefit” contributed to a lack of consistency in decisions to tax or exempt property across Alberta. Sometimes an organization operating in two different municipalities is exempt in one but not the other.

The government responded to this lack of consistency by forming the *Non-profit Tax Exemption MLA Review Committee* in 1997. An important outcome of its review was to establish a set of principles and a process that could be applied to situations requiring consideration for property tax exemption that involved ‘non-profit’ organizations. These principles were:

- advancement of ‘public benefit,’ in terms of charitable and benevolent purposes, community games, sports, athletics, recreation, and educational purposes;
- recognition of the ‘volunteer contribution and fund raising component’ that most often characterizes ‘not for profit’ status organizations;
- advancement of youth programs and community care for the disadvantaged; and
- appropriate access to non-profit facilities and programs.

These principles and the ability of the local jurisdiction to make its own decisions about activities taking place within its community are acknowledged in the decision-making process outlined in the Regulation.

¹ Section 284(1)(r) of the Municipal Government Act.

² International Association of Assessment Officers, Assessment Administration, (Chicago: International Association of Assessment Offices, 2003).

1.0 Property Tax Exemption

When read with section 362(1)(n) of the Act, the Regulation sets out the conditions that need to be met before a property tax exemption is approved. The characteristics of a property associated with a non-profit organization will determine whether, through the appropriate statutory and regulatory process, a property tax exemption is possible.

Analyzing a property and organization in the context of the Act and Regulation helps a local jurisdiction ensure that the principles developed by the MLA Review Committee, following consultation with the Alberta public, are upheld. Application of this process assures ratepayers that careful scrutiny and consideration is applied before a property tax exemption is granted to a requesting or applicant organization. This has led to an improvement in the consistency of decision-making concerning property tax exemptions across Alberta.

Exemptions may be considered tax policy decisions, as they provide a subsidy to certain owners or for certain uses of property to encourage publicly desired goals. In Alberta, property tax exemptions can occur in two ways under the Act:

1. Property types are described and excluded from assessment and are therefore not subject to property taxation. Properties that are non-assessable are described in section 298(1)(a) to (bb) of the Act. Their exemption from property taxation is confirmed in section 351.
2. Sections 351, 361, 362, 363, 364, 365 and 370(a)(c) and (d) of the Act contain information about property that is assessable, but that may be exempt from taxation, if specific conditions are met.
(Refer to diagram in Appendix B)

This Guide is focused on the properties that are assessable, but typically qualify for an exemption from taxation. The following Table includes a list of properties and their typical tax status. The Table also refers the reader to a more detailed examination of the property in Table 2 and Table 3, where the reader will find legislative references from which an exemption, if applicable, receives its authority.

1.0 Property Tax Exemption

TABLE 1: Examples of Properties That May be Considered for Exemption Under Sections 362 and 363 of the Act

Subject	Held By	Usual Status	Page Reference For Detailed Instructions
4 H Clubs	Non-profit	Exempt	32
Agricultural Societies	Non-profit	Exempt	16
Airports		Exempt	8
Army, Navy and Air Force Veterans Clubs	Non-profit	Exempt	9
Arts and Cultural Facilities and Organizations	Non-profit Private	Exempt Taxable	17, 24
Scouts	Non-profit	Exempt	32
Cemeteries		Exempt	9
Chambers of Commerce	Non-profit	Exempt	17
Charitable and Benevolent Institutions	Non-profit Private	Exempt Taxable	18, 24
Children's Aid Society	Non-profit	Exempt	18
Churches		Exempt	9
Community Association Facilities	Non-profit	Exempt	19
Community Halls	Non-profit	Exempt	19
Crown Interest in Property	Crown	Exempt	10
Curling Rinks	Non-profit Restricted Accessibility or liquor-licensed area	Exempt Taxable	30
Day Cares and Child Care Facilities	Non-profit Private	Exempt Taxable	20
Ducks Unlimited Properties	Non-profit	Exempt	10
Educational Facilities and Property Under <i>School Act</i>		Exempt	10
Educational Facilities Under <i>Post-secondary Learning Act</i>		Exempt	11
Elks	Non-profit	Taxable	27

1.0 Property Tax Exemption

Subject	Held By	Usual Status	Page Reference For Detailed Instructions
Ethno-cultural Associations	Non-profit Non-profit/Private	Exempt Taxable	21
Exhibitions, Fairs and Agricultural Exhibition Facilities	Non-profit Private	Exempt Taxable	22
Food Banks	Non-profit	Exempt	18
Free Masons	Non-profit	Taxable	27
Girl Guides	Non-profit	Exempt	32
Graduate Students Association	Non-profit	Exempt	11
Health Region Facilities (not including Hospitals)		Exempt	11
Hospitals	Crown/Non-profit Private	Exempt Taxable	11
Hostelling: Northern and Southern Divisions	Non-profit	Exempt	12
Ice Arenas	Crown or Municipal Non-profit & meets criteria	Exempt Exempt	29 19, 22, 30
Junior Leagues	Non-profit	Taxable	27
Kinettes Clubs	Non-profit	Taxable	27
Kinsmen Clubs	Non-profit	Taxable	27
Kiwanis Clubs	Non-profit	Taxable	27
Knights of Columbus	Non-profit	Taxable	27
Libraries		Exempt	12
Licensed Liquor Premises or Gaming Areas	Non-profit Private	Exempt Taxable	22
Linguistic Organizations And Facilities	Non-profit Private	Exempt Taxable	23
Lions Clubs	Non-profit	Taxable	27
Loyal Order of the Moose Clubs	Non-profit	Taxable	27
Municipal Properties	Municipal	Exempt	12
Municipal Seed Cleaning Plants and Land	Municipal Private	Exempt Taxable	12

1.0 Property Tax Exemption

Subject	Held By	Usual Status	Page Reference For Detailed Instructions
Museums	Crown or Municipal Private	Exempt Taxable	13, 17
Nursing Homes	Crown or Non-profit Private	Exempt Exempt	13
Properties Leased by the Municipality		Exempt	12
Public Swimming Pools	Crown, Municipal Non-profit	Exempt Exempt	29
Regional Services Commissions	Non-profit	Exempt	13
Royal Canadian Legions	Non-profit	Exempt	13
Seniors' Accommodations	Subsidized Non-profit Private Non-profit	Exempt Taxable	25
Senior Citizen Lodge Accommodations	Subsidized Non-profit	Exempt	13
Seniors' Recreation Facilities	Non-profit Private	Exempt Taxable	26
Seniors' Self-contained Units	Non-profit Private	Exempt Taxable	25
Service Clubs	Accessibility criteria met Accessibility criteria not met	Exempt Taxable	27
Sheltered Workshops	Non-profit	Exempt	28
Shriners Clubs	Non-profit	Taxable	27
Ski Facilities	Non-profit Private	Exempt Taxable	29, 30
Sports and Recreation Facilities	Non-profit Municipal Private	Exempt Taxable	29, 30
Student Dormitories	Non-profit Private	Exempt	14
Summer Camps	Non-profit	Exempt	29
Thrift Shops	Non-profit	Exempt	31
Youth Groups	Non-profit	Exempt	32

1.0 Property Tax Exemption

Tables 2 and 3

Tables 2 and 3 expand on the information in Table 1. These tables indicate the specific legislative and regulatory requirements that an eligible organization and property must fulfill in order for a property tax exemption to be applied.

Tables 2 and 3 also illustrate to the reader that there can be more than one avenue to consider for property tax exemptions. They list examples of properties and corresponding typical tax status for each, so that you can see the way in which each type of property might be considered for a property tax exemption.

Generally, Tables 2 and 3 indicate the specific property type, and the Act and Regulation sections that may apply when considering a property tax exemption.

More specifically, Table 2 is a listing of properties that may qualify for a property tax exemption as authorized by the Act alone, that is, those properties listed in sections 362(1)(a) to (m), (o), (p) and 363(1)(a) to (d). These properties are not subject to any further tests or instruction in the regulation.

The list of properties in these tables is for example purposes only, and is not intended to be a comprehensive list of properties that may be eligible for property tax exemption.

Table 2: Property Tax Exemptions Provided by Section 362(1)(a) to (m), (o), (p) and 363(1)(a) to (d) of the Act

AIRPORTS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned, leased, licensed, or have received a permit from a municipality and used solely for the operation of an airport.	s.362(1)(o) <i>Municipal Government Act</i> (MGA)
	Most regional airport improvements other than buildings are exempt from assessment.	s.298(1)(x) MGA
Typical Examples	Properties owned or leased by the Edmonton Regional Airports Authority, Calgary Airport Authority, Fort McMurray Regional Airport Commission, Lethbridge County Airport and Grande Prairie Airport.	

1.0 Property Tax Exemption

ARMY, NAVY & AIRFORCE VETERAN'S CLUBS

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.363(1)(c) MGA
Basic Requirements	Property that is owned or leased and used by an Army, Navy and Air Force Veterans Club.	s.363(1)(c) MGA
Additional Considerations and/or Requirements	Licensed premises located in an Army, Navy and Air Force Veterans Club may be taxable. The municipality has the option of passing a bylaw, effective one year after it is passed and after notice is given to the affected organization, to make any Army, Navy and Air Force Veterans Club taxable to any extent it wishes.	s.365(1) MGA s.363(2)(3)(4)(5) MGA

CEMETERIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.362(1)(l) MGA
Basic Requirements	Land and buildings are exempt to the extent that they are used for burial purposes. Additional land and improvements conveyed by the owner of cemetery must be used for burial sites.	s.362(1)(l)(i) MGA s.362(1)(l)(ii)(iii) MGA

CHURCHES

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.362(1)(k) MGA
Basic Requirements	Property must be owned or leased by a religious body and used chiefly for divine service, public worship or religious education. Any parcel of land associated with the above must be owned or leased by a religious body and used only as a parking area in connection with the above described purposes.	s.362(1)(k) MGA s.362(1)(k) MGA

1.0 Property Tax Exemption

CROWN INTEREST IN PROPERTY

		Legislative Reference
Usual Status	Exempt, in whole or in part, where the Federal or Provincial Crown owns property.	s.362(1)(a) MGA
Typical Examples	Provincial and federal properties such as the Legislature Buildings.	
Additional Considerations	<p>Despite this provision in the Act, the Province may exercise its ability to pay grants in place of tax to municipalities relating to property in which the Province has an interest.</p> <p>Similarly, the federal government may exercise its ability to pay grants in place of tax to municipalities under the <i>Payment In Lieu of Taxes Act</i> and its associated regulations.</p>	<p>s.366 MGA</p> <p><i>Payment in Lieu of Taxes Act, 2000</i></p>

DUCKS UNLIMITED PROPERTIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.363(1)(a) MGA
Typical Examples	Wetlands on Provincial or Federal Crown land used for Ducks Unlimited (Canada) purposes.	
Basic Requirements	Property must be owned, leased, licensed or permitted from the Crown in the right of Alberta or Canada and used in connection with Ducks Unlimited (Canada).	s.363(1)(a) MGA
Additional Considerations	The municipality has the option of passing a bylaw, effective one year after it is passed and after notice is given to the affected organization, to make property associated with Ducks Unlimited taxable to any extent it wishes.	s.363(2)(3)(4)(5) MGA

EDUCATIONAL FACILITIES AND PROPERTY

UNDER THE *SCHOOL ACT*

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the <i>Municipal Government Act</i> .	s.362(1)(c) MGA
Basic Requirements	<p>With the exception of student dormitories, a property tax exemption applies to property that is owned or leased by the following bodies established or registered under the <i>School Act</i>:</p> <ol style="list-style-type: none"> 1. the board of trustees of a school district, school division or regional division; 2. the Regional authority for a Francophone Education Region established under the <i>School Act</i>; 3. the operator of a charter school registered under the <i>School Act</i>; or 4. the operator of a private school registered under the <i>School Act</i>. <p>The property must be used in connection with school purposes.</p>	s.362(1)(c) MGA

1.0 Property Tax Exemption

EDUCATIONAL FACILITIES UNDER POST-SECONDARY LEARNING ACT

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the <i>Municipal Government Act</i> .	s.362(1)(d) MGA
Basic Requirements	<p>With the exception of student dormitories, a property tax exemption applies to property that is owned or leased by the following bodies:</p> <ol style="list-style-type: none">1. the board of governors of a university, technical institute or public college;2. the governing body of an educational institution affiliated with a university;3. a students or graduate students association of a university;4. a students association of a technical institute or public college;5. the board of governors of the Banff Centre. <p>The property must be registered under the <i>Post-secondary Learning Act</i>, and the property must be used in connection with educational purposes.</p>	s.362(1)(d) MGA

HEALTH REGION FACILITIES (NOT INCLUDING HOSPITALS)

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.362(1)(g.1) MGA
Basic Requirements	<p>The property must be used in connection with health region purposes and owned or leased by a health region under the <i>Regional Health Authorities Act</i>.</p> <p>The health region must receive financial assistance from the Crown under any Act.</p>	s.362(1)(g.1) MGA

HOSPITALS

		Legislative Reference
Usual Status	Exempt, in whole or in part, with the exception of student dormitories, property used in connection with hospital purposes and owned or leased by a hospital board that receives financial assistance from the Crown.	s.362(1)(e) MGA

