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## Memorandum

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**To:** Budget Standing Committee

**Cc:** Shelley Chemnitz, Commissioner of Corporate Services;  
Kristine Douglas, Director of Financial Management Services

**From:** Robyn Ertelt, Administrative Assistant

**Date:** November 9, 2016

**Subject:** Request for Niagara Region to Consider a Charitable Tax Rebate Program for Ethno Cultural Organizations – Community Feedback

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At the October 17, 2016 Budget Standing Committee meeting staff were directed to connect with the ethno cultural organizations to comment within 30 days regarding the report and submit the recommendations at the next Budget Standing Committee meeting, November 14, 2016.

After consulting with the Niagara Folk Arts and the Municipal Property Assessment Corporation (MPAC) correspondence (Appendix 2) was made with eight ethno cultural organizations. The organizations listed below all own property within St. Catharines and would be impacted by the considered charitable tax rebate program.

- Armenian Community Centre, St. Catharines
- Club Roma, St Catharines
- St Catharines Canadian Polish Society
- Ukrainian Black Sea Hall Incorporated
- Fung Loy Kok Institute of Taoism
- Ukrainian Canadian Social Services Inc. St. Catharines
- Le Club la Salle de St. Catharines
- St. Catharines Club Heidelberg

The eight responses received from these organizations is available for your consideration in Appendix 3.

We present you again with the October 17 report and additional appendices.

**Report from** Financial Management Services, Billing

**Date of Report:** September 28, 2016

**Date of Meeting:** October 17, 2016

**Report Number:** FMS-B015-2016

**File:** 10.57.99

**Subject:** Request for Niagara Region to Consider a Charitable Tax Rebate Program for Ethno Cultural Organizations

## Recommendation

That the Budget Standing Committee (BSC) receive this report for consideration.

## Summary

Council requested that Regional Council support the motion of enhancing the Charitable Tax Rebate Program to include ethno cultural centres registered as charitable organizations and who own property in the City of St. Catharines. Individually, the City has no authority to provide assistance to organizations that are similar to eligible charities, as tax policy is set forth by the Niagara Region, as the Upper-Tier Municipality.

## Background

The following motion was brought forward by Councillor Britton on September 12, 2016 and City Council approved the same.

Whereas several ethno-cultural groups operating in the City of St. Catharines are registered as charitable organizations and own real property for the purposes of providing meeting spaces and cultural services to the community; and

Whereas real property valuations and tax classifications can create a financial burden on ethno-cultural charitable organizations and the City has limited policy options to provide assistance; and

Whereas the City of St. Catharines tax policy guidance is set forth by Niagara Region;

Therefore Be It Resolved, St. Catharines City Council request that Niagara Regional Council support the consideration of a tax rebate program for ethno cultural centres registered as charitable organizations and owning real property in the City of St. Catharines in the development of the 2017 tax policy with the purpose of providing a tax rebate program for cultural groups registered as a charitable organization; and that a financial impact and implementation report be

presented to the Regional Budget Committee for consideration in the 2017 tax policy; and

That the Niagara Folk Arts Multicultural Centre be communicated with.  
FORTHWITH

Councillor Phillips' friendly amendment to refer to staff for report to include cost to the average tax payer for this motion to take place, and where do other community groups stand as part of this motion; and

That this report go to the BSC.

Charities and not for profit organizations are not always exempt from property tax, despite being exempt from income tax under the Income Tax Act (Canada) (ITA). As such, the applicability of property taxes is an important issue for charities and not for profit organizations to consider. In Ontario, the property assessment and taxation system is comprised of four interrelated components: the legislative framework, municipalities, the Municipal and Property Assessment Corporation (MPAC), and the Assessment Review Board (ARB), each playing a pivotal role in how real property is assessed and taxed in Ontario. The Assessment Act (the Act) is the enabling statute by which municipalities, MPAC and the ARB carry out their municipal property assessment functions.

The premise of the Act is that all real property in Ontario is liable for assessment and taxation, and the municipality in which a property is located will assess and value all real property and tax the owner on its current value. To facilitate this underlying principle, MPAC conducts valuations and then classifies and assesses all real property in accordance with the statutes. It is important to note that MPAC is responsible for determining the classifications and current value assessments and that municipalities are responsible for setting the tax rates, calculating and issuing tax bills, collecting the taxes from property owners and distributing applicable portions to the Region and School Boards.

