

CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT Taxation Division

TO: Chair and Members of Audit Finance and Administration	WARD(S) AFFECTED: CITY WIDE						
COMMITTEE DATE: September 9, 2013							
SUBJECT/REPORT NO: Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS13027(d)) (City Wide)							
SUBMITTED BY: Mike Zegarac Acting General Manager Finance and Corporate Services SIGNATURE:	PREPARED BY: Val Mitchell (905) 546-2424 ext. 2776						

RECOMMENDATION

- (a) That Appendix "A" attached to Report FCS13027(d) respecting the "Tax Appeals processed under Section 357 of the Municipal Act, 2001", in the amount of \$23,464 be approved;
- (b) That Appendix "B" attached to Report FCS13027(d) 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 \$5,943 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 \$23,464 and taxes that will be written-off under Section 358, total \$5,943 for a total amount of \$29,407 of which \$7,543 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$21,864 will be charged to the operating budget (HAMTN 52108-252013).

HISTORICAL BACKGROUND (Chronology of events)

Appendix "A" to Report FCS13027(d) "Tax Appeals processed under Section 357 of the Municipal Act, 2001" and Appendix "B" to Report FCS13027(d) "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/LEGISLATED REQUIREMENTS

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

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #2

Valued & Sustainable Services

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WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

2.2 Improve the City's approach to engaging and informing citizens and stakeholders

APPENDICES / SCHEDULES

Appendix "A" to Report FCS13027(d) - Tax Appeals Processed Under Section 357 of the Municipal Act, 2001.

Appendix "B" to Report FCS13027(d) - 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
357-06-283	238 Parkdale Ave S	050419003100000	Exempt remainder of building - place of worship	2006	-569.08
357-08-040	238 Parkdale Ave S	050419003100000	Exempt remainder of building - place of worship	2008	-607.35
357-11-071	514 Fifty Rd	003010010000000	Demolition of house in late 2010	2011	-2,038.19
357-11-085	668 Arvin Ave	003120152000000	Demolition of the house	2011	-880.14
357-11-086	672 Arvin Ave	003120154000000	Demolition of the house	2011	-804.07
357-11-087	676 Arvin Ave	003120156000000	Demolition of the house	2011	-953.23
357-11-114	357 Third Rd E	003610602000000	Demolition of original house new home built	2011	-679.08
357-12-119	41-43 Wentworth St S	030231501000000	Fire in 2011 building still not repaired	2012	-1,632.88
357-12-175	25 Belfort Terrace Unit 16	140280290370000	Handicapped Accessible	2012	-294.39
357-12-187	141 Park St N	020126000700000	Exemption denied does not meet criteria - rental property	2012	0.00
357-12-227	17 - 21 McKinstry	030224077700000	Demolition of old house on property	2012	12.22
357-12-229	308 Parkdale Ave N	050419001300000	Demolition of structure now used for parking	2012	-995.03
357-12-247	601 Barton St E	030237559400000	Tax Class Conversion denied does not meet criteria	2012	0.00
357-13-028	0 Mays Cres	303330175720000	Gross or Manifest Error city rents from developer	2013	1.27
357-12-062	150 Hillyard St	030272024700000	Tax Class Conversion lease expired May 31	2013	3,125.73
	150 Hillyard St	031247002300000	Tax Class Conversion lease expired May 31	2013	-3,032.52
	1419 King St E	040293063700000	Tax Class Conversion gentleman retired - garage reverts back to RTN	2013	-2,375.48
357-13-045	477 Melvin Ave	050492049100000	Tax Class Conversion- commercial space renovated now residential	2013	-3,117.97
357-13-094	196 Governors Rd	260090484000000	Demolition of all structures on the property	2013	-1,475.95
357-13-016	908 Barton St E	040286000700000	Tax Class Conversion property converted to residential	2013	-1,696.10
357-13-017	910 Barton St E	040286001000000	Tax Class Conversion property converted to residential	2013	-2,906.11
357-13-048	59 Lovers Lane	140240226000000	Demolition of house in 2012 not reported until May 2013	2013	-1,273.69
357-13-025	6 Celac Ct	060731036900000	Fire in November moved back into house the end of April	2013	-676.67
357-13-029	56 Academy Ave	140250272000000	Demolition of old house	2013	-595.11
			Tota		-23,463.82

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
358-12-067	51 Falcon Rd	003010014120000	В	incorrect number of bathrooms and incorrect square footage on	2011	-39.17
358-12-068	51 Falcon Rd	003010014120000	В	property included the attic area above the garage	2010	-27.13
358-12-024	1365 Base Line Rd	003010354000000	B1	owner reported demolition in 2010 MPAC states structure still standing	2012	0.00
358-12-025	1365 Base Line Rd	003010354000000	B1		2011	0.00
358-11-075	0 Longwood Rd N	010056002300000	Е	landlocked City property near 403	2009	-544.91
358-10-110	120 Catharine St S	020143002200000	В	house removed in 2005 still on the 08 tax roll	2008	-683.05
358-12-091	601 Barton St E	030237559400000	B1	old Gibson school does not meet the criteria for the residential tax	2010	0.00
358-12-092	601 Barton St E	030237559400000	B1	rate per the Assessment Act.	2011	0.00
358-13-032	467 DiCenzo Dr	070861060840000	В	incorrect lot size verified through the land parcel unit	2011	-221.89
358-13-031	467 DiCenzo Dr	070861060840000	В		2012	-285.06
358-13-041	229 Rosemary Lane	140350124000000	В	the original structure was demolished in 2010, still reflected on the	2012	-2085.06
358-13-042	229 Rosemary Lane	140350124000000	В	roll	2011	-2057.25
					Total	-5,943.52