1.0 Property Tax Exemption

HOSTELS

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.363(1)(b) MGA
Basic Requirements	Property must be owned or leased by and used in connection with: 1. the Canadian Hostelling Association - Northern Alberta District; 2. the Southern Alberta Hostelling Association; 3. Hostelling International - Canada - Northern Alberta; or 4. Hostelling International - Canada - Southern Alberta, and not operated for profit or gain.	s.363(1)(b) MGA
Additional Considerations	The municipality has the option of passing a bylaw, effective one year after it is passed and after notice is given to the affected organization, to make any hostel taxable to any extent it wishes.	s.363(2)(3)(4)(5) MGA

LIBRARIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when used in connection with library purposes and owned or leased by a library board under the <i>Libraries Act</i> .	s.362(1)(j) MGA

MUNICIPAL PROPERTIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased by a municipality. Taxable, in whole or in part, when used for purposes prescribed under the Act.	s.362(1)(b) MGA s.362(1)(b)(i)(ii)(iii)(iv)(v) MGA

MUNICIPAL SEED CLEANING PLANTS AND LAND

		Legislative Reference
Usual Status	Exempt in part when constructed under an agreement authorized by the <i>Agricultural Service Board Act</i> .	s.362(1)(p) MGA
Additional Considerations	Land and improvements are taxable, up to 1/3 of the assessed value.	s.362(1)(p) MGA

1.0 Property Tax Exemption

MUSEUMS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned, leased, licensed or permitted by the Crown or a municipality. Museums held by non-profit organizations are addressed in Table 3 (p.16).	s.362(1)(a)(b) MGA

NURSING HOMES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when used in connection with nursing home purposes and owned or leased by a nursing home administered under the <i>Nursing Home Act</i> .	s.362(1)(h) MGA

REGIONAL SERVICES COMMISSIONS

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.362(1)(f) MGA

ROYAL CANADIAN LEGIONS

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s.363(1)(c) MGA
Additional Considerations and/or Requirements	Licensed premises located in a Royal Canadian Legion may be taxable. The municipality has the option of passing a bylaw, effective one year after it is passed and after notice is given to the affected organization, to make any Legion taxable to any extent it wishes.	s.365(1) MGA s.363(2)(3)(4)(5) MGA

SENIOR CITIZEN LODGE ACCOMMODATIONS

		Legislative Reference
Usual Status	Certain types of seniors' accommodations are exempt, in whole or in part, from taxation.	s.362(1)(m) MGA
Basic Requirements	The property must be owned or leased by a "management body" as established under the <i>Alberta Housing Act</i> (AHA), or a foundation established before 1994, as defined in the former <i>Senior Citizen's Act</i> (RSA 1980). The seniors' accommodation units must meet the definition of "lodge accommodation" as found in the <i>Alberta Housing Act</i> .	s.1(f) AHA s.1(e) AHA

1.0 Property Tax Exemption

STUDENT DORMITORIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, as provided for in the Act.	s. 363(1)(d) MGA
Typical Examples	Housing units used in connection with colleges, technical institutes, schools and universities.	
Basic Requirements	The property must meet the definition of "student dormitory".	s. 326(b) MGA
Additional Considerations	Any associated single-family residences and the attributable lands are taxable. The municipality has the option of passing a bylaw, effective one year after it is passed and after notice is given to the affected organization, to make any dormitory taxable to any extent it wishes.	s. 363(2)(3)(4)(5) MGA

1.0 Property Tax Exemption

Table 3

The following property examples in Table 3 relate specifically to property tax exemptions that may be provided for under section 362(1)(n) of the Act and associated requirements of the Regulation.

Some important requirements, which are common to the consideration of property tax exemptions under section 362(1)(n) of the Act for property held by non-profit organizations, are as follows:

1. The requirements contained in Part 1 of the Regulation apply to the consideration of any property tax exemption under section 362(1)(n) and Part 3 of the Regulation.
2. Non-profit organizations seeking consideration for a property tax exemption under section 362(1)(n) of the Act must meet the requirements of section 16 of the Regulation, whereby:
 - the facility must be one of the facilities described in section 15 of the Regulation and operated by the non-profit organization on a non-profit basis;
 - the funds of the non-profit organization must be chiefly used for the purposes of the organization and not for the benefit of the organization's directors and employees;
 - the property must be able to meet specified accessibility and time of use requirements;
 - a municipality can require an agreement between itself and the organization; and
 - failure by an applicant organization to provide information required by the municipality may result in termination of property tax exemption for all or part of the taxation year.
3. Non-profit organizations seeking consideration for a property tax exemption under section 362(1)(n) of the Act and provisions of Part 3 of the Regulation must make an application to their local municipality by November 30th preceding the year of taxation. Once an application has been submitted, the municipality may require additional information from the applicant. The applicant non-profit organization must supply this information no later than February 15th of the taxation year. If a property tax exemption has been granted to a non-profit organization, the municipality may waive the application requirement for up to 3 consecutive taxation years.
4. Non-profit organizations seeking consideration for a property tax exemption under section 362(1)(n)(ii)(iii)(iv) and (v) of the Act and the provisions of Part 2 of the Regulation are not required to make an application to their local municipality. However, the municipality may request that the non-profit organization provide information to substantiate the granting of a property tax exemption.
5. A municipality has the option of passing a bylaw to make properties that qualify for a property tax exemption under section 362(1)(n), 362(1)(n)(iii) and (v), taxable to any extent it wishes. Should a municipality exercise this option it must give notice to the affected organization and the bylaw does not become effective until a year after it is passed.

1.0 Property Tax Exemption

Table 3: Property Tax Exemptions Provided by Section 362(1)(n) of the Act and Provisions in the Regulation (AR 281/98)

AGRICULTURAL SOCIETIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased by, and operated and used in conjunction with an agricultural society or a community association.	s.362(1)(n)(v) MGA and Parts 1 and 2 of AR 281/98
Basic Requirements	The property must be owned or leased by, and used in connection with a society as defined in the <i>Agricultural Societies Act</i> .	s.362(1)(n)(v) MGA
	The property cannot be used in the operation of a professional sports franchise.	s.12(1)(a) AR 281/98
	The majority of users of the property must be younger than 18 years of age at least 60% of the time that the facility is in use.	s.12(1)(b) AR 281/98
Accessibility Requirement	The property must be unrestricted more than 70% of the time that it is used.	s.12(2) AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7 AR 281/98
Additional Considerations and/or Requirements	If participation in certain activities is limited because of safety, liability or legal reasons, it does not make the property restricted.	s.7(3),12(3) AR 281/98

1.0 Property Tax Exemption

ARTS AND CULTURAL FACILITIES AND ORGANIZATIONS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n) MGA and Parts 1 and 3 of AR 281/98
Typical Examples	Art galleries, band shells, festival facilities, museums, music facilities and theatres.	
Basic Requirements	Must be able to meet the definition of "arts" in section 13, or be used as a museum under section 15(c) of the Regulation. The property must be owned or leased by a non-profit organization, used for the arts or as a museum, and operated on a non-profit basis.	s.13(a), 15(c), 16 AR 281/98
Accessibility Requirements	The property must be unrestricted more than 70% of the time that it is used. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.16(2), 7 AR 281/98
Additional Considerations and/or Requirements	Additional municipal requirements may also apply, such as the requirement for the non profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s. 16(4)(5)(6), 17 AR 281/98

CHAMBERS OF COMMERCE

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n) MGA, and Parts 1 and 3 of AR 281/98
Basic Requirements	The Chamber of Commerce must be a member of the Alberta Chamber of Commerce and be a non-profit organization. The property must be owned or leased and operated and used by a Chamber of Commerce.	s.13(b) AR 281/98 s.15(j), 16 AR 281/98
Accessibility Requirements	The property must be unrestricted a minimum of 70% of the time that it is used. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.16(2) AR 281/98 s.7 AR 281/98
Additional Considerations and/or Requirements	Additional municipal requirements may also apply such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6), 17 AR 281/98

1.0 Property Tax Exemption

CHARITABLE AND BENEVOLENT INSTITUTIONS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n)(iii) MGA and Parts 1 and 2 of AR 281/98
Typical Examples	Medical disease research and prevention organizations (e.g. Canadian Cancer Society), Children's Aid Society, Society for the Prevention of Cruelty to Animals (SPCA), food banks, Salvation Army, Catholic Social Services, Women In Need, Ronald McDonald House, homeless shelters, concert halls, museums, blood banks and drop-in centres.	
Basic Requirements	Property must be owned or leased, and operated by a non-profit organization. To qualify for a property tax exemption under 362(1)(n)(iii), the property must satisfy the requirement that it is being used for a "charitable and benevolent purpose" that is for the benefit of the "general public", as defined in 1(1)(b)(c) of the Regulation, whereby an organization must be able to show that the property is being used with the intent to relieve poverty, advance education or religion or advance any other purpose beneficial to the community. The property must be used for 60% of the time that the facility is in use for a charitable or benevolent purpose that benefits the general public in the community. The resources of the non-profit organization must also be chiefly directed to that purpose and use.	s.362(1)(n)(iii) s.1(1)(b)(c) AR 281/98 s.1(1)(b), 4, 10(1) AR 281/98
Accessibility Requirement	The property must be unrestricted at least 70% of the time that the property is in use. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.10(2) AR 281/98 s.7 AR 281/98
Additional Considerations	If participation in certain activities is limited because of safety, liability or legal reasons, this does not make the property restricted.	s.7(3) AR 281/98

1.0 Property Tax Exemption

COMMUNITY ASSOCIATION FACILITIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a community association that meets the criteria indicated in the Regulation.	s. 362(1)(n)(v) MGA and Parts 1,2 of AR 281/98
Typical Examples	Community league halls or neighbourhood halls in Edmonton and Calgary only.	s.12(1)(c) AR 281/98
Basic Requirements	Property cannot be used in the operation of a professional sports franchise. The majority of the users of the property must be younger than 18 years of age at least 60% of the time that the facility is in use.	s. 12(1)(a) AR 281/98 s. 4, 12(1)(b) AR 281/98
Accessibility Requirement	The property must be unrestricted at least 70% of the time the property is in use. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.12(2) AR 281/98 s.7 AR 281/98
Additional Considerations and/or Requirements	If participation in certain activities is limited to persons of a certain age because of safety, liability or legal reasons, this does not make the property restricted.	s. 12(3) AR 281/98

COMMUNITY HALLS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, by a non-profit organization.	s.362(1)(n)(ii) MGA and Parts 1 and 2 of AR 281/98
Basic Requirements	Property must be owned or leased by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public. Property cannot be used in the operation of a professional sports franchise. The majority of the users of the property must be younger than 18 years of age at least 60% of the time that the facility is in use.	s.362(1)(n)(ii) MGA s.9(1)(a) AR 281/98 s.12(1)(b) AR 281/98
Accessibility Requirement	The property must be unrestricted at least 70% of the time that the property is in use. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.9(2) AR 281/98 s.s.7, 9(3) AR 281/98
Additional Considerations and/or Requirements	If participation for certain activities is limited to persons of a certain age because of safety, liability or legal reasons, this does not make the property restricted.	s.9(3), 7(3) AR 281/98

1.0 Property Tax Exemption

DAY CARES AND CHILD CARE FACILITIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s 362(1)(n) MGA and Parts 1 and 3 of AR 281/98,
Typical Examples	Non-profit day cares, church operated day cares, municipally operated day care centres, federally operated day care centres, and some day cares associated with universities, colleges, and health facilities.	
Basic Requirements	A day care facility operating from the property must be used for care and supervision of children, and meet the definition of and be licensed under the <i>Child Care Regulation</i> (AR 180/2000).	s.15(d)(i) and (ii) AR 281/98
	The facility is operated on a non-profit basis and meets the description of one of the facilities in section 15.	s.16(1)(a) AR 281/98
	The funds of the non-profit organization are chiefly used for the purposes of the organization and not for the benefit of the organization's directors and employees.	s.16(1)(b)(c) AR 281/98
Accessibility Requirements	The property must not be restricted based on race, culture, ethnic origin, or religious belief.	s.16(3) AR 281/98
Additional Considerations and/or Requirements	The municipality may require an agreement between itself and the day care such as the requirement for the non-profit organization to provide annual information and reports about the property to the municipality.	s.16(4)(5)(6), 17 AR 281/98

1.0 Property Tax Exemption

ETHNO-CULTURAL ASSOCIATIONS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n) MGA and Parts 1 and 3 AR 281/98
Typical Examples	Those facilities used by a particular ethnic group to promote the interest of that community, such as the German Canadian Cultural Association, Italian Cultural Society, and Ukrainian Cultural Heritage Village.	
Basic Requirements	The organization must meet the definition of " <i>ethno-cultural</i> " in the Regulation.	s.13(c) AR 281/98
	The property must be held by a non-profit organization and primarily used 60% of the time that the facility is in use by an ethno-cultural association for sports, recreation, education or for charitable and benevolent purposes.	s.4, 15(f) AR 281/98
	The funds of the non-profit organization must be chiefly used for the purposes of the organization and not for the benefit of the organization's directors and employees.	s.16(1)(c) AR 281/98
Accessibility Requirement	The property must be unrestricted a minimum of 70% of the time that it is in use.	s.16(2) AR 281/98
	As well, the use of the property must be actively encouraged and a sign must be prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public.	s.15(f)(i)(ii) AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7 AR 281/98
	If participation in certain activities is limited because of safety, liability, or legal reasons, this does not make the property restricted.	s.7(3) AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6)17 AR 281/98