The Fair Municipal Finance Act, passed in 1998, by the Province of Ontario, eliminated the Business Occupancy Tax (BOT). BOT bills were issued by the City, separately to occupants/tenants deemed to be carrying on a business and paid directly to the City by those businesses.

Before 1998, registered charities and certain not for profit organizations occupying (owned or leased) properties in the commercial or industrial property classes, were exempt from paying the BOT and paid residential property taxes. Upon elimination of the BOT, all tax revenue became the responsibility of the property owner, thus increasing the tax rate paid by commercial and industrial property owners. The additional costs were passed on by the owners, to the tenants including charitable organizations. Not for profit organizations remained at the residential classification.

To offset the increase to charities, the Province legislated that municipalities implement a Charitable Tax Rebate Program to provide relief at a minimum of 40% of the total property taxes paid by an eligible charity. The purpose of this policy was to provide tax rebates to eligible charities and similar organizations occupying commercial and industrial property that were exempt from paying the BOT prior to 1998 and effectively bring them closer to the residential property taxes they previously paid.

## Report

Property assessment and taxation is applied according to the legislation as illustrated in the chart below.

**Chart 1** – Summary of Charitable and Non-Profit and Places of Worship with regards to property taxation

Type	Definition	Assessment Act	MPAC Classification	Municipal Act 361.1	Affect on Municipal Property Taxes
<b>Churches</b> – Places of Worship	Land that is owned by a church or a religious organization	Under the Assessment Act, R.S.O. 1990, c. A.31 Section 3.(1) 3.i	Exempt		No property taxes are paid
<b>Non Profit Organizations</b>	Land not used for residential purposes that is land owned or occupied by non profit organizations	O. Reg. 282/98: under Assessment Act, R.S.O. 1990, c. A.31 Section 3. (1) 2.iv.	Residential		Taxes are paid at the residential tax rate
<b>Charitable Organizations</b>	Charity means a registered charity as defined in subsection 248 (1) of the Income Tax Act (Canada) that has a registration number issued by the Canada Revenue Agency		Commercial/ Industrial	Rebate 40% available for eligible charities that occupy a taxable commercial or industrial space	Taxes are paid at the full commercial and industrial tax rate with a 40% rebate available from the municipality

Further explanation of the definitions can be found in the attached Appendix 1.

The Niagara Region's current policy meets the minimum criteria set out above and furthermore, extends the rebate to similar organizations. Current policy does not extend the rebate to other property classes (ie. Multi-Residential, Residential). The current treatment of tax rebates for Eligible Charities and Similar Organizations under Section 361 (1) of the Municipal Act, S.O. 2001, c. 25 provides property tax relief by offering a rebate of a portion of property taxes paid. Current legislation authorizes the municipality to rebate a minimum of 40% of total property taxes payable by a charity and is available to any registered charity occupying commercial or industrial property.

Similar Organization means an organization such as a Navy League or Veterans group as more particularly defined under sections 6.0 and 6.1 of the Assessment Act. Current legislation authorizes the municipality to rebate between 0% and 100% to organizations deemed to be similar to a charity. Similar Organizations have been defined as Legions and Veterans and currently receive 100% rebate.

No rebate has been established for not for profit organizations as they are classified as residential and already taxed at the lowest rate. The 1998 legislation did not increase taxes for those properties in this classification.

The Chart below outlines an example of property tax relief at 2016 rates for both Charitable and Not for Profit Organizations.

**Chart 2 – Comparison of Charitable and Not-for-Profit 2016 Property Taxes**

Current State			
	<b>Charitable Organization 361(1)</b>	<b>Not for Profit Organizations</b>	<b>Difference</b>
Property Tax Classification	Commercial	Residential	
Assessment	1,697,000	1,697,000	
Tax Rate	3.456243	1.482349	
Taxes	\$58,652	\$25,155	\$33,497
Rebate	40%	0%	
Total taxes to collect	<b>\$35,191</b>	<b>\$25,155</b>	<b>\$10,036</b>
City Portion to collect	<b>\$11,489</b>	<b>\$10,888</b>	<b>\$601</b>

The chart above shows how providing a 40% tax rebate to a charitable property with a tax classification of commercial puts the taxpayer in relatively the same position as a not for profit in a residential property tax class.

