

PROPERTY ASSESSMENT AND TAXATION APPEALS

Recommendation

The Commissioner of Finance & Corporate Services and the Director of Finance, in consultation with the Director of Legal Services, the Solicitor/Special Services and the Manager of Property Tax & Assessment recommends:

That the City Treasurer or designate be authorized to commence and file notices of appeal with the Assessment Review Board from time to time, for properties where the assessment is considered to be too high, too low, wrongly assessed or for properties that have been omitted from the assessment roll;

That the City Treasurer or designate be authorized to attend before the Assessment Review Board on behalf of the City of Vaughan on assessment or taxation appeals filed by the City, and on appeals filed by another person, entity or agent;

That the City Treasurer or designate be authorized to execute settlement agreements reached in the course of a taxation or assessment appeal;

That the City Treasurer or designate be authorized to withdraw any appeal filed by the City should it be determined that it is not in the City's best interest to proceed;

And that Council enact a by-law authorizing the above actions with respect to assessment or taxation appeals filed for 2003 and subsequent years and appeals filed in previous years, which are not yet completed.

Purpose

The purpose of this report is to review the authority previously provided to City staff at a Special Council Meeting on January 8, 1996 and to reconfirm this delegation of authority by the enactment of a by-law as required under the new *Municipal Act, 2001*.

Background - Analysis and Options

Section 40 of the *Assessment Act* allows that any person, including a municipality may appeal assessments to the Assessment Review Board (ARB). The City's \$26 Billion assessment base has to be managed so that it provides maximum property tax revenue in a fair and equitable way. The City's assessment base is under constant challenge each year, through the provisions of the *Assessment Act* and the *Municipal Act*. Therefore, when significant errors are found they should be corrected. A review of the assessment roll for 2003 has revealed a number of properties that have significant incorrect assessments and require an appeal to be corrected.

Given the requirements of the new *Municipal Act, 2001*, that a by-law be enacted for there to be a proper delegation of authority, Finance staff are seeking to reconfirm and continue the previous authority granted by Council to commence appeals, this year and in subsequent years, on the understanding that when any appeals are launched, the specifics of the property and the appeal will be brought to Council as soon as is practicable following the filing of the appeal. The amount of time between the receipt of the assessment roll, the appeal deadline of March 31st, the volume of properties to be reviewed and the timing of Council reports makes notification, prior to the launch of the appeal difficult. Appeals can be withdrawn prior to a hearing in cases where the City Treasurer or designate determines it is not in the City's best interest to proceed.

In 2002 Council approved the transfer of the Assessment function from the City Clerk's department to the Finance department and therefore Finance staff require formal approval in a by-law to commence and file notices of appeal, to withdraw appeals and to execute settlement agreements reached in the course of an assessment or taxation appeal.

Conclusion

Although Council has previously provided this authority to City staff, the department responsible for assessment appeals has changed, and it is staff's interpretation that the new Municipal Act, 2001 requires the formal enactment of a by-law to confirm this delegation of authority.

Attachments

None

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Respectfully submitted,

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