1.0 Property Tax Exemption

EXHIBITIONS, FAIRS AND AGRICULTURAL EXHIBITION FACILITIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n) MGA Parts 1 and 3 of AR 281/98
Typical Examples	Calgary Stampede, Calgary Stampede Grounds, Edmonton Klondike Days, Edmonton Northlands and the Red Deer Westerner Exhibition Grounds.	
Basic Requirements	The property must be owned or leased by a non-profit organization and used for fairs or exhibitions, including agricultural exhibitions.	s.15(b), 16 AR 281/98
Accessibility Requirement	The property must be unrestricted a minimum of 70% of the time that it is in use.	s.16(2) AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7 AR 281/98
Additional Considerations and/or Requirements	Additional municipal requirements may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6) AR 281/98

LICENSED LIQUOR PREMISES/GAMING AREAS LOCATED IN NON-PROFIT FACILITIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased by a non-profit organization that is able to meet the requirements of the Act and Regulation.	s.362(1)(n), 365(2) MGA and Parts 1, 2, and 3 of AR 281/98
Typical Examples	Those areas within community halls, sports, recreation complexes or ethno-cultural centres used for short duration special events such as: weddings, anniversaries or other personal celebrations, charitable fund-raising bingos, casinos or pull ticket events.	
Basic Requirements	The property must be owned or leased, by a non-profit organization that qualifies for a property tax exemption under s.362(1)(n) of the Act and the Regulation.	s.362(1)(n) MGA s.5 AR 281/98
	Property must have been issued a bingo licence, casino licence, pull ticket licence, Class C liquor licence or special event licence under the <i>Gaming and Liquor Regulation</i> (AR 143/96).	s.8(1) AR 281/98
Accessibility Requirement	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7, 16 AR 281/98
Additional Considerations and/or Requirements	Additional requirements under section 16 of AR 281/98 may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and disposition of the property.	s.16(4), (5), (6) AR 281/98

1.0 Property Tax Exemption

LINGUISTIC ORGANIZATIONS AND FACILITIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n) MGA and Parts 1 and 3 of AR 281/98
Typical Examples	Examples of properties associated with linguistic organizations in Edmonton are La Cite francophone and Conseil scolaire Centre-Nord.	
Basic Requirements	The facility must be used by and meet the definition of a linguistic organization.	s.13(d), 15(e) AR 281/98
Accessibility Requirement	The property must be owned or leased, and operated by a non-profit organization.	s.15(e) AR 281/98
	The property must be unrestricted a minimum of 70% of the time that it is used.	s.16(2) AR 281/98
	The general public must be actively encouraged to use the property and a sign must be prominently displayed indicating the hours that the facility is accessible to the public.	s.15(e)(i)(ii) AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7 AR 281/98
	If participation in certain activities is limited because of safety, liability or legal reasons, this does not make the property restricted.	s.7(3) AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply, the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s. 16(4)(5)(6), 17 AR 281/98

1.0 Property Tax Exemption

OTHER NON-PROFIT ORGANIZATIONS

DEEMED CHARITABLE AND BENEVOLENT

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by non-profit organization.	s.362(1)(n), MGA Parts 1 and 3 of AR 281/98
Basic Requirements	The property must be owned or leased• and operated by a non-profit organization. The facility must be used 60% of the time that the facility is in use for a charitable and benevolent purpose that benefits the general public in the community where the facility is located. The resources must be devoted chiefly to the charitable or benevolent purpose for which the facility is used.	s.15(k) AR 281/98 s.4(2), 15(k)(i) AR 281/98 s.15(k)(ii) AR 281/98
Accessibility Requirement	The property must be unrestricted a minimum of 70% of the time that it is used. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements. If participation in certain activities is limited because of safety, liability or legal reasons, this does not make the property restricted.	s.16(2) AR 281/98 s.7 AR 281/98 s.7(3) AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6), 17 AR 281/98

• In this use the owner of the leased property must be a government (federal, provincial, or municipal) or under tax-exempt body.

1.0 Property Tax Exemption

SENIORS' ACCOMMODATIONS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or held under lease, licence, or permit by a non-profit organization and used to provide senior citizen accommodation.	s.362(1)(n)(iv) MGA, Part 1 and Part 2 of AR 281/98
Basic Requirements	The property must be owned or held under lease, licence, or permit by a non-profit organization and used to provide senior citizen accommodation.	s.6 AR 281/98
	The accommodation units must meet the definition of "lodge accommodation" in the <i>Alberta Housing Act</i> (AHA).	s.362(1)(n)(iv) MGA and s.1(e) AHA
	The facility must be primarily used, 60% of the time that the facility is in use, for a charitable and benevolent purpose that benefits the general public in the community where the facility is located.	s.4 AR 281/98
	The property must be owned by the non-profit organization, or be held by non-profit organization under lease, licence or permit by a non-profit organization and that meets the conditions of the Act and Regulation.	s.5, AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7 AR 281/98
	The accommodation provided to seniors on the property must be subsidized accommodation as defined in the General Regulation AR 213/94 and made under the Seniors Benefit Act.	s.11 AR 281/98
<p><i>Note: In the case of a definition that is no longer in effect, the previous definition should be applied as if it were in effect until changes are made to the Community Organization Property Tax Exemption Regulation.</i></p>		

1.0 Property Tax Exemption

SENIORS' RECREATION FACILITIES

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization.	s.362(1)(n) MGA, Parts 1 and 3 of AR 281/98
Basic Requirements	The property must be owned or leased and operated by a non-profit organization. The facility must be used 60% of the time that the facility is in use for a charitable and benevolent purpose that benefits the general public in the community where the facility is located. The resources must be devoted chiefly to the charitable or benevolent purpose for which the facility is used.	s.15 AR 281/98 s.4(2), 15(k)(i) AR 281/98 s.15(k)(ii) AR 281/98
Accessibility Requirements	The property must be unrestricted a minimum of 70% of the time that it is used. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or membership requirements.	s.16(2) AR 281/98 s.7 AR 281/98
Additional Considerations and/or Requirements	Additional municipal requirements may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6), 17 AR 281/98

1.0 Property Tax Exemption

SERVICE CLUBS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization and able to meet the conditions and qualifications in the Regulation.	s.362(1)(n) MGA Parts 1 and 3 of AR 281/98
Typical Examples	Elks, Free Masons, Kinettes, Kinsmen, Kiwanis, Knights of Columbus, Lions Clubs, Loyal Order of the Moose, Shriners, and Junior Leagues.	
Basic Requirements	The property must be owned or leased and operated by a non-profit organization.	s.15 AR 281/98
	The facility must be used, at least 60% of the time that the facility is in use, for a charitable and benevolent purpose that benefits the general public in the community where the facility is located.	s.15(k)(i), 4(2), AR 281/98
	The resources must be devoted chiefly to the charitable or benevolent purpose for which the facility is used.	s.15(k)(ii) AR 281/98
Accessibility Requirements	The property must be unrestricted a minimum of 70% of the time that it is used.	s.16(2) AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or membership requirements.	s.7, AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6) AR 281/98

1.0 Property Tax Exemption

SHELTERED WORKSHOPS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization and able to meet the definition in s.13(g) of the Regulation.	s.362(1)(n) MGA, Parts 1 and 3 of AR 281/98
Typical Examples	Various examples may be found in Edmonton and Calgary and are part of a mix of different non-profit organizations.	
Basic Requirements	The organization must meet the definition of "sheltered workshop" in the Regulation.	s.13(g) AR 281/98
	The facility is operated on a non-profit basis and meets the description of one of the facilities in section 15(i).	s.15(i),16(1)(a) AR 281/98
	The funds of the non-profit organization must be chiefly used for the purposes of the organization and not for the benefit of the organization's directors and employees.	s.16(1)(b),(c) AR 281/98
Accessibility Requirement	The property must be unrestricted a minimum of 70% of the time that it is used.	s.16(2) AR 281/98
	The property must not be restricted based on race, culture, ethnic origin, or religious belief.	s.16(3) AR 281/98
	If participation in certain activities is limited because of safety, liability or legal reasons, this does not make the property restricted.	s.7(3) AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply such as, the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4), (5), (6) AR 281/98

1.0 Property Tax Exemption

SPORTS AND RECREATION FACILITIES WITH A FOCUS ON YOUTH

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, by a municipality or a non-profit organization.	s.362(1)(n)(ii) MGA Parts 1 and 2 of AR 281/98
Typical Examples	Parks, playgrounds, indoor soccer facilities, swimming pools, ice arenas, community halls, skiing facilities, and summer camps.	
Basic Requirements	Property must be owned or leased, by a non-profit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public. Property cannot be used in the operation of a professional sports franchise. The majority of users of the property must be younger than 18 years of age at least 60% of the time that the facility is in use.	s.362(1)(n)(ii) MGA s.9(1)(a) AR 281/98 s.9(b) AR 281/98
Accessibility Requirement	The property must be unrestricted at least 70% of the time that the property is in use. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.9(2) AR 281/98 s.9(2), 7 AR 281/98
Additional Considerations and/or Requirements	If participation in certain activities is limited to persons of a certain age because of safety, liability or legal reasons, it does not make the property restricted.	s.7(3), 9(3) AR 281/98

1.0 Property Tax Exemption

SPORTS RECREATION FACILITIES FOR ADULTS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a municipality or a non-profit organization.	s. 362(1)(n) MGA and Parts 1 and 3 of AR 281/98
Typical Examples	Curling rinks, golf courses and rugby fields that meet the conditions and qualifications of the Regulation.	
Basic Requirements	The property must be owned or leased, and operated by a non-profit organization. The facility must be used 60% of the time for a charitable and benevolent purpose that benefits the general public in the community where the facility is located.	s.15(a) AR 281/98 s.4(2), 15(a) AR 281/98
Accessibility Requirements	The property must be unrestricted a minimum of 70% of the time that the property is in use. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.16(2) AR 281/98 s.7 AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property. If participation in certain activities is limited to persons of a certain age because of safety, liability or legal reasons, it does not make the property restricted.	s.16(4)(5)(6), 17 AR 281/98 s.7(3) AR 281/98

1.0 Property Tax Exemption

THRIFT SHOPS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, and operated by a non-profit organization and able to meet the definition in s. 13(h) of the Regulation.	s.362(1)(n) MGA and Parts 1 and 3 of AR 281/98
Typical Examples	Thrift stores.	
Basic Requirements	The property must meet the definition of "thrift shop" in the Regulation and be used as such. Selling donated items to the public as marked prices to raise money for charitable purposes may not qualify.	s.13(h) AR 281/98
	The property must be owned or leased, and operated by a non-profit organization.	s.15 AR 281/98
	The facility must be used, 60% of the time that the facility is in use, for a charitable and benevolent purpose that benefits the general public in the community where the facility is located	s.4(1)(2) AR 281/98
Accessibility Requirements	The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.7 AR 281/98
Additional Considerations and/or Requirements	Additional requirements of the municipality may also apply, such as the requirement for the non-profit organization to have an agreement with the municipality concerning the provision of annual information and concerning disposition of the property.	s.16(4)(5)(6), 17 AR 281/98

1.0 Property Tax Exemption

YOUTH CLUBS/GROUPS

		Legislative Reference
Usual Status	Exempt, in whole or in part, when owned or leased, by a non-profit organization.	s.362(1)(n)(iii) MGA Parts 1 and 2 of AR 281/98
Typical Examples	Scouts Canada, Girl Guides, Junior Achievement, 4-H Foundation, Cadets (Air, Army, and Sea).	
Basic Requirements	Property must be owned or leased by a non-profit organization. The property must be primarily used 60% of the time that it is in use for a charitable or benevolent purpose of benefit to the general public, and whose resources are directed chiefly to that use.	s.5 AR 281/98 s.10(1), 4(2) AR 281/98
Accessibility Requirement	The property must be unrestricted at least 70% of the time that the property is in use. The property must not be restricted based on race, culture, ethnic origin, religious belief, property ownership, unreasonable fees or other membership requirements.	s.10(2) AR 281/98 s.7 AR 281/98
Additional Considerations and/or Requirements	If participation for certain activities is limited to persons of a certain age because of safety, liability or legal reasons, this does not make the property restricted.	s.10(2), 7 AR 281/98

It should be stressed that the inclusion of the relevant Board orders is for illustrative purposes only. Note that orders from the Board are not precedent setting. The following cases are for information only and should be considered in that manner. For complete decisions, please see the Board's web site at: <http://www.municipalaffairs.gov.ab.ca/mgb/boardorders/index.cfm>

LEGISLATIVE CONTEXT

The *Municipal Government Act* (the Act) is the legislative authority for the provision of property tax exemptions. In particular, the Act specifies which properties are exempt from municipal and education property taxes. As such, you will need to refer to the Act to determine whether a property qualifies for an exemption under sections 351 and 361 to 364.

This is not an exhaustive list of all possible property tax exemptions under the Act, but should prove helpful in providing a basic understanding of the key exemption provisions. It should also serve to demonstrate, through the inclusion of some Municipal Government Board (the Board) orders, the complexity of many of these provisions.

