

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT Treasury Services Division (Taxation)

TO: Chair and Members
Audit, Finance and Administration
Committee

COMMITTEE DATE: February 13,2012

SUBJECT/REPORT NO:
Tax Appeals Under Section 357 and 358 of the Municipal Act (2001) (FCS12007(a))
(City Wide)

SUBMITTED BY:
Antonio D. Tollis
Treasurer
Corporate Services Department

SIGNATURE:

WARD(S) AFFECTED: CITY WIDE

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RECOMMENDATION

- (a) That Appendix "A" attached to Report FCS12007(a) respecting the "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001", in the amount of \$43,563 be approved;
- (b) That Appendix "B" attached to Report FCS12007(a) 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 \$20,964 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

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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 \$43,563 and taxes that will be written-off under Section 358, total \$20,694. for a total amount of \$64,257 of which \$15,659 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$48,598 will be charged to the operating budget (HAMTN 52108-21102).

HISTORICAL BACKGROUND (Chronology of events)

Appendix "A" to Report FCS12007(a) "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001" and Appendix "B" to Report FCS12007(a) "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'

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

POLICY IMPLICATIONS

Section 358 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

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APPENDICES / SCHEDULES

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

Appendix "B" to Report FCS12007(a) - 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
357-11-196	70 King St W	003380170000000	Exempt City purchased	2011
357-11-190	23-25 Lake Ave S	003480112000000	Exempt building demolished area used for handicap access to place of worship	2011
357-11-136	77 James St N	020124024800000	Exempt City occupies Suite 305	2011
357-10-196	4 Tiffany St	020125576200000	Exempt Denied - purchased by the City tenants still occupying the space	2010
357-10-290	28 Rebecca St	020154500400000	Exemption denied does not meet criteria as "small theatre"	2010
357-09-145	53 Gibson Ave	030235004900000	Tax Class Conversion IT to CT used but not owned by religious organization	2009
357-11-043	53 Gibson Ave	030235004900000	Tax Class Conversion IT to CT used but not owned by religious organization	2011
357-11-201	150 Hillyard St	030272024700000	Tax Class Conversion tenant vacated Oct 31st (Scrapman)	2011
357-11-201	150 Hillyard St	030272024700000	Tax Class Conversion tenant vacated Oct 31st (Scrapman)	2011
357-11-182	597 Upper Ottawa St	060563010300000	Fire in March 2011 rendering the home unliveable	2011
357-11-104	280 East 24th	070665017000000	Tax Class Conversion now all residential	2011
357-10-166	666-682 Concession St	070672008400000	Exempt Hamilton Health Sciences	2010
357-10-167	666-682 Concession St	070672008400000	Exempt Hamilton Health Sciences	2010
357-10-232	666-682 Concession St	070672008400000	Exempt Hamilton Health Sciences	2010
357-11-105	1304 Upper Gage	070691053600000	Exemption the site if vacant land not used in conjunction with adjoining place of worship	2011
357-10-294	631 Mohawk Rd W	081071035500000	Exempt now used in conjunction with the place of worship	2010
357-11-106	157 Terrence Park	140230356000000	Gross or Manifest Error billed twice old and new house	2011
357-11-052	1123 Garner Rd E	140280158000000	Gross or Manifest Error billed twice	2011
357-11-168	202 Rosemary Lane	140350170000000	Demolition of old house	2011
357-11-169	48 King St W	260190072000000	Demolition of original structures	2011
357-11-110	3 Delsey St	260220364000000	Demolition of garage	2011
357-11-178	0 Highway 403	260270119070000	Exempt property part of Highway 403	2011
357-11-171	1300 Highway 5 W	301240644000000	Exempt property purchased by MTO in January /11	2011
357-11-172	1300 Highway 5 W	301240644000000	Exempt remainder of property purchased by MTO in November /11	2011
357-11-170	1054 4th Con Rd W	302310018000000	Demolition of original structures	2011
357-11-111	224 5th Con Rd E	303420170000000	Demolition of original house	2011
357-11-189	9300 Airport Rd	903310322170000	Exempt tenant vacated June 30 (LK Trailers)	2011
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Amount
-998.01
-971.76
-13,464.36
0.00
0.00
-2,800.84
-4,524.98
1,292.62
-1,293.63
-384.53
-318.46
-2,111.40
-1,053.64
-532.18
0.00
-2,616.01
-2,050.74
-1,530.47 -984.16
-1,839.68 -25.68
-5,267.05
-1,129.56
-289.09
-443.50
-213.78
-12.95
-43,563.84
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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
22863	53 Gibson Ave	030235004900000	В	Tax Class Conversion IT to CT used but not owned by religious organization	2010	-4516.53
22895	4 Fall Fair Way	901340041010000	Е	Lands dedicated to the City	2010	-17.39
23452	631 Mohawk Rd W	081071035500000	Е	Now used as being part of the "place of worship"	2009	-2549.00
23779	77 James St N	020124024800000	Е	Exempt Suite 305 used as capital facility	2010	-13080.60
22894	10 Fall Fair Way	901340040900000	Е	Lands dedicated to the City	2010	-530.54
				Total		-20,694.06