TO: Chair and Members of Audit and Administration Committee  
WARD(S) AFFECTED: WARDS 8 and 11

COMMITTEE DATE: September 22, 2010

SUBJECT/REPORT NO: 
Treasurer's Apportionment of Land Taxes for Various Properties in Hamilton and Stoney Creek (FCS10011(c)) (Wards 8 and 11)

SUBMITTED BY: 
Antonio D. Tollis  
Treasurer  
Corporate Services Department

PREPARED BY: 
Dianne Bartol (905) 546-2424 ext. 4404

SIGNATURE:

RECOMMENDATION

(a) That the 2010 property taxes in the amount of $5,071 for 310 Rymal Rd. W., Hamilton (Roll #2518 080 961 00100 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix A to report FCS10011(c); and

(b) That the 2010 property taxes in the amount of $3,181 for 1198 Barton St., Stoney Creek (Roll #2518 003 220 03600 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS10011(c).

EXECUTIVE SUMMARY

Assessment and therefore taxes levied on Roll #2518 080 961 00100 0000 (310 Rymal Rd. W., Hamilton) for the 2010 tax year did not recognize the fact that this property had been the subject of a severance. The taxes levied in the year 2010 need to be
apportioned amongst the two newly created parcels of land. Section 356 of the Municipal Act, 2001 permits such an apportionment.

Assessment and therefore taxes levied on Roll #2518 003 220 03600 0000 (1198 Barton St., Stoney Creek) for the 2010 tax year did not recognize the fact that this property had been the subject of a severance. The taxes levied in the year 2010 need to be apportioned amongst the two newly created parcels of land. Section 356 of the Municipal Act, 2001 permits such an apportionment.

Alternatives for Consideration – Not Applicable.

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

- **Financial:** Taxes owing against the original parcel of land must be transferred to the new parcels in a timely manner or the City of Hamilton runs the risk of these amounts becoming uncollectible.
- **Staffing:** There are no implications.
- **Legal:** The City’s Legal Services Division has recommended that apportionments be completed in accordance with the procedure set out in Section 356 of the Municipal Act, 2001.

**HISTORICAL BACKGROUND**

The original blocks of land identified in this report were severed into several newly created parcels of land.

The assessment returned on the roll for the year 2010 reflects the value for the original parcels of land. The Municipal Property Assessment Corporation (MPAC) produced an apportionment report for the assessment originally levied and identified the split amongst the new parcels of land. Since the original assessment remained with the base rolls for the 2010 tax year, the taxes were overstated and now need to be adjusted to the newly created roll numbers.
POLICY IMPLICATIONS

Section 356 of the Municipal Act, 2001, permits Council to approve the apportionment of land taxes and part payment of taxes due to the severance of the land. Once the tax roll is adjusted, the taxes shall be deemed to have always been levied in accordance with the adjusted tax roll.

RELEVANT CONSULTATION

All apportionment recommendations provided to Council are supported by reports provided by the Municipal Property Assessment Corporation, identifying the split in the assessment values due to land severances.

Staff have consulted with the Assessment Review Board to determine the appropriate procedure in accordance with Section 356 of the Municipal Act, 2001. As well, the City’s Legal Services Division has recommended that all apportionments be done only after following the procedure set out in Section 356 of the Municipal Act, 2001.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The original assessment returned on the base rolls and the corresponding taxes levied are the sole responsibility of the current property owners. Since the properties have been severed into new lots, the Treasurer of the Municipality has applied to have the taxes and partial payments apportioned fairly to all of the lots, in accordance with the provisions of Section 356 of the Municipal Act, 2001.

ALTERNATIVES FOR CONSIDERATION

There are no alternatives.

CORPORATE STRATEGIC PLAN


Skilled, Innovative & Respectful Organization

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
APPENDICES / SCHEDULES

Appendix A – Apportionment of Taxes.

Appendix B – These maps identify the location of the properties that are being apportioned.
APPORPTIONMENT OF TAXES

That the original 2010 land taxes recorded against;

(a) Roll #2518 080 961 00100 0000 – (310 Rymal Rd. W., Hamilton) in the amount of $5,071.29 be split amongst the three newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>0 Rymal Rd.</td>
<td>2518 080 961 00100 0000</td>
<td>52,679</td>
<td>$ 810.28</td>
</tr>
<tr>
<td>2010</td>
<td>15 Springstead Ave.</td>
<td>2518 080 961 00105 0000</td>
<td>32,698</td>
<td>502.94</td>
</tr>
<tr>
<td>2010</td>
<td>11 Springstead Ave.</td>
<td>2518 080 961 00110 0000</td>
<td>244,324</td>
<td>3,758.07</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>329,701</strong></td>
<td><strong>$ 5,071.29</strong></td>
</tr>
</tbody>
</table>

(b) Roll #2518 003 220 34400 – (1198 Barton St., Stoney Creek) in the amount of $3,180.53 be split amongst the two newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>PAYMENT AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>1198 Barton St.</td>
<td>2518 003 220 03600 0000</td>
<td>134,604</td>
<td>$ 1,837.46</td>
</tr>
<tr>
<td>2010</td>
<td>1196 Barton St.</td>
<td>2518 003 220 03602 0000</td>
<td>98,994</td>
<td>1,343.07</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>233,598</strong></td>
<td><strong>$ 3,180.53</strong></td>
</tr>
</tbody>
</table>
Map identifying 310 Rymal Rd. W., Hamilton;
Map identifying 1198 Barton St., Stoney Creek;