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# HALDIMAND COUNTY

## Report FIN-06-2025 Application for Assessment and Tax Adjustments- Sections 357,358,359 of Municipal Act as of February 2025

For Consideration by Council in Committee on March 18, 2025

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### OBJECTIVE:

To approve recommended adjustments for applications received as of February 2025, under Sections 357, 358 and 359 of the Municipal Act.

### RECOMMENDATIONS:

1. THAT Report FIN-06-2025 Applications for Assessment and Tax Adjustments – Sections 357, 358, 359 Municipal Act as of February 2025 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 \$12,291.38 as detailed in Attachment 1 to Report FIN-06-2025.

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**Reviewed by:** Tareq El-Ahmed, CPA, Treasurer, Finance

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

**Approved:** Cathy Case, 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 to the end of February 2025. Based on the information provided by MPAC, it is recommended that total tax reductions of \$12,291.38 be approved. Of the proposed reductions, the Municipal share is \$10,120.28 and the Education share, to be recovered from appropriate School Board, is \$2,171.10.

Two applications were not recommended by MPAC for reduction as detailed below.

### 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 ([www.mpac.ca](http://www.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:

- As a result of a change event in which the property or portion of the property is eligible to be reclassified in a different class of real property and that class has a lower tax ratio for the taxation year that the class the property or portion of the property is in before the change event;
- the land has become vacant land or excess land during the year or during the preceding year after the return of the assessment roll for the preceding year;
- during the year or during the preceding year after the return of the assessment roll, a building on the land,
  - was razed by fire, demolition or otherwise, or
  - was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- the applicant is unable to pay taxes because of sickness or extreme poverty;
- a mobile unit on the land was removed during the year or during the preceding year after the return of the assessment roll for the preceding year;
- a person was overcharged due to a gross or manifest error that is clerical or factual in nature, including a transposition of figures, a typographical error or similar error but not an error in judgement in assessing the property; 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 28<sup>th</sup> 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 2023, the application to adjust taxes must be filed before February 28, 2024.

As of July 2, 2024, MPAC no longer revalued or provided a change in value for the following two tax application reasons:

- damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage;
- repairs or renovations to the land prevented the normal use of the land for a period of at least three months during the year.

MPAC will still offer the returned CVA and a notional value of the impacted structure for consideration, leaving it up to each municipality to determine the tax relief for property owners. The purpose of this change is to eliminate any subjectivity that may have been previously provided by MPAC as to what degree a building is substantially unusable. This report contains **one** property affected by this change in process. The details of this application are highlighted in the below Analysis section. Any future applications that fall under these 2 subsections will continue to be specifically highlighted by staff.

## 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 1<sup>st</sup> and December 31<sup>st</sup>. 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 31<sup>st</sup> of the year following the year for which the application is made.

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 December 2024 to February 2025. The recommendations included in this report cover all applications processed and returned from MPAC, that have not been previously presented to Council, up to February 2025. Any additional applications awaiting a response from MPAC will be included in the next report scheduled for June 2025, if there are sufficient applications.

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, have the opportunity to speak to their specific application, at the March 18, 2025, 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 as shown on Attachment 1, are summarized as follows:

Municipal Purposes	\$10,120.28
Education	<u>\$ 2,171.10</u>
Total Proposed Reductions	<u>\$12,291.38</u>

As noted earlier, Haldimand County received one Section 357 tax adjustment application following MPAC's revised process. This application pertains to 159 Williamson Drive, where fire damage occurred during the claim period of September 25, 2024 – December 31, 2024. Internal divisions have confirmed the fire incident, and in alignment with MPAC's updated approach, the recommended tax

reduction for this property is based on MPAC's full notional value of \$97,301 for the period noted, related to the damaged structure.

### **Applications with No Recommended Reductions:**

There were two (2) Section 358 applications that MPAC has recommended for no assessment change. One application claimed the demolition of a vacant house was performed in 2022, however, MPAC has advised that they cannot confirm an error in the preparation of the assessment roll for 2022 taxation, as the demolition occurred June 24, 2022 as per the owner. The second application claimed an error by MPAC of starting and completion dates of their garage, however, MPAC has advised that the omitted assessments for 2022 and 2023 taxation years pertain to a new swimming pool, completed in 2021. The omitted assessment does not apply to the garage.

No Section 359 applications were received within the time period noted above.

### **FINANCIAL/LEGAL IMPLICATIONS:**

The approved 2024 Tax Supported Operating Budget included an amount of \$39,000 for the County's share of tax reductions. The County's share of tax reductions, as outlined in this report totals \$10,120.28. This brings the cumulative Municipal share of the total tax reductions approved to date for 2024 to \$35,645.28. Any surplus or deficit from this report and future Tax Adjustment reports will form part of the overall annual Tax Supported surplus/deficit. As such, these expenditures are accrued back to 2024 year end, consistent with previous years. Future reports in 2025 will be expensed to 2025, irrespective of the year the application applies to as the 2024 books will closed at that time.

The education portion of the proposed tax reductions, totaling \$2,171.10 will be recovered from the applicable school boards.

### **STAKEHOLDER IMPACTS:**

Not applicable.

### **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

### **REFERENCES:**

1. [Municipal Act, 2001, S.O. 2001, c. 25](#)

### **ATTACHMENTS:**

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