Section 351 - Non-taxable property

Section 351 of the Act outlines properties that are not taxable. Included are properties listed in section 298 of the Act, which are non-assessable properties.

Any property that was tax exempt before January 1, 1995, under a private act or a Local Authorities Board Order is still tax exempt, unless cancelled by a municipal bylaw.

Section 361 - Exemptions based on use of property

This section outlines properties that are exempt from taxation based on their use. The use exemption covers reserve lands, including environmental reserves, municipal reserves, school reserves and undeveloped property reserved for public utilities. It also covers residences and farm buildings to the extent prescribed in Part 5 of the *Matters Relating to Assessment and Taxation Regulation* (AR 220/2004).

Section 362 - Exemptions for government, churches, and other bodies

This section exempts most property held by the federal and provincial government, municipalities, educational institutions, religious bodies, and other organizations that use the property for public service, charitable or benevolent purposes.

Section 362(1)(n)(i) to (v) provides the authority for property tax exemptions to be given to property held by non-profit organizations.

2.0

Legislative and Regulatory Overview (including relevant appeals)

2.0 Legislative and Regulatory Overview

TABLE 4: Specific Requirements for an Exemption Under Section 362(1)(n)(i) to (v) of the Act

Specific Requirements for an Exemption Under Section 362(1)(n)(i) of the Act

Usual Status	Visitor information centres, local interpretive centres, convention centres, exhibition facilities, and arts facilities.
Basic Requirements	The property must be owned by the municipality and held by the non-profit organization in an official capacity on behalf of the municipality. "Official capacity" means that the non-profit organization holding the property, that is controlling and operating the facility, must do so to the same manner as would the municipality.
Accessibility Requirement	None.
Other Requirements	The non-profit organization must meet the general rules of Part 1 of the Regulation.

Specific Requirements for an Exemption Under Section 362(1)(n)(ii) of the Act

Usual Status	Parks, playgrounds, swimming pools, ice arenas, and community halls.
Basic Requirements	The property must be used solely for community games, sports, athletics, or recreation.
Accessibility Requirement	The property must meet the access requirements of section 9(2) of the Regulation, whereby access is to be unrestricted 70% of the time it is being used, with the exception of age restrictions for safety or liability reasons. Section 9 refers to section 7, which clarifies the meaning of restricted access for the purposes of applying the Regulation. The non-profit organization must meet the general rules of Part 1 of the Regulation.
Other Requirements	The non-profit organization must meet the following requirements of section 9 of the Regulation: <ul style="list-style-type: none">• the property cannot generally be used in the operation of a professional sports franchise, as section 12 provides for the taxation of property that is used for the operation of a professional sports franchise, and• adults (people 18 years of age or older) cannot be the majority of those participating in the activities of the facility for more than 40% of the time. The restriction on use by adults is a restriction on the actual participants in the sports or recreation activities.
Note	Exemptions for sports or recreation facilities mainly used by adults should be considered under sections 15(a) and 16 of the Regulation.

2.0 Legislative and Regulatory Overview

Specific Requirements for an Exemption Under Section 362(1)(n)(iii) of the Act

Usual Status	Food banks, shelters for the homeless, drop-in centres, concert halls, and museums.
Basic Requirements	The property must be used for a charitable or benevolent purpose and must be owned by a non-profit organization, the Crown, a municipality, or another exempt body.
Accessibility Requirement	The property must meet the access requirements of section 10(2) of the Regulation, whereby access is to be unrestricted 70% of the time the facility is in use. The property must meet the general rules of part 1 of the Regulation.
Other Requirements	The property must meet the following requirements of section 10 of the Regulation: <ul style="list-style-type: none">• the charitable and benevolent purpose must benefit the general public in the local community, where the necessary level of benefit to the general public in the community to qualify for an exemption is a matter of local judgment, and• the resources of the non-profit organization must be directed chiefly to the purpose for which the property is used.

Specific Requirements for an Exemption Under Section 362(1)(n)(iv) of the Act

Usual Status	Seniors' accommodations.
Basic Requirements	The property must be used to provide lodge accommodations for senior citizens.
Accessibility Requirement	The property must meet the accessibility requirements set out in section 7 of the Regulation.
Other Requirements	The non-profit organization must meet the general rules of part 1 of the Regulation. The non-profit organization must meet the requirements of section 11 of the Regulation, which means that the facility must be receiving a provincial operating subsidy to qualify.

Specific Requirements for an Exemption Under Section 362(1)(n)(v) of the Act

Usual Status	Community association facilities, agricultural societies.
Basic Requirements	The property must be held by and used in connection with an agricultural society or with a community association.
Accessibility Requirement	The property must not be used more than 40% of the time by adults and cannot be restricted more than 30% of the time, where the meaning of restricted is given in section 7 of the Regulation.
Other Requirements	The non-profit organization must meet the general rules of part 1 of the Regulation.

2.0 Legislative and Regulatory Overview

Board Order 012/03

The University of Alberta operates a research farm known as the Kinsella Research Station. The research station is located in Beaver County and consists of five single-family residences and the land attributable to them.

The University appealed the assessment of the research station residences by arguing that the residences were used in connection with educational purposes, and should therefore be exempt from taxation under section 362 of the Act.

Beaver County argued that since the houses were occupied, at various times, by both students and full-time employees, the houses were not held by the governors of the University of Alberta. Additionally, the respondent did not find the houses to be truly used in connection with educational purposes, but suggested that the properties were more akin to church manses.

However, the Board found the Board of Governors to be the holders of the property in question. The Board also found the residences to be used in connection with educational purposes “from which a substantial public educational benefit [was] derived,” and therefore, based on its use, exempt from taxation under the provision of section 362 of the act.

Section 363 - Exempt property that can be made taxable

This section of the Act exempts property held by and used in connection with Ducks Unlimited, hostelling associations, veterans’ associations, and student dormitories.

This section also allows a municipal council, by bylaw, to tax property exempt from taxation by section 363 of the Act, to any extent that council believes is appropriate. The affected group must be notified of the municipality’s intent to pass such a bylaw and the bylaw does not take effect until a year after it is passed.

Board Order 153/03

The University of Alberta holds a student dormitory known as Lister Hall. Lister Hall is located at the University’s main campus in Edmonton.

The University of Alberta argued that the student dormitory property in question was not entirely attributable to the student dormitories and rather, a portion of the dormitory property was used in connection with educational purposes.

The City of Edmonton argued that the amenity spaces could only be considered to be used in connection with educational purposes due to their association and spatial proximity to the dormitories.

The Board found all land and improvements, except the space provided for visiting and guest professors, to be considered student dormitories. All student dormitories are exempt from taxation under section 363(1)(d) of the Act, but the dormitory property was made taxable by a legitimate municipal bylaw under section 363(2)(3)(4) of the Act. Thus, the Board confirmed the assessment and denied the appeal.

2.0 Legislative and Regulatory Overview

Section 364 - Exemptions granted by bylaw

This section allows a municipal council, by bylaw, to exempt manufacturing machinery and equipment or property held by a non-profit organization from property taxation. This exemption can be made to any extent that the council believes is appropriate, although the municipality is still responsible for any requisitions (including school requisitions) associated with any property it exempts.

Board Order 158/00

Celanese Canada is a chemical manufacturing company that specializes in the production of acetates, polymers and polypropylene films.

Celanese Canada argued that co-generation equipment located in the Celanese chemical plant should be classified as machinery and equipment.

City of Edmonton bylaw 12053 exempted machinery and equipment from property taxation, but subjected it to business tax.

The City of Edmonton argued that co-generation equipment is not machinery and equipment, rather it should be considered an electric power system falling outside the city bylaw, and thus subject to property taxation.

The Board found that the equipment in question met the meaning given to it in the regulations and was therefore machinery and equipment used in manufacturing or processing. As a result the Board found Celanese Canada's co-generation equipment to be exempt from property taxation.

REGULATORY CONTEXT

The Regulation is the authority for the provision of property tax exemptions for property owned, leased or operated by non-profit organizations.

The Regulation, together with section 362(1)(n) of the Act, may allow exemptions to property held by non-profit organizations for the purposes of:

- acting in an official capacity on behalf of the municipality;
- community games, sports, athletics or recreation;
- charity or benevolence;
- providing senior citizen lodge accommodations; or
- use in connection with an agricultural society or community association.

Additionally, the Regulation allows non-profit organizations, whose function falls outside of these purposes, to apply to the respective municipality for an exemption from property taxation.

To determine whether the Regulation is applicable, first consider if the property falls under section 362(1)(n) of the Act. This section of the Act must be read in conjunction with the Regulation, as properties considered for exemption must also meet the conditions set out in the Regulation. The Regulation includes three parts, which reflect the decision-making process when considering an exemption.

Part 1 of the Regulation contains the "general rules" which are to be applied when considering all property tax exemptions. These rules relate to the primary use of a property, access to a property, and the holder of the property.

2.0 Legislative and Regulatory Overview

Part 2 places restrictions and conditions on the provision of property tax exemptions under sections 362(1)(n)(ii) to (v). Part 3 specifies which other properties and their associated use are exempt, and sets out the qualifications that must be fulfilled to a municipality's satisfaction before deciding to grant a property tax exemption.

Part 1 Regulation - General Rules

Part 1 of the Regulation and section 362(1)(n) of the Act apply to all considerations for property tax exemptions, unless specific provisions state otherwise.

A good way to understand the purpose of the general rules is to think of them as tests. Generally, all of the following tests have to be met to ensure that a property qualifies for a tax exemption:

- Is the primary use appropriate?
- Who holds the property?
- Is the property held by a registered non-profit organization?
- Does the property meet accessibility criteria?

The tests for determining property tax exemptions are outlined in Table 4. This table also includes section references to the Regulation.

General Rules - Tests for Determining an Exemption

Test		Regulation Reference
Primary Use	Is all or part of the property primarily used as subsidized accommodation?	Section 4
Held By	Who holds the property in question?	Section 5
Non-profit Organization	Is the property held by a registered non-profit organization?	Section 6
Accessibility	Are there unreasonable restrictions on use of the property?	Section 7

A property that meets all of the tests will normally qualify for an exemption. In general, qualifying properties are those used:

- for community games, sports, athletics, or recreation;
- for a charitable and benevolent purpose;
- to provide lodge accommodations for senior citizens; or
- in connection with an agricultural society or with a community organization.

2.0 Legislative and Regulatory Overview

Part 2 Regulation - Qualifications for exemptions under section 362(1)(n)(ii-iv) of the MGA

Part 2 of the Regulation contains specific information and instructions applicable to properties being considered for an exemption under section 362(1)(n)(ii-iv) of the Act.

It outlines additional tests for properties, including that properties falling under section:

- 362(1)(n)(ii) - must not be operated as professional sports franchises and not mainly serve people under 18 years of age;
- 362(1)(n)(iii) - must benefit the general public of the community in which the property is located;
- 362(1)(n)(iv) - must be subsidized seniors' accommodations as defined in the General Regulation (AR 213/94). (Note: In the case of the definition that is no longer in effect, the previous definition should be applied as if it were in effect until changes are made to the Community Organization Property Tax Exemption Regulation), and;
- 362(1)(n)(v) - if used in connection with a community association, must be a member of the Federation of Calgary Communities or Edmonton Federation of Community Leagues, unless the community association was a member of either league before January 1, 1999, but has cancelled its membership after that date.

Some examples of properties that fall under this Part of the Regulation include community halls and charitable institutions. Refer to Table 4 for examples and further details.

Part 3 Regulation - Other property exempt under section 362(1)(n) of the Act

This part of the Regulation provides the authority for a municipality to consider a property tax exemption for a property that does not qualify elsewhere, such as arts facilities, day cares, museums, sheltered workshops, sports facilities and any other property that is described and meets the qualifications and conditions in Part 3 of the Regulation.

The key purposes of Part 3 are to:

- Define more terms to help clarify the exemption criteria for the listed facilities;
- State that the facilities described and considered in Part 3 need not be eligible for exemption under section 362(1)(n)(i) to (v) of the Act;
- Provide a list of facilities that are not otherwise eligible for a property tax exemption. Terms defined in Part 3 provide additional guidance;
- Identify, through the application to a municipality, that the non-profit groups can seek a tax exemption when they identify their potentially eligible facilities to the municipality. Municipal assessors can then review the applications to consider which properties are exempt. (Sample application forms are available in Appendix D, and electronic copies are available at the Alberta Municipal Affairs web site <http://www.municipalaffairs.gov.ab.ca/>);
- Set out the information a municipality can request and criteria for granting a property tax exemption; and
- List the requirements if a municipality waives an application.

2.0 Legislative and Regulatory Overview

SPECIFIC SECTIONS, REQUIREMENTS AND RELEVANT BOARD ORDERS

The following provides a more detailed description of the Regulation by providing an overview of each of the Regulation's individual sections.

In addition, you will find summaries of several relevant Municipal Government Board (Board) Orders. As with the previous Board Orders provided, please note that the Orders are not precedent setting and are for illustrative purposes only.

Section 1 - Interpretation

This section provides the definitions of several key terms used in the Regulation. These meanings apply to all parts of the Regulation.

Part 1: General Rules

Section 2 - Application

The Regulation applies for taxation year 1999 and subsequent years.

Section 3 - Part of a property

The Regulation applies to only the part of the property that qualifies for an exemption.