Section 361(4) of the Municipal Act, 2001, S.O. 2001, c. 25 permits a municipality may provide a tax rebate program for organizations that are similar to eligible charities or a class of such organizations as defined by the municipality. With respect to ethno cultural, the Region has not included them in the definition of Similar Organizations.

Municipalities also have the ability to further enhance the program as follows:

- may include organizations that are similar to registered charities, but do not have registered status
- may extend the rebate to other property classes
- may rebate more than the mandatory 40% (to 100% if desired).

The amount of a rebate paid under this section is shared by the municipalities (City and Region) and the School Boards from the taxes on the property, in the same proportion as the municipalities and school boards share in revenues.

In St. Catharines there are a number of properties classified as clubs; Lions Club, Optimist Club, Columbus Club, Club LaSalle, St Catharines Club, Big Brothers and Sisters Masonic Temple, Doric Club. All have a residential tax assessment and pay property taxes at the residential tax rate.

The City also has organizations classified as assembly and community halls; Armenian Community Centre, Club Roma, Moose Lodge, Polish Society, Mainstream, Ukrainian Black Sea Hall. All have a residential tax assessment and pay property taxes at the residential tax rate.

Staff have confirmed that none of the City's municipal comparators have extended their programs to include similar organizations to receive a charitable rebate. The only municipality staff are aware of, that extends to similar organizations is the City of Toronto. Furthermore, residential ratepayers are likely to be impacted by any reduction in revenue.

Should a tax rebate be introduced for ethno cultural organizations be chart 3 below illustrates possible rebate amounts ranging from \$57,000 to \$142,398 in addition to the \$94,369 already provided under the current Charitable Tax Rebate Program.

**Chart 3 – Financial Scenarios for Ethno Cultural Organizations**

<b>Property Tax Classification</b>	<b>Total Taxes 2016</b>	<b>2016 City's Portion of Taxes</b>	<b>60% Rebate City Portion</b>	<b>40% Rebate City Portion</b>
<b>Assembly Hall, Community Hall</b>	\$185,464	\$80,276	\$48,166	\$32,110
<b>Clubs- Private, Fraternal</b>	\$143,521	\$62,122	\$37,273	\$24,849
<b>Total Revenue</b>	<b>\$328,985</b>	<b>\$142,398</b>	<b>\$85,439</b>	<b>\$56,959</b>

## Financial Implications

In 2015, the City of St. Catharines' total rebate paid to Charitable Organizations was \$218,943. The City's portion was \$71,478. The total exemption provided to Legions and Veterans Organizations was \$51,476. The City's portion was \$22,891. Overall the City's total portion for charitable rebates was \$94,369. Including Not for Profit Clubs and Assembly Halls will have an additional impact ranging from \$57,000 to \$142,398 per year which will be absorbed by all the property tax classes. Based on 2016 tax rates, the estimated annual impact on the median residential customer of this tax policy change is forecasted to range between \$0.82 and \$2.04.

## Relationship to Strategic Plan

### Cultural Sustainability

#### GOAL:

Support cultural festivals and events that build civic pride, encourage local engagement and attract people in the community.

#### Actions:

1.1. Allocate funding and encourage strategies that will help to increase funding opportunities through community-led initiatives, such as crowd funding.

## Conclusion

Under subsection 361(4) of the Municipal Act, 2001, S.O. 2001, c. 25 Regional Council has the option to further provide greater than 40% as a charitable rebate. They also have the option to extend the Charitable Tax Rebate Program to tax classes other than commercial and industrial. Rebate amounts which could range from \$57,000 to \$142,398. These rebates would be in addition to the \$94,369 currently provided to

charitable organizations. Furthermore, all property tax classes are likely be impacted by additional tax rebates.

