




Hamilton

CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Taxation Division

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	January 22, 2018
SUBJECT/REPORT NO:	Tax Appeals under Sections 357 and 358 of the <i>Municipal Act, (2001)</i> (FCS18008) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Val Mitchell (905) 546-2424 Ext. 2776
SUBMITTED BY:	Rick Male Director, Financial Services, Taxation and Corporate Controller Finance and Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That Appendix "A" to Report FCS18008 respecting the Tax Appeals processed under Section 357 of the *Municipal Act, (2001)*, in the amount of \$38,681 be approved;
- (b) That Appendix "B" to Report FCS18008 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 \$3,861 be approved.

EXECUTIVE SUMMARY

Section 357 of *Municipal Act, (2001)* 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; and,
- an assessment error in entering a property value.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Tax Appeals under Sections 357 and 358 of the *Municipal Act, (2001)*
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Section 358 of *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; and,
- a duplicate property created.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The taxes that will be written-off under Section 357, total \$38,681 and taxes that will be written-off under Section 358, total \$3,861, for a total amount of \$42,542 of which \$8,912 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$33,630 will be charged to the operating budget (HAMTN 52108-252013).

Staffing: Not Applicable

Legal: Not Applicable

HISTORICAL BACKGROUND

Appendix "A" attached to Report FCS18008 Tax Appeals processed under Section 357 of the *Municipal Act, (2001)* and Appendix "B" attached to Report FCS18008 Tax Appeals due to 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 has calculated any refund / reductions that are due which now require Council approval. Applicants have 35 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 AND LEGISLATED REQUIREMENTS

Sections 357 and 358 of the *Municipal Act, (2001)*.

RELEVANT CONSULTATION

Municipal Property Assessment Corporation (MPAC).

ANALYSIS AND RATIONALE FOR RECOMMENDATION

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 years' 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

There are no other alternatives as this is a legislated process under the *Municipal Act, (2001)*.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Tax Appeals processed under Section 357 of the *Municipal Act, (2001)*.

Appendix "B" – Tax Appeals due to Gross or Manifest or Clerical error, Pursuant to Section 358 of the *Municipal Act, (2001)*.

VM/cr

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

357-16-240	15 Queen St S	Demolition not processed adjustment of tax class creates a debit	2016	0.00
357-16-299	726 Strathearne Ave	Tax Class Conversion McAsphalt Marine reduce from 392,376 to 368,826	2015	1803.41
357-16-299a	726 Strathearne Ave	Tax Class Conversion McAsphalt Marine reduce from 392,376 to 368,826	2015	-2388.21
357-16-300	726 Strathearne Ave	Tax Class Conversion McAsphalt Marine reduce from 392,376 to 368,826	2016	2504.64
357-16-300a	726 Strathearne Ave	Tax Class Conversion McAsphalt Marine reduce from 392,376 to 368,826	2016	-3216.96
357-16-372	509 Concession 5 Rd E	Tax Class Conversion farm status granted by OMAFRA	2016	-3,476.31
357-16-376	2120 Concession 10 Rd W	Fire denied the building was never assessed	2016	0.00
357-16-377	600 Concession 5 Rd W	Tax Class Conversion processed on PRAN	2016	0.00
357-17-010	812 King St W	Fire building will not be accessible until sometime in 2018	2017	-5,122.07
357-17-031	123 Middletown Rd	Demolition of one storey single family dwelling	2017	-2,189.52
357-17-054	88 Forsyth Ave N	Exempt part of McMaster University	2017	-13,943.23
357-17-094	208 Barton St	Exempt now a Place of Worship Bosnian Islamic Centre	2017	-1,126.18
357-17-105	154 Jackson St E	Tax Class Conversion now residential	2017	-3,903.69
357-17-112	671 Tate Ave	Exempt now a Place of Worship God's Kingdom Society of the Living God Corp	2017	-2,174.07
357-17-125	679 Highway 52 N	Demolition of 2 storey single family dwelling	2017	-801.03

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Section 357 Tax Appeals of the *Municipal Act, 2001*

357-17-180	1161 Settlers Rd	Demolition of 2 storey single family dwelling	2017	-294.70
357-17-192	2740 Wilson St W	Demolition of 2 storey single family dwelling	2017	-111.38
357-17-196	102 First Rd W	Demolition of 1 storey single family dwelling	2017	-790.66
357-17-199	216 Cedardale Ave	Demolition of 1 storey single family dwelling	2017	-255.79
357-17-200	39 Cameron Dr	Demolition of 1 storey single family dwelling	2017	-367.21
357-17-201	630 Lions Club Rd	Demolition of house increases the value of the property	2017	0.00
357-17-207	94 Lovers Lane	Demolition of 1 storey single family dwelling	2017	-186.39
357-17-208	35 Chester Rd	Demolition of house	2017	-253.97
357-17-209	253 Fiddlers Green Rd	Demolition of 1 storey single family dwelling	2017	-70.24
357-17-210	105 Byron Ave	Demolition of 1 storey single family dwelling	2017	-778.51
357-17-211	132 Slinger Ave	Demolition of 1 storey single family dwelling	2017	-671.54
357-17-214	19 Athens Ave	Demolition of 1 ½ storey single family dwelling	2017	-552.53
357-17-216	41 Oak Ave	Demolition of house	2017	-314.70
			TOTAL	-38,680.84

City of Hamilton
Corporate Services Department
Taxation Division
Section 358 Tax Appeals of the *Municipal Act, 2001*

358-17-035	0 McNeilly Rd	Gross or Manifest error the roll was created in error	2016	-2,029.78
358-17-035	0 McNeilly Rd	Gross or Manifest error the roll was created in error	2016	-1,831.09
			TOTAL	-3,860.87