SUBJECT: Apportionment of Property Taxes for 51 Picton Street West, Hamilton (FCS07001(f)) (Ward 2)

RECOMMENDATION:

That the 2007 property taxes, in the amount of $3,558.60, for 51 Picton Street West, Hamilton, (Roll #2518 020 112 04470), be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS07001(f).

Joseph L. Rinaldo
General Manager
Finance and Corporate Services

EXECUTIVE SUMMARY:

Assessment and therefore taxes levied on Roll #2518 020 112 04470 (51 Picton Street West, Hamilton) for the 2007 tax year did not recognize the fact that this property had been the subject of a severance. The taxes levied in the year 2007 need to be apportioned amongst the two newly created parcels. Section 356 of the Municipal Act, 2001 permits such an apportionment.

BACKGROUND:

The property identified in this report was severed into two parcels of land.

The assessment returned on the roll for the year 2007 reflects the value for the original parcel 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 roll for the 2007 tax year, the taxes were overstated and now need to be adjusted to the newly created roll numbers.

**ANALYSIS/RATIONALE:**

The original assessment returned on the base roll and the corresponding taxes levied are the sole responsibility of the current property owner. Since the property has been severed into new lots, the solicitor on behalf of the current property owner has applied to the Treasurer of the Municipality to have the taxes apportioned fairly to the lots, in accordance with the provisions of Section 356 of the *Municipal Act*, 2001.

**ALTERNATIVES FOR CONSIDERATION:**

There are no alternatives.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Where land has been assessed in blocks and then split into new parcels, the original roll number is assigned to the current property owner. Taxes owing and subsequently assessed against the original parcel, must be transferred to the new parcels in a timely manner or the City of Hamilton runs the risk of these amounts becoming uncollectible.

**POLICIES AFFECTING PROPOSAL:**

Section 356 of the *Municipal Act*, 2001, permits Council to approve the apportionment of land taxes due to a severance. 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 has 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.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No

As construction and new development occurs within the city of Hamilton, the apportionment recommendations permit the fair and equitable distribution of land taxes amongst newly created parcels of land, which addresses the social and economic needs of the people in the municipality.

Environmental Well-Being is enhanced. ☐ Yes ☑ No

No environmental impact.

Economic Well-Being is enhanced. ☑ Yes ☐ No

As construction and new development occurs within the City of Hamilton, the apportionment recommendations permit the fair and equitable distribution of land taxes amongst newly created parcels of land, which addresses the social and economic needs of the people in the municipality.

Does the option you are recommending create value across all three bottom lines? ☐ Yes ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☑ Yes ☐ No

City staff provides support and direction for those affected by land severances and apportionment of land taxes. Property owners are supplied with answers and resolution to their own specific tax needs. These services promote a healthy environment for the resolution of tax apportionment issues within the community.
APPORTIONMENT OF TAXES

That the original land taxes levied against;

(a) Roll #2518 020 112 04470 (51 Picton Street West, Hamilton) for the 2007 tax year, in the amount of $3,558.60 be split amongst the two newly created parcels listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TOTAL TAXES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>51 Picton St. W.</td>
<td>2518 020 112 04470</td>
<td>210,000</td>
<td>$ 3,351.13</td>
</tr>
<tr>
<td>2007</td>
<td>Picton St. W.</td>
<td>2518 020 112 04475</td>
<td>13,000</td>
<td>207.47</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>223,000</td>
<td>$3,558.60</td>
</tr>
</tbody>
</table>
Map identifying the parcel of land originally known as 51 Picton St. W., Hamilton: