

CITY OF HAMILTON

CORPORATE SERVICE DEPARTMENT
Treasury Services Division

TO: Chair and Members Audit, Finance and Administration Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: March 2, 2011	
SUBJECT/REPORT NO: Tax Appeals under Section 357 and 358 of the Municipal Act, 2001 (FCS11003(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 FCS11003(a) respecting the "Tax Write-Offs processed under Section 357 of the Municipal Act, 2001", in the amount of \$50,748 be approved;
- (b) That Appendix "B" attached to Report FCS11003(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 \$59,153 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 \$50,748 and taxes that will be written-off under Section 358, total \$59,153 for a total amount of \$109,901 of which \$39,068 will be charged back to the local school boards, based on school support, indicated on each account. The City portion of \$70,833 will be charged to the operating budget (HAMTN 52108-211025).

HISTORICAL BACKGROUND (Chronology of events)

Appendix "A" to Report FCS11003(a) "Tax Write-offs processed under Section 357 of the Municipal Act, 2001" and Appendix "B" to Report FCS11003(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

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 FCS11003(a) - Tax Write-offs Processed Under Section 357 of the Municipal Act, 2001.

Appendix "B" to Report FCS11003(a) - 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
357-10-131	460 South Service Rd	003130238000000	Demolition of storage buildings 6 & 7	2010
357-10-235	5 Avalon Ave	003385044000000	Fire in 2009 extensive damage not fixed to date	2010
357-09-350	605 James St N	020111014500000	Tax Class Conversion leased expired now PILT property	2009
357-10-036	605 James St N	020111014500000	Tax Class Conversion leased expired now PILT property	2010
357-10-159	605 James St N	020111014500000	Tax Class Conversion leased expired now PILT property	2010
357-10-159	605 James St N	021145001200000	Tax Class Conversion leased expired now PILT property	2010
357-09-350	605 James St N	021145003050000	Tax Class Conversion leased expired now PILT property	2009
357-10-036	605 James St N	021145003050000	Tax Class Conversion leased expired now PILT property	2010
357-10-254	570 King St E	030211508200000	Tax Class Conversion property converted to a residential duplex	2010
357-10-090	17 Century St	030214077700000	Tax Class Conversion lower level converted to a residential unit	2010
357-10-198	345 Barton St E	030215062000000	Major Renovations extensive renovations making the building uninhabitable	2010
357-10-158	118 Hillyard St	030224050800000	Fire to structure rear building demolished front shell to be demolished	2010
357-10-264	385 Burlington St E	031789001000000	Demolition of Federal Marine building # 15	2010
357-09-396	246 Balmoral Ave N	040284548800000	Tax Class Conversion denied this is a vacant store front no conversion	2009
357-10-046	177 Huxley Ave S	040306025300000	Fire March 24th renovations still not completed	2010
357-10-148	120 Province St S	040311561900000	Demolition of house now vacant lot	2010
357-10-015	247 Berkindale Ave	050472007200000	Major Renovations due to basement flooding	2010
357-10.247	247 Centennial Pkwy N	050481053300000	Exempt Unit 8 now a capital facility	2010
357-10-248	30 Benemar Ct	070681018090000	Gross or Manifest Error in ground pool removed in 05 still on the roll	2010
357-10-215	922 West 5th St	080971058100000	Fire in 2009 extensive damage not fixed to date	2010
357-10-106	1144 Wilson St West	140220372000000	Demolition of structures	2010
357-10-263	0 Dundas St E	303330448000000	Exempt part of Clappison Corners	2010
357-10-080	976 Garden Lane	303610528000000	Major Renovations on original structure	2010
			Total	

Amount
(466.64)
(198.02)
1,139.19
1,147.68
3,532.92
(3,532.92)
(1,139.19)
(1,147.68)
(2,520.84)
(949.50)
(524.09)
(3,206.96)
(17,367.82)
-
(652.11)
(1,754.32)
(70.46)
(666.64)
(68.15)
(455.49)
(13,951.64)
(7,277.11)
(618.04)
(50,747.83)

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
358-10-108	570 King St E	030211508200000	B	Gross or manifest error now a residential duplex	2009	(1,453.07)
358-10-108	1080 King St E	030263508800000	B	Exempt the Good Sheppard	2007	(3,494.77)
358-10-103	1080 King St E	030263508800000	B	Exempt the Good Sheppard	2008	(3,604.53)
358-10-111	385 Burlington St E	031789001000000	B	Gross or manifest error Fed Marine Bld 15 demolished still on roll	2008	(20,853.09)
358-10-112	385 Burlington St E	031789001000000	B	Gross or manifest error Fed Marine Bld 15 demolished still on roll	2009	(16,682.17)
358-10-104	30 Benemar Ct	070681018090000	B	Gross or manifest error in ground pool removed five years ago	2009	(73.77)
358-10-105	30 Benemar Ct	070681018090000	B	Gross or manifest error in ground pool removed five years ago	2008	(65.82)
358-10-057	1144 Wilson St W	140220372000000	B	Demolished building still reflected on the roll	2009	(12,925.64)
				Total		(59,152.86)