



**CITY OF HAMILTON**

**CORPORATE SERVICES DEPARTMENT  
Taxation Division**

<b>TO:</b> Chair and Members of Audit, Finance and Administration	<b>WARD(S) AFFECTED:</b> CITY WIDE
<b>COMMITTEE DATE:</b> June 10, 2013	
<b>SUBJECT/REPORT NO:</b> Tax Appeals under Section 357 and 358 of the Municipal Act (2001) (FCS13027(b)) (City Wide)	
<b>SUBMITTED BY:</b> Mike Zegarac Acting General Manager Finance and Corporate Services	<b>PREPARED BY:</b> Val Mitchell 905-546-2424 ext 2776
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That Appendix “A” attached to Report FCS13027(b) respecting the “Tax Appeals processed under Section 357 of the Municipal Act, 2001”, in the amount of \$44,408 be approved;
- (b) That Appendix “B” attached to Report FCS13027(b) 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 \$21,181 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

**SUBJECT: Tax Appeals under Section 357 and 358 of the Municipal Act (2001)  
FCS13027(b) (City Wide) - Page 2 of 4**

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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 \$44,408 and taxes that will be written-off under Section 358, total \$21,181 for a total amount of \$65,589 of which \$22,886 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$42,703 will be charged to the operating budget (HAMTN 52108-21102).

**HISTORICAL BACKGROUND** (Chronology of events)

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

*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(b) - Tax Appeals Processed Under Section 357 of the Municipal Act, 2001.

Appendix "B" to Report FCS13027(b) - 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
357-12-236	845 North Service Rd	003020326000000	Demolition - of houses	2012	-1,044.69
357-12-239	648 King S W	010103536000000	Demolition of buildings in 2010	2012	-13,805.46
357-12-240	246 James St S	020139058800000	Tax Class Conversion business closed May 31st building now all residential	2012	-2,383.81
357-12-242	30 King St E	020151501600000	Demolition of structure	2012	-3,928.38
357-11-227	440 Barton St E	030215015400000	Tax Class Conversion St Matthews PI -Non profit service organization	2011	-398.93
357-12-225	440 Barton St E	030215015400000	Fire at St Matthews Place April 2012	2011	-1,040.88
357-13-014	440 Barton St E	030215015400000	Tax Class Conversion denied processed on PRAN	2013	0.00
357-12-250	1227-1271 Barton S E	040315003100000	Major Renovations denied property leased out	2012	0.00
357-12-254	640 Queenston Rd	050434001600000	Major Renovations denied property leased out	2012	0.00
357-12-173	760 Rennie St	050501003700000	Demolition of house	2012	-174.72
357-12-213	1020 Beach Blvd	050512065100000	Exempt - City purchase	2012	-52.81
357-12-196	38 Bigwin Rd Unit 8	060581063460000	Tax Class Conversion owner dissolved business retailing remaining inventory	2012	-1,076.60
357-12-197	1275 Upper Gage Ave	060701021600000	Major Renovations hydro reconstruction	2012	-316.69
357-12-231	615 Rymal Rd E	070751069500000	Gross or Manifest Error roll created in error	2012	-940.72
357-12-232	615 Rymal Rd E	070751069520000	Gross or Manifest Error roll created in error	2012	-940.72
357-12-154	42 Phillip Dr	071132009550000	Exempt Children's Aid Society	2012	-2,890.98
357-12-259	899 Upper Paradise Rd	081031033300000	Demolition of old gas station and store	2012	-14,830.33
357-12-214	79 Kennedy Ave	081101065800000	Demolition of old house new house under construction	2012	-237.56
357-12-199	155 Lowden Ave	140250370000000	Demolition -denied above ground pool not assessed	2012	0.00
357-12-200	159 Central Dr	140320210000000	Demolition of house	2012	0.00
357-12-261	60 Martindale Cres	142805200000000	Major Renovations denied property leased out	2012	0.00
357-12-177	61 Watson's Lane	260260218000000	Gross or Manifest Error incorrect lot size	2012	-273.00
357-12-262	4 Horseshoe Cres	303390405600000	Major Renovations denied property leased out	2012	0.00
357-12-266	3392 Homewood Ave	902510194000000	Demolition of house	2012	-71.50
			<b>Total</b>		<b>-44,407.78</b>

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
358-12-065	61 Watson's Lane	260260218000000	B	incorrect lot size recorded 2.06 acres should be 1.47 acres	2011	-210.62
358-12-066	61 Watson's Lane	260260218000000	B		2010	-144.38
358-12-089	648 King St W	010103536000000	B	retail store demolished in 2010 still on 2011 roll	2011	-13823.27
358-13-018	440 Barton St E	030215015400000	B	non profit organization should be residential tax rate	2012	-6091.03
358-13-015	269 East 34th St	060625056800000	B	property has been 100% residential since 2005 when the business closed	2010	-226.97
358-13-016	269 East 34th St	060625056800000	B		2011	-225.55
358-13-017	804 Garth St	081014090800000	B	fire and explosion destroyed property	2012	-459.15
				<b>Total</b>		<b>(21,180.97)</b>