## **Notification**

Niagara Folk Arts Multicultural Centre  
85 Church St  
St Catharines, ON L2R 3C7

### **Prepared by:**

Lisa Read, Billing Manager

### **Submitted by:**

Kristine Douglas, CPA, CMA, Director Financial Management Services

### **Approved by:**

Shelley Chemnitz, CPA, CA, Commissioner of Corporate Services



## Definitions

### **CRA Definition:**

#### **Registered charities**

Registered charities are charitable organizations, public foundations, or private foundations that are created and resident in Canada. They must use their resources for charitable activities and have a charitable purpose that fall into one or more of the following categories:

- The relief of poverty
- The advancement of education
- The Advancement of religion
- Other purposes that benefit the community

Must apply to the Canada Revenue Agency (CRA) and be approved for registration as a charity. Registered charities are issued a charitable registration number once approved by the CRA.

### **Non Profit Organization Definition:**

Non Profit Organizations are associations, clubs or societies that are not charities and are organized and operated exclusively for social welfare, civic improvement, pleasure, recreation and other purpose except profit Non- Profit

Organizations do not have to go through the registration process for income tax purposes and they are not issued a charitable registration number.

If you are operating as charity, you cannot be considered a non-profit organization, even if you are not registered or cannot be a registered charity. You can only meet one definition, not both.

## **The Assessment Act:**

### **Residential Property Classification:**

The residential classification is provided in the Section 3. (1) 2.iv. O.Reg. 282/98 under the Assessment Act, 3. (1) 2. Land not used for residential purposes that is, IV. land owned and occupied by a non-profit service organization, a non-profit private club, a non-profit cultural organization or a non-profit recreational sports club, other than land used as a golf course or ski resort, where a “cultural organization” means an organization that is established and maintained for cultural activities for Canadians of a specific ethnic origin, including First Nations peoples; and a “service organization” means an organization whose primary function is to provide services to promote the welfare of the community and not only to benefit its members.

If these properties as above are leased to a tenant and the owner is not owning and operating on the property, the tenant would have to be reviewed and the area leased (if not all of the facility) would be subject to commercial tax classification. In addition, if a Hall is owned by a 'for profit' organization, the property's use would require a review and it would likely be eligible for the commercial property class.

### **Churches:**

Subsection 3. (1) All real property in Ontario is liable to assessment and taxation, subject to the following exemptions from taxation: 3.i of the Assessment Act provides property tax exemption for a Place of Worship: 3. (1) 3. Land that is owned by a church or religious organization or leased to it by another church or religious organization and that is, i. a place of worship and the land used in connection with it.

In this regard, the prevailing principle the courts have applied in determining whether a location is a place of worship is the "**predominant use**" or "**primary purpose**" test. In order to qualify for tax exempt status under this category, there must be some connection between the use of the connected location and the spiritual nature and purposes of the church.

Many halls located at a place of worship satisfy the exemption provision as 'a place of worship and the lands used in connection with it'. MPAC has the ability to undertake a review if there are properties where the church is leasing the associated hall to a taxable tenant. If this is the case then the tenant, would have to be reviewed to determine the use and associated tax classification.

November 9, 2016

To whom it may concern;

At the request of the City of St. Catharines Budget Standing Committee, associations identified as an Ethno-cultural Organization that own property within the city are being contacted for feedback on tax policy.

Several cultural organizations and clubs across the City of St. Catharines have expressed concerns to Council that taxes, in conjunction with operational expenses, are too high, which creates financial challenges for these organizations.

Properties across Ontario are assessed by the Municipal Property Assessment Corporation (MPAC) as Commercial or Residential. Assembly Halls, Community Halls, Clubs and Fraternities that are assessed as residential are taxed at the lowest rate the City can offer and as a result do not receive any rebates.

Council is reviewing the property tax status of these organizations and has requested additional analysis from the Budget Standing Committee. The motion being deliberated by the Committee requests the Region of Niagara consider a tax rebate program for ethno-cultural organizations that own property within the municipal boundaries.

The attached report was prepared for the City of St. Catharines Budget Standing Committee for review and further information. Upon its consideration at the October 17, 2016 meeting, the Committee voted unanimously to seek community feedback on the report prior to the next Committee meeting of November 14, 2016.

If you would like to provide feedback on the current tax policy, please submit your comments to [budget@stcatharines.ca](mailto:budget@stcatharines.ca). We ask that all comments be submitted Tuesday, November 8.

