

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Treasury Services Division (Taxation)

TO: Chair and Members Audit, Finance and Administration Committee	WARD(S) AFFECTED: CITY WIDE
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	PREPARED BY: Val Mitchell 905-546-2424 ext 2776
SIGNATURE:	

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

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'

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(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

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

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	B	Tax Class Conversion IT to CT used but not owned by religious organization	2010	-4516.53
22895	4 Fall Fair Way	901340041010000	E	Lands dedicated to the City	2010	-17.39
23452	631 Mohawk Rd W	081071035500000	E	Now used as being part of the "place of worship"	2009	-2549.00
23779	77 James St N	020124024800000	E	Exempt Suite 305 used as capital facility	2010	-13080.60
22894	10 Fall Fair Way	901340040900000	E	Lands dedicated to the City	2010	-530.54
				Total		-20,694.06