

Cancellation, Reduction or Refund of Property Taxes – September 14, 2020 Hearing

Date: August 28, 2020
To: General Government and Licensing Committee
From: Controller
Wards: All

SUMMARY

This report deals with tax appeal applications made to the Treasurer pursuant to Sections 323 and 325 of the *City of Toronto Act, 2006* (COTA). Section 323 permits Council to cancel, reduce or refund taxes in cases when, during the year, a property undergoes changes such as when it is destroyed by fire or demolished, becomes exempt from taxation, or is reclassified due to a change in use. Under Section 325 of the COTA, taxpayers can request a cancellation, reduction or refund of taxes when an error in the assessment roll is identified which results in an overcharge.

The legislation requires Council to make its decision after holding a public meeting at which the applicants and/or property owners may express any concerns. Council has delegated authority to hear and make final decisions in respect of these matters to the General Government and Licensing Committee.

Staff have mailed Notices of Hearing to affected taxpayers advising of the General Government and Licensing Committee's upcoming meeting and consideration of this staff report.

RECOMMENDATIONS

The Controller recommends that:

1. The General Government and Licensing Committee approve the individual tax appeal applications made pursuant to Section 323 of the *City of Toronto Act, 2006*, resulting in tax reductions (excluding phase-in/capping amounts) in the amounts identified in Appendix A.
2. The General Government and Licensing Committee approve the individual tax appeal applications made pursuant to Section 325 of the *City of Toronto Act, 2006*

resulting in tax reductions (excluding phase-in/capping amounts) in the amounts identified in Appendix B.

FINANCIAL IMPACT

The financial impact of approving the individual tax appeal applications (excluding phase-in/capping adjustments), as identified in the attached Appendices A and B, is summarized in Table 1 below.

Table 1: Tax Appeals Summary

Appendix	No. of Applications	Recommended Tax Reduction Total	City Share	Education Share	BIA
A	300	\$2,330,462	\$1,262,261	\$1,044,264	\$23,937
B	38	\$358,160	\$249,494	\$106,311	\$2,355
Total	338	\$2,688,622	\$1,511,755	\$1,150,575	\$26,292

Funding for the City's share of \$1,511,755 is available in the 2020 Operating Budget for Non-Program under the Tax Deficiency Account. The education share of \$1,150,575 will be recovered from the province/school boards, and the Business Improvement Area (BIA) reduction of \$26,292 will be funded from the respective BIA provision.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of December 16, and 17, 1998, Council adopted a report authorizing the Administration Committee (now the General Government and Licensing Committee) to hear and make recommendations on tax appeals, other than appeals related to inability to pay taxes because of sickness or extreme poverty, pursuant to sections 323 and 325 of the City of Toronto Act, 2006 (formerly sections 442 and 443 of the old Municipal Act). Appeals related to sickness or extreme poverty are heard by the Assessment Review Board as delegated by Council. To view this report on-line, please follow the link below:

<http://www.toronto.ca/legdocs/1998/agendas/council/cc/cc981216/sp26rpt/cl035.htm>

At its meeting of August 25, 26, 27 and 28, 2014 Council adopted Item GM32.3: "Amendments to Chapter 767 of the Municipal Code, Taxation, Property Taxes", which delegated authority to the Government Management Committee (now the General Government and Licensing Committee) to hold meetings at which applicants can make representations to the Committee and to make the final decision with respect to various municipal tax applications, including those made pursuant to section 323 and section 325 of the City of Toronto Act, 2006. To view this report online please follow the link:

ISSUE BACKGROUND

Section 323 of the *City of Toronto Act, 2006* (COTA) allows Council to cancel, reduce or refund taxes levied in a year for the following reasons:

- property is eligible to be reclassified to a different class;
- property has become vacant land or excess land;
- property has become exempt from taxation;
- property has been razed/damaged by fire, demolition or otherwise;
- mobile unit has been removed;
- taxpayer has been unable to pay taxes due to sickness or extreme poverty;
- taxpayer has been overcharged due to gross or manifest clerical error; or,
- property could not be used for at least three months due to repairs or renovations.

Section 325 of COTA allows Council to cancel, reduce or refund taxes relating to errors made in the preparation of the assessment roll for one or both of the two years preceding the year in which the application is made. The Municipal Property Assessment Corporation (MPAC) must confirm an error in the assessment being appealed for Council to proceed with hearing a section 325 appeal application.

As Revenue Services staff receive tax appeal applications, they are reviewed to determine eligibility. Staff then send the eligible applications to MPAC to obtain the related assessment information. Once the information is received from MPAC, the tax cancellation/reduction amount is calculated. Notices are prepared to advise the applicant of the amount that may be cancelled/reduced, and the time and date of the upcoming meeting before the General Government and Licensing Committee.

To facilitate the hearing process and address taxpayers' questions and concerns, Revenue Services staff respond to many telephone calls and meet with taxpayers, as necessary, in advance of the public meeting.

COMMENTS

Revenue Services staff recommend to cancel/reduce taxes totalling \$2,330,462 (including Business Improvement Area charges and excluding phase-in/capping) under section 323 of COTA and \$358,160 (including Business Improvement Area charges and excluding phase-in/capping) under section 325 of COTA.

The attached Appendices A and B list the 338 applications for tax cancellation or reduction, and provide the property address, roll number, ward number, appeal number, tax year, the reason/type of appeal, the number of days for which relief is being recommended, the total amount of the recommended reduction/cancellation of taxes, the City and Education share of the tax cancellation/reduction and the amount of the BIA reduction.

If the General Government and Licensing Committee approves the cancellation/reduction of taxes as recommended by this report, Notices of Decision will be mailed to taxpayers. Under section 323(7) of the Act, an owner may appeal a decision of the General Government and Licensing Committee to the Assessment Review Board (ARB) within 35 days of the General Government and Licensing Committee's decision.

Table 2 below, summarizes the 338 applications filed, the section of the COTA they were filed under, the reason for the application, the number of applications for each reason, the tax reduction breakdown as shared between the City and the province/school boards, the amount of the BIA reduction and the total reduction in taxes recommended.

Table 2: Detail Summary of Tax Appeals

COTA Section	Reason for Application	# of Application	Recommended Tax Reductions			
			City Share (\$)	Education Share (\$)	BIA (\$)	Total Recommended Reduction (\$)
323	Razed by fire, demolition or otherwise	57	\$54,795	\$49,891	\$1,786	\$106,472
323	Damaged by fire, demolition or otherwise	12	\$19,719	\$14,098	\$0	\$33,817
323	Exempt	23	\$348,393	\$286,678	\$284	\$635,355
323	Gross or manifest clerical errors in the preparation of the assessment roll	110	\$167,157	\$128,556	\$5,352	\$301,065
323	Unusable due to repairs or renovations	72	\$599,491	\$480,915	\$8,611	\$1,089,017
323	Tax class change	26	\$72,706	\$84,126	\$7,904	\$164,736
325	Gross or manifest clerical errors in the preparation of the assessment roll	38	\$249,494	\$106,311	\$2,355	\$358,160
	Total	338	\$1,511,755	\$1,150,575	\$26,292	\$2,688,622

CONTACT

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SIGNATURE

Andrew Flynn
Controller

ATTACHMENTS

Appendix A: Detail Hearing Report – Section 323 of City of Toronto Act, 2006, Hearing 2020H2

Appendix B: Detail Hearing Report – Section 325 of City of Toronto Act, 2006, Hearing 2020H2