



CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Taxation Division

TO: Mayor and Members General Issues Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: July 9, 2012	
SUBJECT/REPORT NO: Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS12007(e)) (City Wide)	
SUBMITTED BY: Roberto Rossini General Manager Finance & Corporate Services Department	PREPARED BY: Val Mitchell (905) 546-2424 ext 2776
SIGNATURE:	

RECOMMENDATION

- (a) That Appendix “A” attached to Report FCS12007(e) respecting the “Tax Write-Offs processed under Section 357 of the Municipal Act, 2001”, in the amount of \$84,304 be approved;
- (b) That Appendix “B” attached to Report FCS12007(e) 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 \$154,780 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 \$84,304 and taxes that will be written-off under Section 358, total \$154,780 for a total amount of \$239,084 of which \$85,734 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$153,350 will be charged to the operating budget (HAMTN 52108-21102).

HISTORICAL BACKGROUND (Chronology of events)

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

Sections 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(e) - Tax Write-Offs Processed Under Section 357 of the Municipal Act, 2001.

Appendix "B" to Report FCS12007(e) - 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	Amount
357-09-271	21 King St W	020124000100000	Exempt City leasing the 11th floor now a Capital Facility	2009	-1,760.18
357-10-290	28 Rebecca St	020154500400000	Exempt main theatre smaller theatre does not meet the correct criteria	2010	-14,438.57
357-11-033	164 Kensington Ave n	040282528200000	Exempt - Place of Worship	2011	-7,321.52
357-11-074	1209-1213 Main St E	040312584500000	Exempt - Place of Worship	2011	-6,821.27
357-11-093	1 Charlton Ave E	020130506800000	Tax Class Conversion now used as residential	2011	-4,010.99
357-11-094	150 Main St E	020144594500000	Tax Class Conversion industrial / commercial split adjusted	2011	-8,101.67
357-11-102	45 Lancing Dr Unit 8	060721059480000	Exempt - food bank storage	2011	-1,665.77
357-11-112	Grassplain Dr	902110029970000	Exempt City purchase	2011	-121.75
357-11-113	9879 Airport Rd	902510006000000	Exempt denied property being farmed	2011	0.00
357-11-114	1405 Upper James St	070861031000000	Demolition of Cineplex theatre	2011	0.00
357-11-207	28 Rebecca St	020154500400000	Exempt main theatre smaller theatre does not meet the correct criteria	2011	-13,744.62
357-11-220	16 Winona Park Rd	003020052000000	Demolition of garage	2011	-40.42
357-11-224	1384 Ridge Rd	003410016000000	Fire - the original house demolished	2011	-783.18
357-11-242	262 Cedarale Ave	003280388000000	Major Renovations problem with plumbing and electrical	2011	-274.25
357-11-255	1239 Old Highway 8	301610338000000	Demolition of part of the house	2011	-308.90
357-11-258	3151 Hendershott Rd	901410220000000	Demolition of barns	2011	-17.66
357-12-001	237 Federal St	003280482000000	Demolition of original house in 2011	2011	-607.21
357-12-002	734 Barton St E	003240298000000	Fire the house is severely damaged and unoccupied	2012	-1,498.76
357-12-003	103-105 Highway 8	003360342000000	Demolition of all structures on property	2012	-5,528.45
357-12-008	15 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	15,111.17
357-12-008	15 Hillyard St	031247000700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-15,111.17
357-12-010	O Pritchard	060581054400000	Exempt City purchase	2012	-2,653.46
357-12-012	116 Glanaster Rd	140420286000000	Demolition of old house property now consolidated with abutting school	2012	-1,290.14
357-12-013	512 Carlisle Rd	303810054000000	Tax Class Conversion gravel pit closed	2012	-679.73
357-12-014	1239 Old Highway 8	301610338000000	Demolition of part of the house	2012	-313.83
357-12-018	1645 Rymal Rd E	060591042100000	Exempt City purchase	2012	-3,886.64
357-12-020	208 Hillyard St	030272024600000	Tax Class Conversion Port Authority had tenants vacate premises	2012	2,873.32
357-12-020	208 Hillyard St	031246000030000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-2,873.32
357-12-021	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	879.21
357-12-021	150 Hillyard St	031247000710000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-879.21
357-12-022	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	19,496.73
357-12-022	150 Hillyard St	031247000710000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-19,496.73
357-12-023	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	744.52
357-12-023	150 Hillyard St	031247001900000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-744.52
357-12-024	9300 Airport Rd	903310322070000	Exempt - vacant space at Airport	2011	-2,165.58
357-12-025	9300 Airport Rd	903310322070000	Exempt - vacant space at Airport	2011	-692.86
357-12-027	28 Carling St	010054070200000	Tax Class Conversion now used as residential	2012	-179.25
357-12-029	47 East Ave N	030213003700000	Tax Class Conversion handled through omit	2012	0.00
357-12-032	1625 Burlington St E	040323083400000	Tax Class Conversion Port Authority had tenants vacate premises	2012	289.56
357-12-032	1625 Burlington St E	041834000610000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-289.56
357-12-033	958 Beach Blvd	050512062200000	Exempt City purchase	2012	-1,085.66
357-12-034	962 Beach Blvd	050512062220000	Exempt City purchase	2012	-1,054.94
357-12-035	966 Beach Blvd	050512062240000	Exempt City purchase	2012	-1,054.94
357-12-036	970 Beach Blvd	050512062260000	Exempt City purchase	2012	-1,054.94
357-12-037	974 Beach Blvd	050512062280000	Exempt City purchase	2012	-1,044.70
357-12-039	142 Mud St	060581082300000	Gross or Manifest Error barn demolished in 09 still on the roll	2012	-128.28
357-12-042	Whittington Dr	140280383800000	Exempt property deemed to the City under subdivision agreement	2012	-74.28
357-12-045	804 Beach Blvd B	050512049300000	Tax Class Conversion Port Authority had tenants vacate premises	2012	5,836.45
357-12-045	804 Beach Blvd B	051493001100000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-5,836.45
357-12-046	208 Hillyard St	030272024600000	Tax Class Conversion Port Authority had tenants vacate premises	2012	674.61
357-12-048	150 Hillyard St	031247002200000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-2,693.76
357-12-049	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	8,092.47
357-12-049	150 Hillyard St	031247002900000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-8,092.47
357-12-050	150 Hillyard St	030272024700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	86.79
357-12-050	150 Hillyard St	031247002700000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-86.79
357-12-051	450 Sherman Ave N	030272024300000	Tax Class Conversion Port Authority had tenants vacate premises	2012	1,358.10
357-12-051	450 Sherman Ave N	031243000370000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-1,358.10
357-12-052	450 Sherman Ave N	030272024300000	Tax Class Conversion Port Authority had tenants vacate premises	2012	3,094.07
357-12-052	450 Sherman Ave N	031243000400000	Tax Class Conversion Port Authority had tenants vacate premises	2012	-3,094.07
			TOTAL		-84,304.40

