

Property Tax Correction

REQUEST FOR IMMEDIATE RESOLUTION OF PROPERTY TAX
OVERCHARGE

Why We Are Here Today

We are disappointed that we must address Council to resolve a **correction** to the Town's billing of incorrect property taxes on our property since 2019.

We are here today to:

1. Explain what has occurred.
2. Request reimbursement of the remaining outstanding funds owed to us.

Purchase of Our Unit

We purchased **Unit 52**, a Model A:

- One-level, two-bedroom bungalow
- Single-car garage
- 1232 square feet
- See the attached **Purchase and Sale Agreement**, which clearly identifies Unit 52

TERRY ANDREW and DONNA ANDREW (the *Reservationists*),

wish to reserve the proposed residential unit 52 (shown as Unit 52, Level 1 on the attached plan) (the "Reserved Residential Unit"). (The Reserved Residential Unit is collectively referred to as the "Reserved Unit") in proposed condominium plan to be located at Grenville and Grey Street South, Town of Saugeen Shores (Southampton) NOH 2L0 in the County of Bruce.

AGREEMENT OF PURCHASE AND SALE Grenville Estates Southampton Page 1 of 51

TERRY ANDREW and DONNA ANDREW (the "Purchaser")

agrees to purchase from Kelden Development Inc. (the "Vendor")

<i>If the Unit is in the registered condominium plan</i>	Residential dwelling Unit ____, Level 1, Bruce Standard Condominium Plan No. 35, (the "Unit")
<i>If the Unit is in a Phase not yet registered</i>	Proposed residential dwelling Unit <u>52</u> , (the "Unit") which is to be included in a future phase to be added to Bruce Standard Condominium Plan No. 35 by amendment to the declaration and description of that condominium plan,

circled on the Draft Site Plan attached hereto as Schedule J being Model Type A (SEE FLOOR PLAN ATTACHED HERETO AS SCHEDULE K) of the Vendor's standard phased Grenville Estates condominium plan, municipally known as 221 GRENVILLE ST. S. SOUTHAMPTON (the "Unit") on the following terms and conditions:

MPAC Assessment Delays

- MPAC's **last province-wide property assessment** was in **2016**, as confirmed on their website:

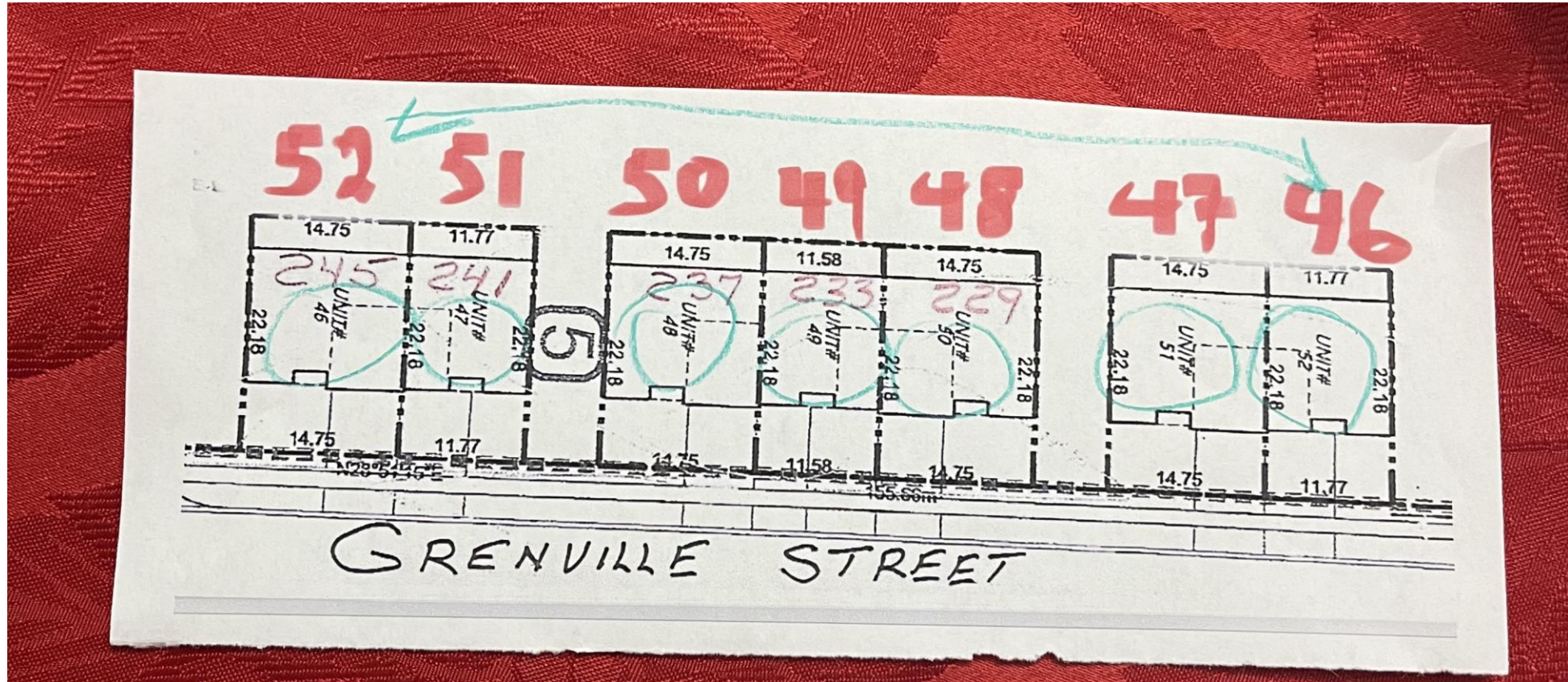
“Assessment Cycle

MPAC completes a province-wide Assessment Update every four years based on a legislated valuation date. The valuation date, established by the Ontario government, is a fixed day on which all properties are valued. The last province-wide Assessment Update took place in 2016, based on a January 1, 2016 valuation date. In 2020, the province-wide assessment update was postponed due to the COVID-19 pandemic. As part of the *Ontario Economic Outlook and Fiscal Review, on November 4, 2021, the Province announced its decision to postpone the assessment update again. Property assessments for the 2024 property tax year continue to be based on January 1, 2016 assessed values.*”

The Origin of Error

- MPAC correctly assessed all units, including our **small bungalow, Unit 52**.
- **The Issue:**
 - At registration, **either the County or Town incorrectly reversed unit numbers for the entire street**.
 - This resulted in incorrect assessments being tied to municipal addresses.
- **Our Unit 52** was assessed as a **large, two-storey home**, not the bungalow we purchased.
- The **entire street** has been affected.

Complete reversal of unit numbers impacted the entire street



Our First Contact with the Town

- When we received our first tax bill, we immediately **called the Town** to report the issue.
 - **What We Said:** Our home was listed incorrectly as **Unit 46**.
 - **Unit 46** is:
 - Located at the opposite end of the street.
 - A large, two-storey home.
 - **The Town's Response:**
 - "We go by the **municipal address**, not the unit number."
 - "We **trusted the Town's reassurance** and did not question it again at the time."

How the Error Was Finally Discovered

- In **August 2024**, a neighbour on Grenville Street discovered the error while reviewing MPAC's records.
- We called the Town and spoke to **Kathy Fitton**.
 - **Kathy's Advice:**
 - Contact **MPAC** to confirm the issue.
 - The Town would resolve the matter based on MPAC's findings.

MPAC Investigation and Findings

- **August 16:** Contacted Ashley at MPAC.
 - MPAC confirmed assessors would be sent to verify the issue.
 - Stated corrections could be applied, and the Town could credit/refund within **5 business days**.
- **August 20:** Sarah Lynch confirmed they would come out but could only correct “going forward” and report findings to the Town for further corrections.
- **September 10:** MPAC assessors visited.
 - MPAC verified that the original assessments were correct **based on submitted information** but confirmed that the **entire street was registered backwards**.

Key Issue:

- Unit 52 (our bungalow) was switched with Unit 46 (a large two-storey home).
- **Other Examples:**
 - **Unit 51 → 47** (incorrect reassignment).
 - Units **48 and 50** swapped but are identical in size.
 - **Unit 49** remained unaffected.

Lack of Timely Response


- **September 16:** MPAC sent findings to the Town.
- **October 11:** After hearing nothing, I left messages with both MPAC and the Town.
- **October 21:** Kathy stated, “There is no legislation to go beyond refunding 2023 and 2022.”

Our Position:

- We had **no way of knowing** about this issue:
 1. There was **no MPAC reassessment** since before our unit was built.
 2. The Town assured us that the **unit number did not matter**.

MPAC has corrected going forward

Address:	221 GRENVILLE S
Property Description:	Residential Condo
Year Built:	2019
Building - exterior square footage:	1,780 Sq. Ft.
Lot Size:	N/A
Number of Storeys:	2
Current Value Assessed:	\$330,000
Sales Indicator:	No valid sales



Address:	221 GRENVILLE ST S
Property Description:	Residential Condominium
Year Built:	2019
Building - exterior square footage:	1,232 Sq. Ft.
Lot Size:	N/A
Number of Storeys:	1
Current Value Assessed:	\$249,000
Sales Indicator:	No valid sales

COPY OF EMAIL TO TOWN

From: Lynch, Sara
Sent: Monday, September 16, 2024 9:14 AM
To: Kathy Fitton <kathy.fitton@saugeenshores.ca>
Subject: 411048000100186 - incorrect square footage

Good morning Kathy,

It is my understanding that you have been in contact with the property owner's at 221 Grenville St. S regarding the incorrect square footage of their condo unit.