The exemption is applied to the extent that the property is used both in terms of area of use and length of time used.

Section 4 - Primary use of property

A property must be primarily used for an eligible purpose to qualify for a property tax exemption.

“Primarily used” means that the property is used at least 60% of the time for the eligible purpose that it is used.

Section 5 - Holding property

This section clarifies “holding property” as ownership or use through a lease, licence or permit.

Understanding the meaning of “held by” is useful when reviewing applications for exemption requests, and developing decisions about property tax exemptions.

Section 6 - Non-profit organization

This section provides further requirements for eligibility that must be fulfilled by non-profit organizations and community associations before a property tax exemption can be granted. Corporations that distribute income or property to their members or shareholders do not qualify for a property tax exemption.

Section 6 enables municipalities to make consistent decisions about the eligibility of non-profit organizations for property tax exemptions.

2.0 Legislative and Regulatory Overview

Section 7 - Meaning of restricted

This section sets out the restrictions on the use of property in terms of accessibility, and provides the basis for determining eligibility for non-profit organizations to receive property tax exemptions relating to use and access.

Section 8 - Gaming and liquor licences

This section allows for a property tax exemption on a non-profit facility with a Class C liquor licence, a special event licence or a gaming licence.

Class C liquor licences are issued to non-profit organizations where entrance is usually restricted to members and their guests.

Non-profit organizations are also issued gaming licences, such as bingo licences, pull-ticket licences, raffle licences, and casino licences under the *Gaming and Liquor Regulation* (AR 143/96).

Therefore, non-profit facilities described in section 362(1)(n) of the Act and Part 3 of the Regulation may receive a property tax exemption if they hold the above mentioned gaming and liquor licences, and meet the requirements in section 362(1)(n) of the Act and the Regulation.

A property tax exemption, however cannot be applied to a facility under the remaining provisions of the *Gaming and Liquor Regulation* (AR 143/96). Ineligible facilities are those licensed to operate as a bingo hall or a casino on a continuing basis, even if they are connected to a non-profit organization.

Part 2: Qualifications For Exemption Under Section 362(1)(n)(ii) to (v) of the Act

Section 9 - Exemption under section 362(1)(n)(ii) of the Act

This section lists qualifications for exemptions under section 362(1)(n)(ii) of the Act, which primarily limits this exemption to non-profit youth sports facilities where access to the property is not restricted.

A facility (such as a skateboard park or wading pool) that is accessible to the public at least 70% of the time and is used by youth (under 18) at least 60% of the time can be considered exempt under section 362(1)(n)(ii) of the Act.

Non-profit sports and recreation facilities whose participants are primarily adults can, at the municipality's discretion, be considered for exemption under section 15(a) of the Regulation.

Section 10 - Exemption under section 362(1)(n)(iii) of the Act

This section lists qualifications for exemptions under section 362(1)(n)(iii) of the Act that limit the exemption to charitable and benevolent uses that provide benefits to the general public in the local community and does not unreasonable restrict public access for the majority of the time that the property is in use.

Charities with few or no local beneficiaries are addressed in sections 15(g) and 16 of the Regulation.

2.0 Legislative and Regulatory Overview

Section 11 - Exemption under section 362(1)(n)(iv) of the Act

The qualifications for exempting property under section 362(1)(n)(iv) of the Act limit this exemption to non-profit lodge facilities that are receiving provincial operating subsidies.

“Lodge accommodation” is defined in section 1(e) of the *Alberta Housing Act*, and means a home used by senior citizens who are not capable of maintaining or do not desire to maintain their own home, including services that may be provided to them because of their circumstances.

In relation to property held by a non-profit organization and used to provide lodge accommodations to senior citizens, section 11 of the Regulation references the definition found in the *General Regulation* (AR 213/94), which is made under the *Seniors Benefit Act*.

Note: In the case of the definition in the General Regulation (AR 213/94 which is no longer in effect, the previous definition should be applied as if it were in effect until changes are made to the Community Organization Property Tax Exemption Regulation.

Section 12 - Exemption under section 362(1)(n)(v) of the Act

This section indicates which properties do not qualify for an exemption under section 362(1)(n)(v) of the Act. Specific properties are excluded from a property tax exemption under section 362(1)(n)(v) as follows:

- any part of a property that is used in the operation of a professional sports franchise;
- any part of a property where the majority of the users are over 18 years of age more than 40% of the time the facility is in use;
- any part of a property used in connection with a community association in Calgary or Edmonton which is not a member of the Federation of Calgary Communities or the Edmonton Federation of Community Leagues. (NOTE - community associations that were members on January 1, 1999, and cancelled their membership after that date are granted the same property tax exemption as if they were still members of either organization); and
- any part of a property where the use is restricted by conditions outlined in section 7 of the Regulation for more than 30% of the time.

Part 3: Other Property Exempt Under Section 362(1)(n) of the Act

Section 13 - Definitions

This section provides meanings to several key terms used in Part 3. These terms describe the properties, activities and entities that can be considered for an exemption.

Section 14 - Exemption for other property

Properties that do not qualify for exemption under the Act can be considered for exemption under this Part.

2.0 Legislative and Regulatory Overview

Section 15 - Day cares, museums and other facilities

This section allows a non-profit group that holds a facility and meets the conditions listed in this section to apply to the municipality for a tax exemption.

In seeking tax exemptions, non-profit groups must identify their facilities to the municipality in order to qualify for an exemption.

Section 16 - Conditions for exemption

This section specifies the conditions that must be met for exemption of facilities listed in section 15. The key requirements are as follows:

The facility must be listed in section 15 and the non-profit organization must apply to the municipality for an exemption;

- the application for a property tax exemption must be made to the municipality by November 30 of the year before the tax year (unless the application deadline is waived by the municipality);
- any information required by the municipality is to be supplied no later than the following February 15;
- the municipality must be satisfied there is non-discriminatory access, whereby access is unrestricted 70% of the time except for day cares, thrift shops, sheltered workshops, or certain other charities;
- the facility must meet the general rules of Part 1 of the Regulation;
- the organization's funds must be chiefly used for the purposes of the organization;
- the exemption may be subject to an agreement to provide a report regarding the non-profit organization's compliance with the exemption requirements; and
- if the non-profit organization owns the property, the municipality may also require an agreement on the disposition of the property.

In addition to providing the above details, section 16 also states that if the non-profit organization ceases to operate or fails to meet the requirements for exemption in all or part of the taxation year, the municipality may cancel or prorate the property tax exemption for all or part of the taxation year.

Ethno-cultural facilities may qualify for an exemption under sections 15 and 16 of the Regulation. An exemption application for an ethno-cultural association's facility used for sports, recreation, education and charitable or benevolent purposes should be considered under sections 15(f) and 16 of the Regulation. In addition to the usual access conditions of section 16, ethno-cultural facilities must meet the specific access conditions of section 15(f) of the Regulation, whereby the use of the property by the general public must be actively encouraged and there must be signage indicating the hours that the facility is accessible.

Section 17 - Waiver of application requirement

When a municipality grants a property tax exemption under section 16 of the Regulation to a non-profit organization, the municipality may continue the exemption for up to three consecutive years without the need for the non-profit organization to reapply.

The municipality may require any information of the non-profit organization that it may need during the waiver period. If the organization does not provide the information requested, the municipality may cancel the property tax exemption.

2.0 Legislative and Regulatory Overview

Section 18 - Retail commercial areas

This provision allows the exemption of a retail commercial area within an exempt facility if the non-profit organization that holds the facility (or part of the facility) also holds and operates the retail commercial area, and the net income is used to pay all or part of the operational or capital costs of the facility, or to support other exempt facilities held by the organization.

Gift shops, snack bars, day cares and other facilities operated by a non-profit group are examples of facilities that may be exempted from property taxes if the proceeds are used to pay all or part of the operating or capital costs of the facility.

Part 4: Repealed

Part 5: Repeal and Review

Section 22 - Repeal

This section repeals the *Community Organization Property Tax Exemption Regulation 1998* (AR 289/97).

Section 23 - Expiry

This section provides an expiry date for the Regulation. This ensures that the Regulation will be reviewed for its ongoing relevance before its expiry on October 31, 2008.

RELEVANT BOARD ORDERS

Board Order 076/03

The Alberta Trailnet Society represents and promotes the Trans Canada Trail Foundation, which owns many rail line rights of way in Kneehill County.

The Trailnet Society argued that the subject property (the abandoned rail line rights of way) should be exempt from taxation because of a charitable and benevolent purpose that would ensue from the land's future development into the Trans Canada Trail.

The Board had to determine whether the foundation could be considered a non-profit organization, and whether the lands in question could be considered beneficial to the general public, even in a developmental state.

The Board found that the foundation is a registered charity and a non-profit organization; however, the lands were not used for charitable and benevolent purposes, since there is no accounting for proposed use in either the Act or the Regulation. Therefore, the development of a trail network is not sufficient to warrant a tax exemption. The Board confirmed the assessment of the subject lands.

2.0 Legislative and Regulatory Overview

Board Order 003/02

The Alberta New Home Warranty Program (ANHWP) is a non-profit organization that provides insurance or protection against manufacturing and structural deficiencies on new homes to purchasers.

ANHWP stated that its activities are both charitable and benevolent. Therefore, it argued for an exemption based on the subject property being held by a non-profit organization, and that the activities on the property are for the benefit of the general public.

The Board, however, found that the primary use of the property is neither for charitable or benevolent purposes, but rather, a fee-for-service insurance program. Further, the exemption was denied because the property could not be seen as a relief to poverty, the advancement of religion, or beneficial to the community as a whole. The general public was seen as being restricted from membership since only clients gained access once a substantial fee was paid. Therefore, the ANHWP failed on both the accessibility test and the benevolence test set out in the Regulation.

As such, the Board denied the appeal for a property tax exemption.

Board Order -100/01

The Henderson Lake Golf Club is a non-profit organization registered under the Societies Act. This golf course holds a Class C liquor licence and membership is open to the general public.

The appellant argued that because the golf course operated for the benefit of the general public and was accessible to all members of the municipality, including youth members, it should be entitled to an exemption from property taxation.

While the Board found that the property operated for the benefit of the general public, it found that the property was restricted more than 30% of the time due to a member reservation policy. The membership fees were found to be in excess of the “minor entrance or service fees” provisions of the Regulation.

Adults also use the property more than 60% of the time. Thus, the property is, for the purposes of the Regulation, restricted to adults and members and does not meet the accessibility tests of the Regulation. As such, the Board denied the appeal for an exemption.

Board Order 032/01

The Calgary Winter Club is a not-for-profit corporation, which provides facilities for family sports and recreation activities. The club made an appeal only in respect of the curling portion of the facility. The Calgary Winter Club argued that the facility is open to the general public with no restrictions.

The Board found the curling portion of the facility to be open to the public without restriction, had no prohibitive entrance fees and encouraged the participation of school-age children and students. The Calgary Winter Club met the accessibility requirements of section 7 of the Regulation and was granted an exemption.

2.0 Legislative and Regulatory Overview

Board Order 028/01

Stromiga Incorporated is the owner of a multi-tenant warehouse located in the south east of Calgary. Alberta Ballet is one of the lessees of the property in question.

The appellant argued that the property was a “facility used for the arts.” The appellant stated that the primary use of the property was for the promotion of the arts, since the storage and maintenance functions are considered a normal part of the facility’s use in conducting an exempt function. Actual performance is dependent on the props and costumes held in storage.

Thus, the Board granted the appeal based on the property fulfilling section 4 of the Regulation, whereby the primary use of the property was found to be the promotion of arts and culture.

Board Order 233/00

The Maritime Reunion Association of Alberta (Association) is a non-profit organization established to ease the transition of maritimers to life in Alberta.

The purpose of the Association is to help build a cultural community for maritimers. The Association claimed that it was serving a charitable and benevolent purpose, both because of its work to create a support network for Maritimers, but also because of the work the Association did to restore and preserve its building as a historic site.

In addition, the Association argued that the subject property could be considered an ethno-cultural facility or a sports and recreation facility.

In determining its decision, the Board denied the exemption because it found that the use of the subject property was not primarily to serve as an ethno-cultural facility; rather, it served as a pub or social club.

While the use of the property was not found to be unduly restricted more than 30% of the time, the activities on the property were generally aimed at adults.

Thus, while the Maritime Reunion Association may have met the accessibility requirements under section 7 of the Regulation, its primary use was not one that warranted an exemption, and therefore it was denied.

Board Order 154/00

Kristine Smed is the owner of land proposed to be used for a seniors’ living complex. The proposed complex was to be managed by Valhalla Village, a non-profit corporation.

Ms. Smed argued that because the land is to be used for a charitable and benevolent purpose, a tax exemption should be applied to the property in question.

The Board had to determine if the proposed use of the subject property was sufficient to qualify for an exemption. The Board also had to determine who the property was really “held by.”

The assessed owner was a private individual. Despite the fact that there was an agreement with a non-profit corporation to manage the property, the contract was to come into effect only when construction was complete. Therefore, the property continued to be “held by” a private individual.

Despite its proposed use, the property also did not meet the benevolence test set out in the Regulation. The appellant also failed to apply to the municipality for an exemption. Since it failed the “held by” test of section 5 and the benevolence test set out in section 10 of the Regulation, the appeal in respect of the property was denied.