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
358-10-121	28 Rebecca St	020154500400000	E	Main theatre exempt - smaller theatre does not meet criteria	2009	-15,176.85
358-10-122	28 Rebecca St	020154500400000	E		2008	-17,972.06
358-11-107	333-337-Arvin St	003140072000000	B	MPAC overstated the exterior wall and interior office space	2009	-1,952.61
358-11-107	1053 Barton St E	003110363000000	B	MPAC corrected structure span and number of interior walls	2009	-1,700.21
358-11-108	324 South Service Rd	003140100000000	B	MPAC corrected size of perimeter wall and 2nd floor area	2009	-385.16
358-11-137	1239 Old Highway	301610338000000	B	Part of the basement and the rear portion of the building were demolished when addition was added area still on the roll	2010	-304.25
358-11-138	1239 Old Highway	301610338000000	B		2009	-293.72
358-12-001	112 King St E	020151504300000	B	Property is no longer functioning or operating as a hotel since 2006.	2011	-37,043.95
358-12-002	112 King St E	020151504300000	B	The interior demolition of hotel has turned the building into a shell.	2010	-38,914.21
358-12-003	112 King St E	020151504300000	B	Valuation changed from income to cost	2009	-40,903.99
358-12-005	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	218.75
358-12-005	150 Hillyard St	031247000710000	B		2011	-218.75
358-12-006	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	15,299.82
358-12-006	150 Hillyard St	031247001900000	B		2011	-15,299.82
358-12-010	142 Mud St	060581082300000	B	Gross or Manifest Error barn demolished in 09 still on the roll	2011	-128.43
358-12-011	142 Mud St	060581082300000	B		2010	-128.65
358-12-018	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	1,102.18
358-12-018	150 Hillyard St	031247002200000	B		2011	-1,067.75
358-12-019	150 Hillyard St	030272024700000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	14.36
358-12-019	150 Hillyard St	031247002700000	B		2011	-14.80
358-12-020	450 Sherman Ave N	030272024300000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	2,063.89
358-12-020	450 Sherman Ave N	031243000400000	B		2011	-1,966.31
358-12-021	208 Hillyard St	030272024600000	B	Tax Class Conversion Port Authority had tenants vacate premises	2011	15,090.25
358-12-021	208 Hillyard St	031246001200000	B		2011	-15,092.50
358-12-022	208 Hillyard St	030272024600000	B	Tax Class Conversion Port Authority had tenants vacate premises	2010	14,776.12
358-12-022	208 Hillyard St	031246001200000	B		2010	-9,943.77
358-12-022	208 Hillyard St	031246001250000	B		2010	-4,829.77
358-12-023	208 Hillyard St	030272024600000	B	Tax Class Conversion Port Authority had tenants vacate premises	2009	14,385.11
358-12-023	208 Hillyard St	031246001200000	B		2009	-9,687.46
358-12-023	208 Hillyard St	031246001250000	B		2009	-4,705.22
				Total		-154,779.76