Sincerely,

Robyn Ertelt  
Administrative Assistant, Corporate Administration, City of St. Catharines  
On behalf of the Budget Standing Committee

**To:** [REDACTED]  
**Subject:** [budget](#)  
**Date:** Armenian Community Centre  
Monday, November 07, 2016 8:37:46 PM

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To Whom it may concern:

I am a member of a recovery group which meets in the Armenian Community Centre on Sunday mornings. The centre has kindly provided our group with a meeting space at reasonable rent for many years. Were it not for the centre, our group would have great difficulty in finding a place to meet, especially given that church halls and basements tend not to be available to outside groups on Sunday mornings. Our meeting is open to anyone who may wish to attend, and regularly draws more than 100 people. By making this space available, the Armenian Community Centre is providing an invaluable service to the St. Catharines community. I ask that you give due consideration to the centre's request for tax relief.

Yours sincerely,

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** Feedback on Tax Policy- Armenian Community Centre  
**Date:** Monday, November 07, 2016 8:18:41 PM

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Robyn Ertelt & St. Catharines Budget Committee,

I am writing you to share my experience as a member of the Armenian Community Centre (ACC). My husband, his entire family and I all spend countless hours at the club. Whether it be to participate in a social event, fundraiser or religious gathering, we spend much of our spare time with other members all helping to make the ACC a better place. There are several groups that volunteer their time to meet weekly/bi-weekly to organize and brainstorm different ideas for fundraising events and opportunities. The club is always looking for ways to raise money so the ACC is possible. We are working hard to ensure the ACC is lively so our children can grow up to be proud of their heritage and become integral members as they become adults.

The current tax policy is preventing the ACC from becoming the best it can be for all members. We are able to book weddings and events to help cover much of the costs to keep the community centre running, but the fees are becoming too much. As of late, taxes have become high and something needs to change. All of the money that gets raised needs to go back into the club to allow us to celebrate our culture and our future generation.

Thank you for taking the time to hear our perspective.

[REDACTED]

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**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** TAX RELIEF - ARMENIA COMMUNITY CENTRE  
**Date:** Monday, November 07, 2016 11:59:11 AM

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**TO WHOM IT MAY CONCERN**  
**CITY OF ST. CATHARINES BUDGET STANDING COMMITTEE**

I am writing to you as an authorized member of a Group of Individuals who regularly use the facilities of the Armenian Community Centre to support the Centre in its quest for consideration of your tax policy changes.

The Armenian Centre provides us with regular attendance of 100 plus individuals on a regular visit, along with kitchen facilities and storage of our materials required for our Group.

This enables us to provide:

1. Community awareness of our Group & key meeting place for international immigrants
2. Most importantly a spiritual meeting place for individuals in recovery open to all segments of society fostering a medium for fellowship.

We have been honoured by the Armenian Community Centre and value the opportunity the provide by supporting us over the years.

Respectfully

[REDACTED]

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**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** Tax relief for Armenian community centre  
**Date:** Monday, November 07, 2016 11:34:05 AM

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Dear Madam/Sir

It has come to our attention that the Armenian community centre is seeking property tax reduction in order to be able to maintain a level of community service to area residents.

I am in complete support of this request.

I am involved with a community service group which houses recovering alcoholics and addicts.

We use the facilities at the Armenian centre on a weekly bases at a cost which is just barely affordable

to us given as we are a donation based group.

It is our concern that if the Armenian centre cannot provide us with the rate that we now pay we would be

forced to abandon our weekly recovery sessions and hundreds of people with a residual effect to Thousands

would be directly impacted thus causing an even greater burden on the system .

It is my suggestion that the difference in the tax reduction and the cost of emergency and community services

to all these people would justify a consideration for tax relief for the Armenian centre.

If you have any questions or require further information please do not hesitate to contact me directly.

Remaining

Yours truly

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** Tax Relief for the Armenian Community Centre  
**Date:** Sunday, November 06, 2016 8:57:33 PM

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Dear Budget Committee,

Please find this e-mail as my personal request regarding Tax Relief for the Armenian Community Centre (ACC). As a weekly participant in a community fellowship held at the ACC, I appreciate the Community Centre welcoming our group and fostering a sense of belonging and community within the Niagara Region. As such, I believe they are a worthy institution to receive tax relief in the City of St. Catharines.