2.0 Legislative and Regulatory Overview

Board Order 043/00

The Goldeye Foundation Society is a non-profit organization registered under the *Societies Act*. The society provides youth education programming, which allows individuals to engage in the community, and a facility for educational workshops, seminars and conferences.

The Goldeye Foundation argued that its property was used to fulfill a charitable and benevolent purpose that benefited the general public.

The property in question was held under lease from the Crown in the right of Alberta. The Board found that the land and improvements were used primarily for the benevolent purposes of the general public, in that it fulfilled the Society's mandate.

The Board allowed the Goldeye Foundation Society's appeal because the foundation was found to be a non-profit organization, whose property was not restricted and was used primarily for the benefit of the general public.

3.0

How to Apply the Community Organization Property Tax Exemption Regulation

This Part of the Guide provides a more detailed overview of how to apply the Regulation.

In determining an exemption under section 362(1)(n) of the Act, asking the following five basic questions should assist in making the decision to exempt or tax a property for which a request or application has been made:

1. Does the main use meet the general conditions for an exemption under section 362(1)(n) of the Act?
2. Does the facility meet the requirements of Part 1 (general rules) of the Regulation?
3. Does the facility meet the specific conditions, including the access conditions, set out in section 362(1)(n) of the Act and the Regulation for the applicable exemption category?
4. Does the facility meet the specific requirements of Part 3 of the Regulation?
5. If the facility qualifies for an exemption, do the related retail commercial areas meet the requirements of section 18, or if it is a licensed facility, section 8 of the Regulation?

When applying the Regulation, the following should be considered:

- As the following flowchart illustrates, a non-profit organization's facility might be able to qualify under more than one exemption provision. For example, while a museum may have met the criteria for exemption under section 362(1)(n)(i) or (iii) of the Act, it may also meet the criteria specified in Part 3 of the Regulation. This should be kept in mind when deciding if a non-profit facility meets the eligibility conditions for an exemption.
- The taxation status of non-profit facilities specifically listed in section 15 of the Regulation (for example, arts facilities, museums and child care facilities) is at the discretion of the municipality. These non-profit facilities may be exempted by some municipalities and taxed by others, depending on the individual property and its use. As well, if a facility type listed in section 15 of the Regulation has been taxed by a municipality, the onus is on the non-profit organization to apply for a property tax exemption.
- Different exemption provisions mean different eligibility requirements. An exemption under section 362(1)(n) of the Act and Part 3 of the Regulation is subject to far more conditions than an exemption under section 362(1)(n)(i) of the Act.

3.0 How to Apply the Community Organization Property Tax Exemption Regulation

- Section 17 of the Regulation provides for a Waiver of Application Requirement. This applies to non-profit organizations that have already provided any required information and have been granted an exemption by a municipality. The waiver can be applied for up to three years.

To apply the regulation properly, the process of determining whether a property qualifies for an exemption is illustrated below for a sample property. The process has been broken down into a series of questions and stages.

Sample Property

The subject property in the following example is a large facility in Ourtown, Alberta. It consists of a museum, a gift shop and a licensed dining area. This property is owned by the Museum Foundation, which is a non-profit organization incorporated under the Societies Act. The museum and the gift shop are operated by the Museum Foundation and the licensed dining area is leased out to a private individual.

1. Does the main use of the property meet the general conditions for an exemption under section 362(1)(n) of the Act?

To address what is to be taxed and what qualifies for an exemption, first determine if this property might be eligible for an exemption under section 362(1)(n) of the Act and the Regulation.

In this case, the property is potentially exempt because it is a museum. Note that the gift shops and licensed dining areas are normally taxable, unless the funds are chiefly used to fund the operation of the property's main objective and the licensed area falls under a special event or Class C liquor licence.

2. Does the facility meet the requirements of Part 1 (general rules) of the Regulation?

To be exempt, the facility must meet both of the following tests:

a. Is the museum held by a non-profit organization?

The Museum Foundation is incorporated as a society under the *Societies Act*, and thus meets the requirements for a non-profit organization under section 6 of the Regulation. As the Museum Foundation owns the property and operates the museum, it also meets the requirements for holding the facility under section 5 of the Regulation.

b. Is the use qualifying for an exemption the primary use of the property?

Since most museums seldom have other activities associated with the museum, the primary use test has been met. Ninety to 100% use as a museum clearly exceeds the 60% use requirement.

3.0 How to Apply the Community Organization Property Tax Exemption Regulation

3. Does the facility meet the specific conditions, including the accessibility conditions, set out in section 362(1)(n) of the Act and the Regulation for the applicable exemption category?

Two ways in which a museum might qualify for an exemption need to be explored. The first is through the application of section 362(1)(n)(iii) of the Act and section 10 of the Regulation. These sections provide an exemption for non-profit organizations that are used for charitable or benevolent purposes.

If the museum decides to proceed under this section, it must consider the specific requirements of the Regulation for an exemption under section 362(1)(n)(iii). These specific requirements are given in section 10 of the Regulation, and the following questions must be posed:

a. Does the charitable or benevolent purpose for which the museum property is primarily used benefit the general public in Ourtown, the community in which the property is located?

The answer to this is at the discretion of the assessor. Public benefit usually requires providing some resources services, or access to facilities for a large segment of the population or to one or more disadvantaged groups. The facility should also be of significant value to the community in order to warrant an exemption from property taxes.

b. Are the resources of the Museum Foundation (which owns the property) directed chiefly to the museum (the charitable or benevolent purpose for which the property is used)?

Since the Museum Foundation is not a multipurpose organization, the resources are directed chiefly to the museum.

c. Is access to the facility restricted for more than 30% of the time?

If, like most museums, the one restriction is a minor admission fee, the access is not restricted under the requirements of section 7 of the Regulation.

The second, and more typical method used to apply an exemption for a museum is through the application of section 362(1)(n) of the Act and section 15(c) of the Regulation.

Section 15(c) of the Regulation specifically references museums and allows for individual non-profit organizations who operate a museum (as defined in the Regulation) to apply to their municipality for a property tax exemption. This more conventional approach is the one that will be modeled in the next step.

3.0 How to Apply the Community Organization Property Tax Exemption Regulation

4. Does the facility meet the specific requirements of Part 3 of the Regulation?

To apply and qualify for a property tax exemption, the Museum Foundation would have to meet the specific requirements of section 16 of the Regulation. The application deadline is November 30 and supporting information required by the municipality is due February 15 of the taxation year. The municipality, however, can waive the application deadline.

The facility must be operated on a non-profit basis and meet the accessibility requirements of section 16(2), whereby access to the facility cannot be restricted more than 30% of the time. As well, the organization's funds must be chiefly used for the purposes of the organization, and that the municipality is satisfied that the operations of the non-profit organization provide significant benefits to the community.

The last criterion will be subject to interpretation and will involve a determination by the municipality. The municipality must decide whether the operations of the subject property provide significant enough benefits to warrant an exemption from property taxes.

If the municipality grants an exemption, it may be subject to an agreement under section 16(4) of the Regulation, directing the non-profit organization to provide information on its compliance with the exemption requirements. Because the Museum Foundation owns the property, the municipality could even require an agreement under section 16(5) of the Regulation on the disposition of the property.

5. If the facility qualifies for an exemption, do the related retail commercial areas meet the requirements of section 18 or, if it is a licensed facility, section 8 of the Regulation?

In this example there are two distinct retail commercial areas within this property that must also be considered. The first area is the gift shop and the second area is the licensed dining area. If the Museum Foundation qualifies as an exempt facility, then the retail commercial areas within this facility can also be considered for an exemption.

Since the gift shop area is operated by the Museum Foundation, it is held by and operated by the same non-profit organization that holds the exempt facility (if the museum's exemption is granted by the municipality). The other requirement is that the net income from the retail commercial area must be used to pay all or part of the operational or capital costs of an exempt facility held by the Museum Foundation. In the example, if the net income from the gift shop is being used to help fund the operations of the museum, then the gift shop area may be considered for an exemption.

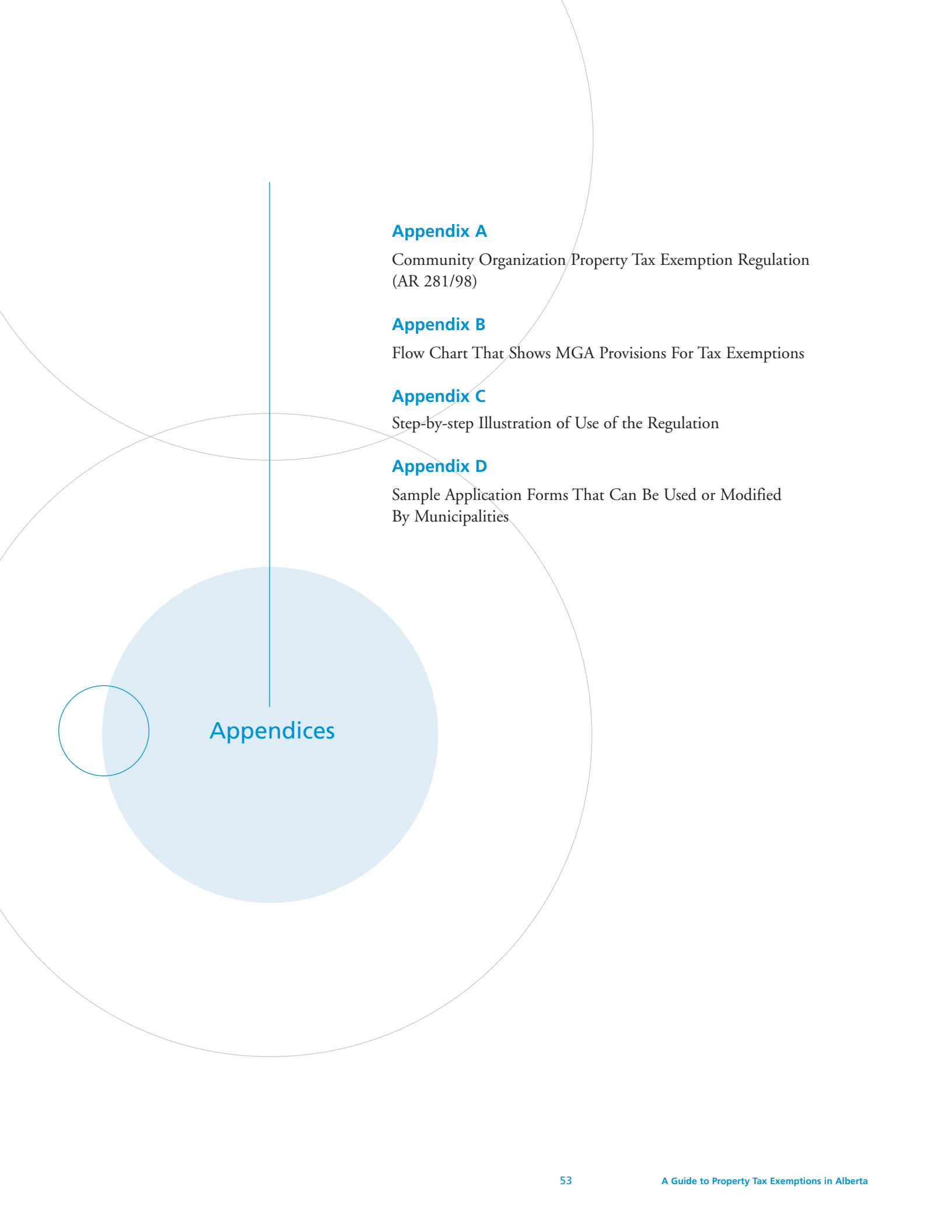
The licensed dining area in our example is taxable since it is held by a taxable owner under a lease from the Museum Foundation. If the area was held by the Museum Foundation and funds directed towards the operation of the museum, it could only be considered for an exemption if the area was a Class C licensed facility (restricted to members and guests only).

3.0 How to Apply the Community Organization Property Tax Exemption Regulation

SUMMARY

The sample property can be viewed and discussed in two ways for taxation purposes. The first is the exempt portion (assuming that the municipality grants this organization an exemption) consisting of the museum area and the gift shop area, and the second is the taxable portion consisting of the licensed dining area.

A similar approach can be used for other properties where a detailed analysis of their taxation status is required.



Appendices

Appendix A

Community Organization Property Tax Exemption Regulation
(AR 281/98)

Appendix B

Flow Chart That Shows MGA Provisions For Tax Exemptions

Appendix C

Step-by-step Illustration of Use of the Regulation

Appendix D

Sample Application Forms That Can Be Used or Modified
By Municipalities

Appendix A

Municipal Government Act COMMUNITY ORGANIZATION PROPERTY TAX EXEMPTION REGULATION ALBERTA REGULATION 281/98

TABLE OF CONTENTS

Interpretation	1
Part 1: General Rules	
Application	1
Part of a property	1
Primary use of property	1
Holding property	1
Non-profit organization	2
Meaning of restricted	2
Gaming and liquor licences	2
Part 2: Qualifications for Exemptions under Section 362(1)(n)(ii) to (v)	
Exemption under section 362(1)(n)(ii) of the Act	2
Exemption under section 362(1)(n)(iii) of the Act	3
Exemption under section 362(1)(n)(iv) of the Act	3
Exemption under section 362(1)(n)(v) of the Act	3
Part 3: Other Property Exempt under Section 362(1)(n)	
Definitions	4
Exemption for other property	4
Day cares, museums and other facilities	4
Conditions for exemption	5
Waiver of application requirement	6
Retail commercial areas	6
Part 4:	
Repealed	7
Part 5: Repeal and Review	
Repeal	7
Expiry	7

Note:

A reminder to all users that this copy of the Regulation is for the convenience of reference only, and that the original Regulation should be consulted for all purposes of interpreting and applying the law.

