

**CITY OF HAMILTON**

**CORPORATE SERVICES DEPARTMENT**  
*Treasury Services Division (Taxation)*

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| <b>TO:</b> Chair and Members<br>Audit, Finance and Administration<br>Committee   | <b>WARD(S) AFFECTED:</b> CITY WIDE                        |
| <b>COMMITTEE DATE:</b> January 18, 2012  |   |
| <b>SUBJECT/REPORT NO:</b><br>Tax Appeals Under Section 357 and 358 of the Municipal Act (2001) (FCS12007)<br>(City Wide) |   |
| <b>SUBMITTED BY:</b><br>Antonio D. Tollis<br>Treasurer<br>Corporate Services Department                                  | <b>PREPARED BY:</b><br>Val Mitchell 905-546-2424 ext 2776 |
| <b>SIGNATURE:</b>  |   |

**RECOMMENDATION**

- (a) That Appendix "A" attached to Report FCS12007 respecting the "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001", in the amount of \$37,232 be approved;
- (b) That Appendix "B" attached to Report FCS12007 respecting the "Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001", in the amount of \$7,889 be approved.

**EXECUTIVE SUMMARY**

Section 357 of the Municipal Act allows the taxpayer, through the Treasurer's Office, to submit an application to cancel, reduce or refund all or part of the taxes levied on the land in the year in respect of which the application is made as a result of a change of

use; damage to a property rendering it partially or totally unusable; or a gross or manifest error that is clerical in nature.

Examples of such applications are:

- mid-year purchase of a property by an exempt body
- fire or flood damage to all or partial property
- an assessment error in entering a property value

Section 358 of the Municipal Act, 2001 allows the taxpayer, through the Treasurer's Office, to appeal assessment as supplied by the Municipal Property Assessment Corporation (MPAC) they believe have been overcharged, due to gross or manifest clerical error, on the part of MPAC. They are allowed to appeal current, plus prior two years, in which the application is made. This section also allows for the reduction of taxes, due to such errors, once confirmed by the Regional Assessment Office of MPAC.

Examples of such applications are:

- a transposition of figures
- a typographical error
- a duplicate property created

***Alternatives for Consideration – Not Applicable.***

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

**Financial:** The taxes that will be written-off under Section 357, total \$37,232 and taxes that will be written-off under Section 358, total \$7,889 for a total amount of \$45,121 of which \$16,566 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$28,555 will be charged to the operating budget (HAMTN 52108-21102).

**HISTORICAL BACKGROUND** (Chronology of events)

Appendix "A" to Report FCS12007 "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001" and Appendix "B" to Report FCS12007 "Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001" have been reviewed by MPAC and have been approved or denied by them. Taxation Division staff have calculated any refunds/reductions that are due which now require Council approval. Applicants have thirty-five days after Council has rendered its'

decision to appeal any Section 357 decision through the Assessment Review Board (ARB). Section 358 decisions are final.

### **POLICY IMPLICATIONS**

Section 357 and 358 of the Municipal Act.

### **RELEVANT CONSULTATION**

Municipal Property Assessment Corporation (MPAC).

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

The Section 357 applications allow for the Municipality and MPAC to quickly rectify assessment classification changes since the return of the year end assessment roll.

The Section 358 applications allow the taxpayer to rectify prior year's errors through the municipality and the local assessment office.

Both processes allow errors to be quickly rectified without having to go through the formal assessment review process.

### **ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

None, this is a legislated process under the Municipal Act, 2001.

### **CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,  
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,  
6. Environmental Stewardship, 7. Healthy Community

Skilled, Innovative & Respectful Organization

**APPENDICES / SCHEDULES**

Appendix "A" to Report FCS12007 - Tax Write-Offs Processed Under Section 357 of the Municipal Act, 2001.

Appendix "B" to Report FCS12007 - Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001