Upon review of the condo plan and this specific phase of the development, it appears the units have been 'flipped' resulting in the incorrect models being put on the corresponding roll numbers. Unfortunately this error has only come to light recently but stems back to 2019 when the units were originally put on the roll.

The following units will be updated for the 2025 tax year to the correct square footages resulting in the following value changes:

411048000100186 – CVA from \$330,000 to \$249,000

If you wish to discuss this further, don't hesitate to reach out by phone or email.

Thank you,

Sara Lynch, A.I.M.A
Property Valuation Analyst
Valuation & Customer Relations
Office: [519 370 2870](tel:519-370-2870)

mpac.ca
Municipal Property Assessment Corporation
945 3rd Avenue East, Suite 212
Owen Sound ON N4K 2K8



Attempts to Escalate the Issue

- **October 22:** Left a message for CFO Daniel Waechter.
- **October 25:** Followed up—still no resolution.
- **October 31:** CFO stated there would be **no credit beyond 2022** and suggested:
 - “You could hire a lawyer or take this to Council.”

Our Response:

- Why would we need legal action for the Town to do the **right thing**?

Further Frustration and Lack of Clarity

- **December 4:** Met with the CFO:

- Promised a meeting to **see** the numbers visually (as requested).
- **No papers provided**—only verbal explanations on a computer screen.
- CFO repeated the same statements:
 - “Legislatively, we cannot do anything.”
 - Refused to compare our property to neighbours’ identical units.

Key Point:

- We feel we are being treated as if **we caused this issue** when it is clearly a **systemic error** beyond our control.

- **Next Step:**

- Compared notes with a neighbour who owns the **exact same unit**:
 - Discovered the **amount of overcharges** matches what we suspected.
- **December 5:** CFO sent comparative notes confirming our findings.

The Need for Full Retroactive Adjustments

- **Section 358 of the Municipal Act:**

- Allows adjustments based on **factual inaccuracies** in property assessments.
- This should apply from the **date of error**—not just the two most recent years—since the issue was caused by incorrect registration, not a standard reassessment issue.

Key Case Law:

- **Peel Condominium Corporation No. 408 v MPAC, 2022 CanLII 3269 (ON ARB)**

- This case highlights that **systemic errors and extenuating circumstances** can justify adjustments beyond the two-year limit.
- Errors caused by administrative mistakes or delays must be corrected **in fairness to the property owner**.

PREVIOUS COURT CASE GRANTING HOMEOWNER COMPENSATION BEYOND THE TWO YEARS DUE TO EXTENUATING CIRCUMSTANCE

Peel Condominium Corporation No. 408 v Municipal Property Assessment Corporation, Region 15, 2022 CanLII 3269 (ON ARB) is a review (the “Review Decision”) of the earlier Board decision in Municipal Property Assessment Corporation, Region 15 v Peel Condominium Corporation No. 408 and Golf Links Canada Inc., 2020 CanLII [30605 \(ON ARB\)](#).

Why Full Reimbursement is Necessary

1 Good Faith Effort:

- We reported the issue early and relied on the Town's reassurances that the unit number discrepancy did not matter.

2 Systemic Error:

- The error was caused by the unit mix-up during registration and compounded by delays in MPAC assessments.

3 Beyond Our Control:

- As residents, we had **no way of knowing** about this issue until August 2024.

4 Section 358 Applies:

- This is a factual inaccuracy, not a valuation issue, which warrants retroactive adjustments **back to the date of error**.

5 Case Law Precedent:

- Courts have ruled in favor of homeowners in similar cases involving systemic errors.

What We Are Asking For

We respectfully request the following:

- Reimbursement for remainder of overpaid taxes in **2020 and 2021** totaling \$614.59.

We are simply asking the Town to do the **right thing** by correcting this error fully and fairly.

Why This Matters

- **Fairness:** The overpayment was caused by errors beyond our control. It is unfair for residents to bear the financial burden of systemic mistakes.
- **Trust:** Resolving this matter fully demonstrates the Town's commitment to accountability and fairness.
- **Simplicity:** The evidence is clear, and the solution is straightforward.

We acted responsibly, in good faith, and relied on the Town's expertise. Now, we ask you to correct this error and ensure we are reimbursed in full.