INTERPRETATION

- 1(1) In this Regulation,
- (a) "Act" means the Municipal Government Act;
 - (b) "charitable or benevolent purpose" means the relief of poverty, the advancement of education, the advancement of religion or any other purpose beneficial to the community;
 - (c) "general public" means pertaining to the general community, rather than a group with limited membership or a group of business associates;
 - (d) "professional sports franchise" means a professional sports franchise operating in the National Hockey League, the Canadian Football League, the National Professional Soccer League or the Pacific Coast League;
 - (e) "taxation" means taxation under Division 2 of Part 10 of the Act.
- (2) For the purposes of the Act and this Regulation, "community association" means an organization where membership is voluntary, but restricted to residents of a specific area, and that is formed for the purpose of
- (a) enhancing the quality of life for residents of the area or enhancing the programs, public facilities or services provided to the residents of the area, or
 - (b) providing non-profit sporting, educational, social, recreational or other activities to the residents of the area.
- (3) The definitions in sections 1 and 284 of the Act apply to this Regulation.

PART 1: GENERAL RULES

Application

2 This Regulation applies to taxation in 1999 and later years.

Part of a property

3 An exemption under section 362(1)(n)(i) to (v) of the Act or Part 3 of this Regulation applies only to the part of a property that qualifies for the exemption.

Primary use of property

4(1) Property is not exempt from taxation under section 362(1)(n)(iii), (iv) or (v) of the Act or Part 3 of this Regulation unless the property is primarily used for the purpose or use described in those provisions.

(2) For the purposes of this Regulation, a property is primarily used for a purpose or use if the property is used for the specified purpose or use at least 60% of the time that the property is in use.

Holding property

5 When section 362(1)(n)(i) to (v) of the Act or Part 3 of this Regulation requires property to be held by a non-profit organization, a society as defined in the Agricultural Societies Act or a community association for the property to be exempt from taxation, the property is not exempt unless

- (a) the organization, society or association is the owner of the property and the property is not subject to a lease, licence or permit, or
- (b) the organization, society or association holds the property under a lease, licence or permit.

Non-profit organization

- 6 When section 362(1)(n)(i) to (v) of the Act or Part 3 of this Regulation requires property to be held by a non profit organization or community association for the property to be exempt from taxation, the property is not exempt unless
- (a) the organization or association is a society incorporated under the Societies Act, or
 - (b) the organization or association is
 - (i) a corporation incorporated in any jurisdiction, or
 - (ii) any other entity established under a federal law or law of Alberta that is prohibited, by the laws of the jurisdiction governing its formation or establishment, from distributing income or property to its shareholders or members during its existence.

Meaning of restricted

- 7(1) In this Regulation, a reference to the use of property being restricted means, subject to subsections (2) and (3), that individuals are restricted from using the property on any basis, including a restriction based on
- (a) race, culture, ethnic origin or religious belief,
 - (b) the ownership of property,
 - (c) the requirement to pay fees of any kind, other than minor entrance or service fees, or
 - (d) the requirement to become a member of an organization.
- (2) The requirement to become a member of an organization does not make the use of the property restricted so long as
- (a) membership in the organization is not restricted on any basis, other than the requirement to fill out an application and pay a minor membership fee, and
 - (b) membership occurs within a short period of time after any application or minor fee requirement is satisfied.
- (3) Not permitting an individual to use a property for safety or liability reasons or because the individual's use of the property would contravene a law does not make the use of the property restricted.

Gaming and liquor licences

- 8(1) For the purposes of section 365(2) of the Act, property described in section 362(1)(n) of the Act and Part 3 of this Regulation in respect of which a bingo licence, casino licence, pull ticket licence, Class C liquor licence or a special event licence is issued under the Gaming and Liquor Regulation (AR 143/96) is exempt from taxation if the requirements of section 362(1)(n) and this Regulation in respect of the property are met.
- (2) Despite subsection (1), property in respect of which a bingo facility licence or casino facility licence is issued is not exempt from taxation.

PART 2: QUALIFICATIONS FOR EXEMPTIONS UNDER SECTION 362(1)(n)(ii) to (v)

Exemption under section 362(1)(n)(ii) of the Act

- 9(1) The following property is not exempt from taxation under section 362(1)(n)(ii) of the Act:
- (a) property to the extent that it is used in the operation of a professional sports franchise;
 - (b) property that is used solely for community games, sports, athletics or recreation if, for more than 40% of the time that the property is in use, the majority of those participating in the activities held on the property are 18 years of age or older.
- (2) Property is not exempt from taxation under section 362(1)(n)(ii) of the Act if, for more than 30% of the time

that the property is in use, the use of the property is restricted within the meaning of section 7 as modified by subsection (3).

- (3) For the purposes of subsection (2), limiting the participation in activities held on a property to persons of a certain age does not make the use of the property restricted.

Exemption under section 362(1)(n)(iii) of the Act

- 10(1) Property referred to in section 362(1)(n)(iii) of the Act is not exempt from taxation unless
 - (a) the charitable or benevolent purpose for which the property is primarily used is a purpose that benefits the general public in the community in which the property is located, and
 - (b) the resources of the non-profit organization that holds the property are devoted chiefly to the charitable or benevolent purpose for which the property is used.
- (2) Property is not exempt from taxation under section 362(1)(n)(iii) of the Act if, for more than 30% of the time that the property is in use, the use of the property is restricted within the meaning of section 7.

Exemption under section 362(1)(n)(iv) of the Act

- 11 Property referred to in section 362(1)(n)(iv) of the Act is not exempt from taxation unless the accommodation provided to senior citizens is subsidized accommodation as defined in the General Regulation (AR 213/94).

Exemption under section 362(1)(n)(v) of the Act

- 12(1) The following property is not exempt from taxation under section 362(1)(n)(v) of the Act:
 - (a) property to the extent that it is used in the operation of a professional sports franchise;
 - (b) property if, for more than 40% of the time that the property is in use, the majority of those participating in the activities held on the property are 18 years of age or older;
 - (c) property in Calgary or Edmonton that is held by and used in connection with a community association if the association is not a member of the Federation of Calgary Communities or the Edmonton Federation of Community Leagues.
- (1.1) Notwithstanding subsection (1)(c), property held by a community association referred to in that provision is exempt from taxation under section 362(1)(n)(v) of the Act where that community association was a member of the Federation of Calgary Communities or the Edmonton Federation of Community Leagues on January 1, 1999 but cancelled its membership after that date.
- (1.2) Subsection (1.1) applies with respect to 2004 and subsequent years.
- (2) Property is not exempt from taxation under section 362(1)(n)(v) of the Act if, for more than 30% of the time that the property is in use, the use of the property is restricted within the meaning of section 7 as modified by subsection (3).
- (3) For the purposes of subsection (2), limiting the participation in activities held on a property to persons of a certain age does not make the use of the property restricted.

PART 3: OTHER PROPERTY EXEMPT UNDER SECTION 362(1)(n)

Definitions

13 In this Part,

- (a) "arts" means theatre, literature, music, painting, sculpture or graphic arts and includes any other similar creative or interpretive activity;
- (b) "chamber of commerce" means a chamber of commerce that is a non-profit organization and is a member of the Alberta Chamber of Commerce;
- (c) "ethno-cultural association" means an organization formed for the purpose of serving the interests of a community defined in terms of the racial, cultural, ethnic, national or linguistic origins or interests of its members;
- (d) "linguistic organization" means an organization formed for the purpose of promoting the use of English or French in Alberta;
- (e) "museum" means a facility that is established for the purpose of conserving, studying, interpreting, assembling and exhibiting, for the instruction and enjoyment of the general public, art, objects or specimens of educational and cultural value or historical, technological, anthropological, scientific or philosophical inventions, instruments, models or designs;
- (f) "retail commercial area" means property used to sell food, beverages, merchandise or services;
- (g) "sheltered workshop" means a facility designed to provide an occupation for and to promote the adjustment and rehabilitation of persons who would otherwise have difficulty obtaining employment because of physical, mental or developmental disabilities;
- (h) "thrift shop" means a retail outlet operated for a charitable or benevolent purpose that sells donated clothing, appliances, furniture, household items and other items of value at a nominal cost to people in need.

Exemption for other property

14 This Part describes property that is exempt from taxation under section 362(1)(n) of the Act that is not exempt under section 362(1)(n)(i) to (v) of the Act.

Day cares, museums and other facilities

15 A non-profit organization that holds property on which any of the following facilities are operated may apply to the municipality within whose area the property is located for an exemption from taxation:

- (a) a facility used for sports or recreation to the extent that the facility is not used in the operation of a professional sports franchise;
- (b) a facility used for fairs or exhibitions, including agricultural exhibitions;
- (c) a facility used for the arts or a museum;
- (d) a facility used for the care and supervision of children and that is
 - (i) a day care centre as defined in the Day Care Regulation (AR 180/2000), and
 - (ii) licensed under that Regulation;
- (e) a facility used by a linguistic organization if
 - (i) the use of the property by the general public is actively encouraged, and
 - (ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;

- (f) a facility used by an ethno-cultural association for sports, recreation or education or for charitable or other benevolent purposes if
 - (i) the use of the property by the general public is actively encouraged, and
 - (ii) a sign is prominently posted in the facility indicating the hours that the whole or part of the facility is accessible to the public;
- (g) a facility in a municipality operated and used by an organization for a charitable or benevolent purpose where the majority of the organization's beneficiaries do not reside in the municipality;
- (h) a facility used as a thrift shop;
- (i) a facility used as a sheltered workshop;
- (j) a facility operated and used by a chamber of commerce;
- (k) a facility used for a charitable or benevolent purpose that is for the benefit of the general public if
 - (i) the charitable or benevolent purpose for which the facility is primarily used is a purpose that benefits the general public in the community in which the facility is located, and
 - (ii) the resources of the non-profit organization that holds the facility are devoted chiefly to the charitable or benevolent purpose for which the facility is used.

Conditions for exemption

- 16(1) A municipality must grant a non-profit organization an exemption from taxation in a taxation year in respect of property referred to in section 15 that is held by the organization if
- (a) the non-profit organization makes an application for an exemption to the municipality by November 30 of the year preceding the taxation year and supplies the municipality with the following by February 15 in the taxation year:
 - (i) any information the municipality requires to determine if the organization meets the conditions for the exemption, and
 - (ii) a description of any retail commercial areas in the facility,
 - (b) the facility on the property is one of the facilities described in section 15 and the non-profit organization operates the facility on a non-profit basis,
 - (c) the funds of the non-profit organization are chiefly used for the purposes of the organization and not for the benefit of the organization's directors and employees,
 - (d) the property is not disqualified by virtue of subsection (2) or (3), and
 - (e) the requirements of subsections (4) and (5), if applicable, are met.
- (2) Property referred to in section 15(a), (b), (c), (e), (f), (j) or (k) is not exempt from taxation if, for more than 30% of the time that the property is in use, the use of the property is restricted within the meaning of section 7.
- (3) Property referred to in section 15(d) or (g) to (i) is not exempt from taxation if an individual is not permitted to use the property because of the individual's race, culture, ethnic origin or religious belief.
- (4) Before granting an exemption under this section in respect of a property that is held by a non-profit organization, the municipality may require that an agreement between the organization and the municipality be in force that sets out that
- (a) the organization will provide the municipality with a report by a time and in a manner specified in the agreement that sets out the information the municipality requires to determine if the organization met the conditions for the exemption during the taxation year, and
 - (b) if the organization does not comply with the provisions referred to in clause (a), the organization will pay the municipality an amount equivalent to the property taxes that would be payable in respect of the property for the taxation year if the property was not exempt.

- (5) Before granting an exemption under this section in respect of a property that is owned by a non-profit organization, the municipality may require that an agreement between the organization and the municipality be in force that sets out that
 - (a) no disposition of the property may be made without the approval of the municipality, and
 - (b) if the organization is being wound-up and dissolved, the organization must, if required by the municipality, transfer the property to the municipality.
- (6) If a municipality grants an exemption to a non-profit organization and later determines that the organization did not meet the conditions that applied to the organization for the exemption for all or part of the taxation year, the municipality may in the taxation year cancel the exemption for all or part of the taxation year, as the case may be, and require the organization to pay property tax in respect of the property for the period that the exemption is cancelled.

Waiver of application requirement

- 17(1) If a municipality has granted a non-profit organization an exemption from taxation under section 16 in respect of a property, the municipality may grant the non-profit organization an exemption from taxation in the following taxation year under section 16 in respect of the property without requiring the organization to apply for the exemption.
- (2) A municipality that has waived an application requirement under subsection (1) in respect of a property for a taxation year may
 - (a) require the non-profit organization that holds the property to provide any information that the organization may be required to provide if it was applying for an exemption, and
 - (b) if the non-profit organization does not provide the information, cancel in that taxation year the exemption for all or part of that taxation year and require the organization to pay property tax in respect of the property for the period that the exemption is cancelled.
- (3) A municipality may not waive the application requirement under subsection (1) in respect of a property for more than 3 consecutive taxation years.

