TO: Mayor and Members
General Information Committee
WARD(S) AFFECTED: WARDS 3 & 10

COMMITTEE DATE: July 4, 2011

SUBJECT/REPORT NO:
Treasurer’s Apportionment of Land Taxes for Properties in Stoney Creek and Hamilton (FCS11001(d)) (Wards 3 and 10)

SUBMITTED BY:
Antonio D. Tollis
Treasurer
Corporate Services Department

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

SIGNATURE:

RECOMMENDATION

(a) That the 2011 property taxes in the amount of $6,713 for 82-84 Margaret Ave., Stoney Creek, (Roll #2518 003 310 29800 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS11001(d);

(b) That the 2011 property taxes in the amount of $1,320 for 68-70 Steven St., Hamilton, (Roll #2518 030 214 05840 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to report FCS11001(d).

EXECUTIVE SUMMARY

Assessment and therefore taxes levied on Roll #2518 003 310 29800 0000 (82-84 Margaret Ave., Stoney Creek) for the 2011 tax year did not recognize the fact that this property had been the subject of a severance. The taxes levied in the year 2011 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 030 214 05840 0000 (68-70 Steven St., Hamilton) for the 2011 tax year did not recognize the fact that this property had been the subject of a severance. The taxes levied in the year 2011 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 2011 reflects the value for the original parcel of land. The Municipal Property Assessment Corporation (MPAC) produced a severance information form 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 2011 tax year, the taxes were over-stated 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 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 value due to the land severance.

ANALYSIS / RATIONALE FOR RECOMMENDATION

The original assessment returned on the base roll and the corresponding taxes levied are the sole responsibility of the current property owner. Since the properties have been severed into new lots, the property owners have applied to have the taxes 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 and Respectful Organization.

APPENDICES / SCHEDULES

Appendix A to Report FCS11001(d) – Apportionment of Taxes.

Appendix B to Report FCS11001(d) – Map identifying location of the properties being apportioned.
APPORTIONMENT OF TAXES

That the original land taxes recorded against;

(a) Roll #2518 003 310 29800 0000 – (82-84 Margaret Ave., Stoney Creek) in the amount of $6,713.41 for the year 2011 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>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>82 Margaret Ave.</td>
<td>2518 003 310 29800 0000</td>
<td>390,923</td>
<td>$5,171.28</td>
</tr>
<tr>
<td>2011</td>
<td>84 Margaret Ave.</td>
<td>2518 003 310 29805 0000</td>
<td>116,577</td>
<td>1,542.13</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>507,500</strong></td>
<td><strong>$6,713.41</strong></td>
</tr>
</tbody>
</table>

(b) Roll #2518 030 214 05840 0000 – (68-70 Steven St., Hamilton) in the amount of $1,320.23 for the year 2011 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>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>68 Steven St.</td>
<td>2518 030 214 05840 0000</td>
<td>57,176</td>
<td>$845.77</td>
</tr>
<tr>
<td>2011</td>
<td>70 Steven St.</td>
<td>2518 030 214 05845 0000</td>
<td>32,074</td>
<td>474.46</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td></td>
<td><strong>89,250</strong></td>
<td><strong>$1,320.23</strong></td>
</tr>
</tbody>
</table>
Map identifying 82-84 Margaret Ave., Stoney Creek;
Map identifying 68-70 Steven St., Hamilton;