

**THE FIFTH MEETING OF THE HEARING COMMITTEE
OF THE CITY OF GREATER SUDBURY**

**Committee Room C-11
Tom Davies Square**

**Wednesday, November 18, 2009
Commencement: 5:04 p.m.**

Chair

COUNCILLOR JACQUES BARBEAU, IN THE CHAIR

Present

Councillors Berthiaume; Dutrisac; Rivest; Thompson

Councillor Craig

City Officials

Tony Derro, Manager of Taxation; Angie Haché, City Clerk;
Franca Bortolussi, Council Secretary

Others

Kim Pitura, Municipal Relations Representative, Customer
Relations, Municipal Property Assessment Corporation (MPAC);
Mary Dawson-Cole, Manager, Customer Service, MPAC;

Declarations of
Pecuniary Interest

None declared.

HEARING

Item 1
Tax Adjustment
1055 LaSalle Boulevard,
Sudbury

Report dated November 2, 2009 was received from the Chief
Financial Officer/Treasurer regarding Tax Adjustment for 1055
Lasalle Boulevard, Sudbury (Roll #030.011.025.00.0000).

The applicants, Peter Boullion and Renée Paquette, were
present.

The Manager of Taxation stated that the applicants made an
application under Section 357 of the *Municipal Act* for an
adjustment in the rate of taxation from commercial to residential
for the subject property for the year 2008. He advised a similar
application is pending for 2009. He indicated the usual
procedure is to receive the application and send it to MPAC for
verification and then make the necessary tax adjustment
according to their report. In this instance, MPAC determined that
the commercial status had not been terminated as there was a
desk and functioning computers. As a result of MPAC's review,
the City rejected the application for 2008. When asked, he stated
that if a commercial property is vacant, the owner can apply for a
commercial vacancy rebate.

Mary Dawson-Cole advised that, when MPAC visited the subject
property, there was a basement apartment and rear apartment,
and the front unit was under renovations. The front unit was not

HEARING (continued)

Item 1
Tax Adjustment
1055 LaSalle Boulevard,
Sudbury (continued)

a habitable, self-contained unit in accordance with regulations. She advised that if units are not self-contained, the default property class is commercial. She also advised that a building permit for the conversion from commercial to residential was issued on April 28, 2009.

Renée Paquette felt it was important that she provide a history of what has occurred and the problems they have encountered since they purchased the property five years ago. The property was purchased with the intent of running a business. She indicated they applied for a tax adjustment for 2008 because they did not operate their business in 2008 and the application was denied. She stated the unit is self-contained with access to a washroom. The plumbing and electrical work to convert the unit to residential has been completed.

Peter Boullion advised that an inspection of the property would reveal that it was not suitable for commercial because of the drywall, etc. in the unit due to renovations.

The Manager of Taxation advised that an application for a vacant commercial space rebate could have been submitted if the space was vacant and ready for occupancy. He indicated that the recommendation is that the applicant appeal to the Assessment Review Board (ARB). He indicated that the ARB deadline for appeals would not apply in this case as the matter is before the Hearing Committee.

In order to bring the matter to a speedy resolution, the Manager of Taxation suggested they make an application for a commercial vacancy rebate for the year 2009. The rebate is approximately 30% of the commercial tax liability.

Mary Dawson-Cole advised that once the desk and computers have been removed, there is no storage and other criteria have been satisfied (i.e. hot plate), the applicants should contact MPAC for a further site visit and MPAC will work with the applicants regarding the tax adjustment.

The applicants agreed to this resolution.

The Committee requested that the Manager of Taxation keep them informed on developments regarding this matter.

HEARING (continued)

Item 1
Tax Adjustment
1055 LaSalle Boulevard,
Sudbury (continued)

The following recommendation was presented:

2009-13 Thompson-Dutrisac: THAT the application by Peter Boullion and Renee Paquette for a tax adjustment not be processed;

AND FURTHER THAT the owners be advised that in accordance with Section 357(7) of the Municipal Act, it would be appropriate for them to appeal the issue of change in rate of taxation of the building at 1055 Lasalle Boulevard to the Assessment Review Board of Ontario.

CARRIED

Adjournment

2009-14 Berthiaume-Dutrisac: THAT this meeting does now adjourn. Time: 5:55 p.m.

Councillor Jacques Barbeau, Chair

Angie Haché, City Clerk