Retail commercial areas

- 18(1) In this section, "exempt facility" means a facility or part of a facility held by a non-profit organization, a society as defined in the Agricultural Societies Act or a community association that is exempt from taxation under section 362(1)(n)(i) to (v) of the Act or section 16 of this Regulation.
- (2) A retail commercial area that is located within an exempt facility is exempt from taxation if
 - (a) the non-profit organization, society as defined in the Agricultural Societies Act or community association that holds the exempt facility also holds and operates the retail commercial area, and
 - (b) the net income from the retail commercial area is used
 - (i) to pay all or part of the operational or capital costs of the exempt facility, or
 - (ii) to pay all or part of the operational or capital costs of any other facility that is held by the non-profit organization, society or community association and that is exempt from taxation under section 362 of the Act or section 16 of this Regulation.

PART 4

Repealed

PART 5: REPEAL AND REVIEW

Repeal

22(1) The Community Organization 1998 Property Tax Exemption Regulation (AR 289/97) is repealed.

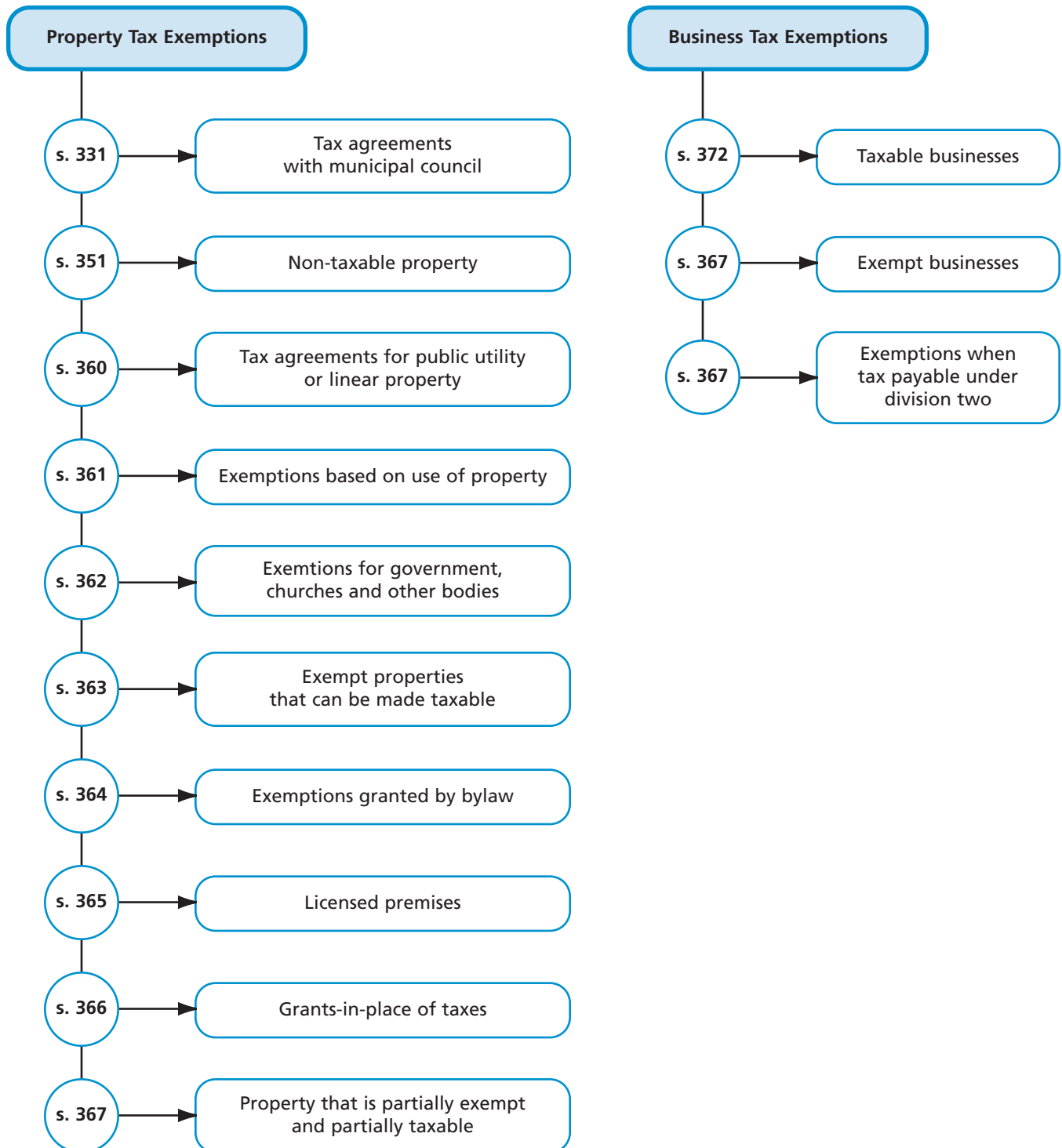
- (2) Despite the repeal of the Community Organization 1998 Property Tax Exemption Regulation (AR 289/97), that Regulation continues to apply to taxation in 1998.

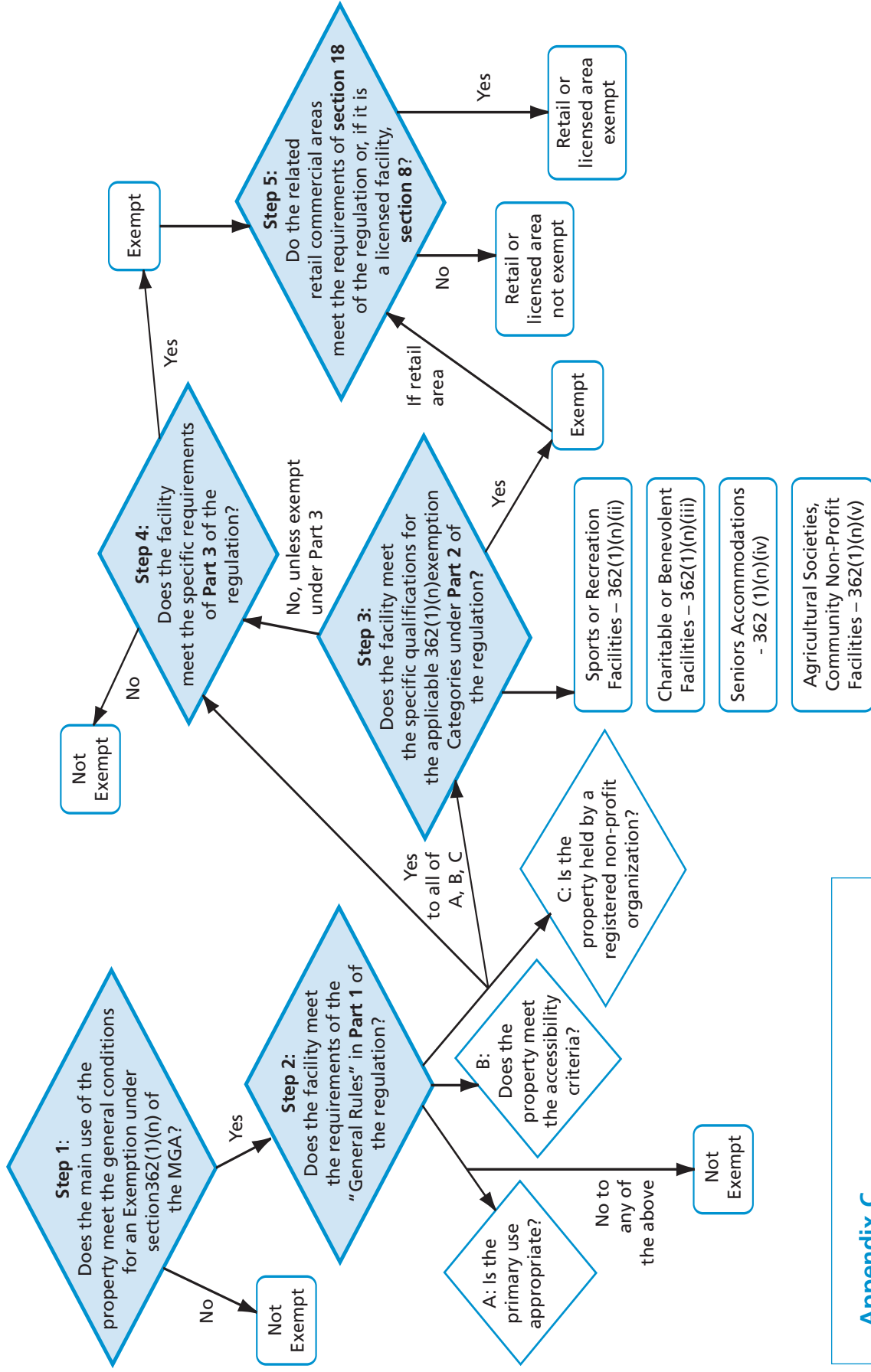
Expiry

23 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on October 31, 2008.

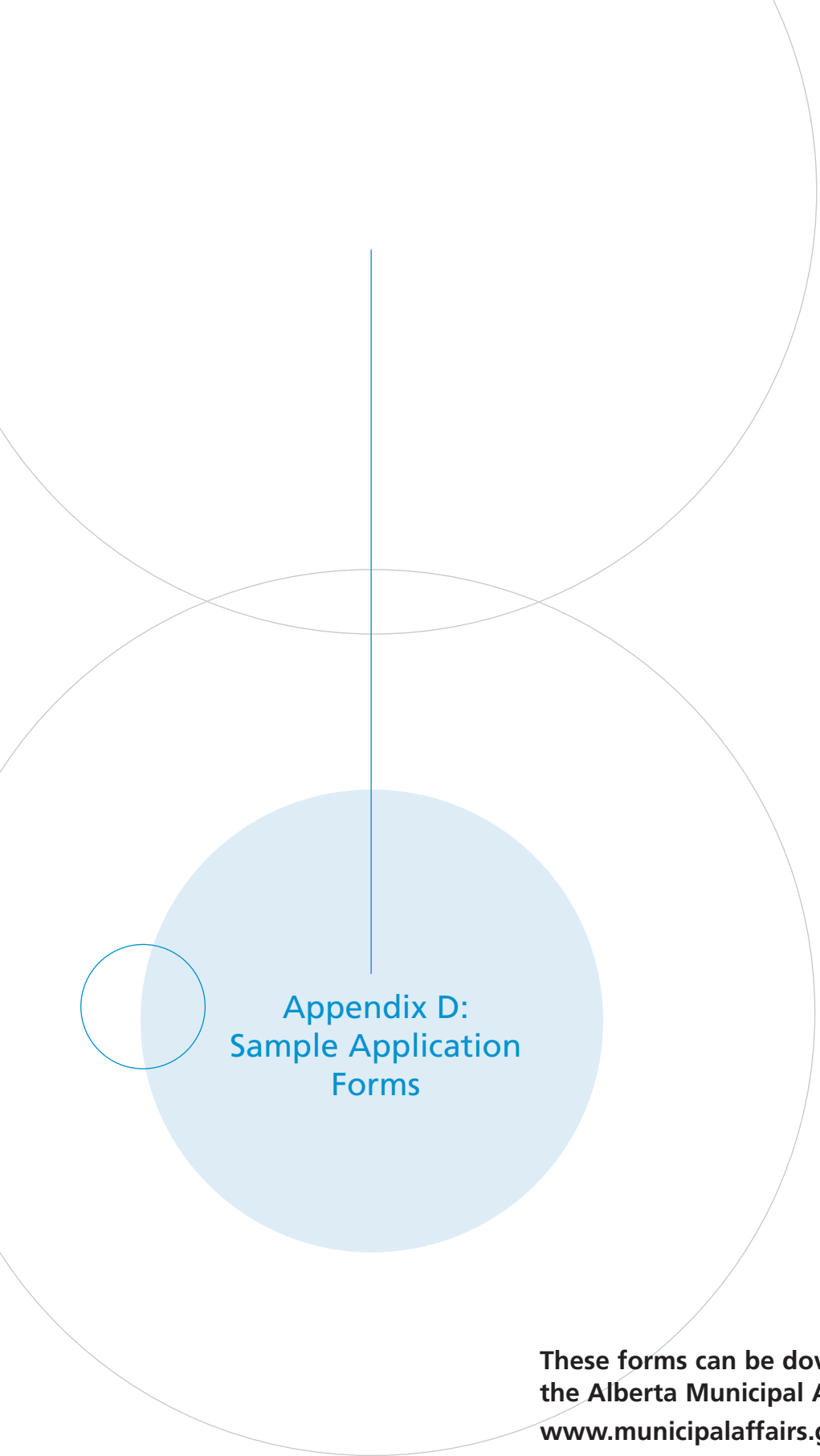
Appendix B

Flow Chart that Shows MGA Provisions for Tax Exemptions





Appendix C
Using the Community Organization Property Tax Exemption Regulation: A Step-by-Step Illustration



Appendix D:
Sample Application
Forms

**These forms can be downloaded by visiting
the Alberta Municipal Affairs website at:
www.municipalaffairs.gov.ab.ca**