
HALDIMAND COUNTY

Report FIN-17-2019 Application for Assessment and Tax Adjustments as of September 2019



For Consideration by Council in Committee on October 29, 2019

OBJECTIVE:

To receive approval from Council of the recommended adjustments for applications received as of September 2019, under Sections 357, 358 and 359 of the Municipal Act.

RECOMMENDATIONS:

1. THAT Report FIN-17-2019 Applications for Assessment and Tax Adjustments, as of September 2019, be received;
2. AND THAT adjustments of taxes, in accordance with Sections 357, 358 and 359 of the Municipal Act, be approved in the amount of \$7,041.13 as detailed in Attachment 1 to Report FIN-17-2019.

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Reviewed by: Charmaine Corlis, Treasurer

Respectfully submitted: Mark Merritt, CPA, CA, General Manager of Financial & Data Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The Assessment and Tax Adjustments summarized in this report relate to Sections 357, 358 and 359 applications processed and returned from the Municipal Property Assessment Corporation (MPAC) up until September 30, 2019. Based on the information provided by MPAC, it is recommended that total tax reductions of \$7,041.13 be approved. Of the proposed reductions, the Municipal share is \$6,075.25 and the Education share, to be recovered from the appropriate School Board, is \$965.88.

There are two Section 357 applications where no changes/reductions are recommended. For the first application, MPAC states that the property must be occupied as a residence before it will qualify for a change from commercial to the residential tax class. As at August 19th, it appeared that the property was not occupied. For the second application, MPAC has issued a post-roll amended notice for 2019 to address the assessment reduction.

BACKGROUND:

Sections 357, 358 and 359 of the Municipal Act, 2001 (the "Act") allow for applications to adjust taxes levied for various reasons specific to each section. Haldimand County staff receive applications for assessment adjustments throughout the year. Once received, applications are sent to the Municipal Property Assessment Corporation (MPAC) for review and recommended assessment changes (if any), are then sent back to Haldimand County staff to calculate the applicable tax adjustments.

MPAC's role in processing tax adjustment applications is to provide the municipality with the information it needs to enable Council to determine whether a tax refund, cancellation, reduction or increase is warranted. As outlined in the Act, the jurisdiction to make decisions on applications for tax refunds or tax increases rests solely with a municipal council.

Additional information and examples for these three sections can be found under the Property Types menu of MPAC's website (mpac.ca) in the property assessment procedures section. A brief outline of each section is as follows.

Section 357

Section 357 of the Act provides that property owners may apply for a reduction in assessment resulting in the cancellation, reduction and refund of taxes due to the following reasons:

- change in class;
- the land became vacant land during the year or during the preceding year;
- the land became exempt from taxation;
- a building on the land was razed by fire, demolition or otherwise;
- a building was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used prior to the damage;
- a mobile unit on the land was removed during the year or during the preceding year;
- the applicant is unable to pay taxes because of sickness or extreme poverty;
- a person was overcharged due to a gross or manifest error that is clerical or factual in nature; or
- repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year.

For a 357 application, it must be filed with the Treasurer on or before February 28th of the year following the taxation year in respect of which the application is made. For an example, if a house was demolished in November 2018, the application to adjust taxes must be filed before February 28, 2019.

Section 358

Section 358 of the Act provides that applicants may apply for a reduction in assessment as a result of a gross or manifest error, in the preparation of the assessment roll, that is clerical or factual in nature, including the transposition of figures, a typographical error or similar errors, but not an error in judgment in assessing the property. In general, this Section relates to an error made by MPAC.

A 358 application must be filed with the Treasurer between March 1st and December 31st. The application may apply only to taxes levied for one or both of the two years preceding the year in which the application is made.

Section 359

Section 359 of the Act provides that the Treasurer may make application if an undercharge is caused by a gross or manifest error that is factual, but not an error in judgment in assessing the land. An application under this section must be made on or before December 31st of the year following the year for which the application is made. As these applications are initiated by the Treasurer and the fact that there are typically other avenues to address assessment errors, these provisions are rarely utilized.

For all applications, Council is required to hold a meeting and notify the applicants of its decision by September of the year following the year with respect to which the application is made. Despite these provisions, these applications are brought forward to Council as soon as all information is available at scheduled intervals during the year (3 times a year – spring, summer and fall).

ANALYSIS:

Attachment 1 to this report provides the details of the proposed Section 357 and 358 tax adjustments that were received over the period of May 2019 to September 2019. The recommendations included in this report cover all applications processed and returned from MPAC to the end of September. Any additional applications awaiting a response from MPAC will be included in the next reduction report scheduled for February 2020.

In accordance with the requirements under the Act, the applicable property owners have been notified of the recommended changes (if any) contained in this report and the date that Council intends to review the applications. The applicants, according to the Act, should have the opportunity to speak to their specific application, at the October 29, 2019, Council In Committee meeting, if they so choose. In the notification sent to the applicants, they are directed to contact the Clerk to arrange to speak at the applicable Council-in-Committee meeting. In these circumstance, Council will be notified in advance of these requests.

Within 14 days after Council's decision, staff shall notify the applicants and specify the last day for appealing the decision. For Section 357 applications, if the property owner does not agree with the adjustment (if any) as approved by Council, they have the ability to appeal to the Assessment Review Board within 35 days of Council's decision. There is no appeal process for Section 358 applications (the Act states an application shall not be heard by Council unless MPAC confirms an error in the assessment referred to in the application).

Applications with Recommended Reductions:

The total amount of the proposed tax reductions, affecting the taxation years from 2017 to 2019, are summarized as follows:

Municipal Purposes	\$ 6,075.25
Education	<u>\$ 965.88</u>
Total Proposed Reductions	<u>\$ 7,041.13</u>

Applications with No Recommended Reductions:

There are two Section 357 applications that MPAC has recommended for no assessment change, as follows:

- Application #1: MPAC states that there will be no change as a result of the application as the property will only qualify for the residential tax class once the property is occupied as a residence. During an onsite inspection on August 19th, it appeared that the property was not being occupied; and
- Application #2: The reduction requested in this application has received a Post-Roll Amended Notice to reflect the demolition and related assessment reduction.

Staff can provide further details about either of these two applications at the Council in Committee meeting, if required.

FINANCIAL/LEGAL IMPLICATIONS:

Although the tax reductions noted in this report pertain to the taxation years 2017 through 2019, the County's books have been closed for both 2017 and 2018, meaning that the adjustment will be reflected as an expense in 2019. The approved 2019 Tax Supported Operating Budget included an amount of \$36,500 for the County's share of tax reductions. The County's share of tax reductions, as outlined in this report totals \$6,075. This brings the cumulative municipal share of the total tax reductions approved to date for 2019 to \$6,075.

The education portion of the proposed tax reductions, totaling \$966, will be recovered from the applicable school boards.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Proposed Tax Reductions under Section 357, 358 and 359 of the Municipal Act