Thank you for your attention to this request. Should you need or seek further clarification please do not hesitate to contact me.

Sincerely,

[REDACTED]



**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** taxation on city cultural centres  
**Date:** Tuesday, November 08, 2016 2:12:51 PM

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To Whom It May Concern:

re the property tax status of St. Catharines cultural organizations and clubs

I don't believe anyone would argue that cultural organizations positively contribute to the vibrancy of any city. In fact, St. Catharines has built an entire cultural event (the Niagara Folk Arts Festival) around the existence of its numerous ethnic organizations and facilities. Each year this event draws thousands of visitors and consequently a great deal of money into the city.

It appears, however, that the city is not responding in kind to this positive contribution. By placing these organizations under an ever increasing financial burden through rising taxation St. Catharines risks losing them and that would be both a moral and financial blow to the community.

I find it ironic that religious organizations such as churches have tax exempt status yet cultural centres, which often serve a broader clientele and provide a wider variety of services to citizens of the region do not get similar consideration.

As a life long resident of the city I have frequently availed myself of the services they have to offer, not just at the Folk Arts Festival but others as well. Just this past Saturday evening I attended a fundraiser for the Down Syndrome Caring Parents (Niagara) organization at the Armenian Community Centre on Martindale Road. A few months ago I attended a fundraiser for St. Peter School which was held at Club Roma on Vansickle Rd.

I have ask where organizations like these will turn if the cultural centres that host them (usually at very reasonable cost) are forced to close due to an unreasonable tax burden.

Given that most of these cultural organizations are non-profit and usually run largely by volunteers they are obviously not getting rich and or paying their employees large salaries so very few people are benefitting personally. Given that fact, I fail to see why St. Catharines cannot take steps to ensure that these groups, which provide a net positive gain to the city, remain viable.

In closing, let me say that I believe a city the size of St. Catharines can manage to do with a little less tax revenue from these organizations and I feel strongly that some form of tax reduction or tax rebate system should be instituted to make sure that they continue to function.

Thank you for your time.

Yours truly,

[REDACTED]

**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** Club Roma Tax Policy  
**Date:** Monday, November 07, 2016 4:51:12 PM

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Hi Robyn,

We at Club Roma feel that non-profit organizations deserve equal tax rebate to charitable organizations. Our most recent tax assessment stated that we would be subject to a 1.4M increase over the next four years. In 8 of the last 10 years we have operated in the red and have just recently come in to the black. By moving in to the black we have been able to contribute to several charitable organizations. We feel that a tax rebate would help us continue to provide charity. These are some of the organizations that we are affiliated with:

- Kristen French Child Advocacy
- Maycourt
- Bethesda
- Mainstream
- Niagara Sexual Assault Centre
- Niagara Peninsula Children's Centre
- Post Secondary scholarships
- Big Move Cancer Ride
- Numerous sporting events for fundraising
- Run for the Grapes

This list does go on,

Stephen Kohut  
Food and Beverage Manager  
Club Roma  
W: 905-682-7621 #22  
[REDACTED]

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**From:** [REDACTED]  
**To:** [budget](#)  
**Subject:** TAXES FOR CLUB  
**Date:** Tuesday, November 08, 2016 6:23:34 AM  
**Attachments:** [Scan 001.pdf](#)

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Good Morning,

We thank you for sending us this letter about the tax policy.

We as a club have been struggling for a few years to be able to function as a non-profit organization.

Club La Salle was established in 1957 for people to gather from the community, to enjoy social events.

With the increasing taxes and cost continually rising it has been challenging to stay afloat. This location was chose years ago with minimal taxes. Currently our taxes for 2016 are \$ 35,502.29.

To be able to pay this amount we have had to borrow from our line of credit from time to time to pay for our taxes.

If the taxes continue to rise where would the people of our community, go to have a good social establishment to teach our kids friendship and honor our heritage?

There will be fewer Clubs. Many have closed.

We would like to continue hearing about this tax policy.

Much appreciated

Regards,

The board of Directors of Club La Salle

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