City of Hamilton  
Corporate Services Department  
Taxation Division  
Section "357" Appeals of the Municipal Act, 2001

| Appeal No. | Property Address     | Roll Number     | Explanation   | YEAR |
|------------|----------------------|-----------------|---|------|
| 357-10-074 | 88 Forsyth Ave N     | 010051006000000 | Exemption denied. Not being used as a place of worship.               | 2010 |
| 357-10-184 | 74 Green Mountain Rd | 003610746000000 | Tax Class Conversion no longer a business in the home                 | 2010 |
| 357-10-259 | 249 Caroline St S    | 020131513900000 | Exempt Homestead Christian Care now using 100% of the building        | 2010 |
| 357-10-273 | 70 King St W         | 003380170000000 | Exempt - City purchase  | 2010 |
| 357-10-274 | 475 Seaman St        | 003130340000000 | Tax Class Conversion processed through MOS                            | 2010 |
| 357-10-319 | 1495 Burlington St E | 040323085500000 | Demolition handled through MOS  | 2010 |
| 357-11-001 | 349 Arvin Ave        | 003140064000000 | Tax Class Conversion handled through PRAN                             | 2011 |
| 357-11-040 | 249 Caroline St S    | 020131513900000 | Exempt Homestead Christian Care now using 100% of the building        | 2011 |
| 357-11-069 | 65-69 King St W      | 260200028000000 | Fire January 2010 building still under repair                         | 2011 |
| 357-11-101 | 1254 Old Highway 8   | 301610388000000 | Tax Class Conversion no longer a business in the home                 | 2011 |
| 357-11-129 | 9879 Airport Rd      | 902510006000000 | Demolition of vandalized house  | 2011 |
| 357-11-147 | 0 Governors Rd       | 140120124500000 | Exempt purchased by Conservation Authority                            | 2011 |
| 357-11-157 | 430 McNeilly Rd      | 003110339000000 | Exempt part of the building occupied by hospital                      | 2011 |
| 357-11-159 | 175 Mary St          | 020156052200000 | Demolition of the original structure                                  | 2011 |
| 357-11-162 | 105 Belmont Ave      | 040282066900000 | Gross or Manifest Error MPAC had incorrect information                | 2011 |
| 357-11-101 | 106 Sherwood Rise    | 060551005500000 | Gross or Manifest Error pool removed prior to 06 still on the roll    | 2011 |
| 357-11-103 | 29 Miles Rd          | 060761087200000 | Gross or Manifest Error carport removed in the 70's still on the roll | 2011 |
| 357-11-109 | 23 Princess St       | 260180034000000 | Demolition of part of the structure now rebuilding                    | 2011 |
| 357-11-175 | 65 Guise St          | 020166020600000 | Gross or Manifest Error supplementary billed on wrong property        | 2011 |
|            |                      |                 | <b>Total</b>  |      |

| Amount            |
|-------------------|
| 0.00              |
| -2,849.52         |
| -3,026.56         |
| -2,883.84         |
| 0.00              |
| 0.00              |
| 0.00              |
| -3,162.92         |
| -5,625.77         |
| -3,801.69         |
| -293.07           |
| -31.74            |
| -13,104.68        |
| -1443.71          |
| -84.45            |
| -197.60           |
| -84.96            |
| -625.71           |
| -15.34            |
| <b>-37,231.56</b> |

City of Hamilton  
Corporate Services Department  
Taxation Division  
Section "358" Appeals of the Municipal Act, 2001  
Realty Tax Applications for overcharges

B- overcharge (Assessment Roll)  
B1 -overcharged-application denied  
E - Exempt

| Appeal No. | Property Address   | Roll Number     | Reason | Explanation   | Year | Amount           |
|------------|--------------------|-----------------|--------|---|------|------------------|
| 358-10-101 | 14 Hill St         | 010091545300000 | B1     | Valuation a matter of opinion not an error                        | 2009 | 0.00             |
| 358-11-097 | 105 Belmont Ave    | 040282066900000 | B      | Garage torn down years ago, basements not "finished"              | 2010 | -83.32           |
| 358-11-098 | 105 Belmont Ave    | 040282066900000 | B      |   | 2009 | -81.38           |
| 358-11-100 | 106 Sherwood Rise  | 060551005500000 | B      | Former owners removed in ground pool, still reflected on the roll | 2010 | -195.60          |
| 358-11-101 | 106 Sherwood Rise  | 060551005500000 | B      |   | 2009 | -191.70          |
| 358-11-102 | 29 Miles Rd        | 060761087200000 | B      | The car port fell down during a snow storm in the 70's            | 2010 | -84.36           |
| 358-11-103 | 29 Miles Rd        | 060761087200000 | B      |   | 2009 | -82.99           |
| 358-11-072 | 1254 Old Highway 8 | 301610388000000 | B      | The country store was closed in 2007 still reflected on the roll  | 2010 | -3667.63         |
| 358-11-073 | 1254 Old Highway 8 | 301610388000000 | B      |   | 2009 | -3502.33         |
|            |                    |                 |        | <b>Total</b>  |      | <b>-7,889.31</b> |