

SECTION 357 PROPERTY TAX APPEAL: STEP-BY-STEP PROCESS GUIDE

Municipal Act, 2001, S.O. 2001, c. 25, s. 357
Special Advisory for Quaker Road Residents (City of Welland / Town of Pelham)

1. LEGAL BASIS & OVERVIEW

Under **Section 357 of Ontario’s Municipal Act, 2001**, a local municipality has direct statutory authority to cancel, reduce, or refund property taxes paid or owing.

While Section 357 is traditionally used for demolition or structural fire loss, properties enduring prolonged, extreme infrastructure disruptions qualify under two primary clauses:

- **Section 357(1)(d)(ii):** The property was damaged by event or works *"otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage."*
- **Section 357(1)(f):** A *"gross or manifest error"* in relation to the actual utility, access, and assessment value of the real property during the taxation year.

Although the Quaker Road Sanitary Trunk Sewer and Urbanization project is spearheaded by the **Regional Municipality of Niagara**, lower-tier municipal councils (**City of Welland** and **Town of Pelham**) levy and administer property taxes. Residents must file their Section 357 applications directly with their respective lower-tier municipal treasury.

2. STEP-BY-STEP PROCESS BREAKDOWN



STEP 1: Establish Statutory Grounds & Gather Concrete Proof

(Note: General construction noise or minor dust is legally insufficient. You must establish physical or operational deprivation of standard property enjoyment, ingress/egress, and basic frontage utility.)

Compile an organized evidence portfolio containing:

1. **Driveway Severance Logs:** Exact dates, hours, and date-stamped photographs showing personal vehicles trapped in garages or driveways physically severed by trenches, excavators, gravel piles, or barriers.
 2. **Utility Interruptions:** Dates, times, and municipal/contractor notices regarding unannounced water shutoffs, low-pressure overland bypass hoses, boil-water notices, and utility-strike electrical outages.
 3. **Curbside Service Failures:** Date-stamped photos of uncollected waste, recycling, and organic bins stranded at the roadside or notes where residents were forced to haul bins across live trenches.
 4. **Transit & Egress Loss:** Documentation of discontinued Niagara Region Transit stops along Quaker Road and the lack of accessible detour infrastructure for transit-dependent household members.
 5. **Physical Property Damage:** Photos, contractor work orders, or engineering assessments of driveway apron cracking, boulevard erosion, broken curbs, or foundation/drywall settlement caused by continuous heavy soil compaction.
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STEP 2: Obtain and Complete the Section 357 Application Form

Contact your respective municipal revenue office:

- **City of Welland:** Finance & Taxation Division | 60 East Main Street, Welland, ON L3B 3X4 | taxes@welland.ca | 905-735-1700
- **Town of Pelham:** Corporate Services / Tax Department | 20 Pelham Town Square, P.O. Box 400, Fonthill, ON L0S 1E0 | propertytax@pelham.ca | 905-892-2607

Key Form Entries:

- **Applicant Information:** Must be completed by the registered property owner, spouse, or tenant in legal possession.
- **Assessment Roll Number:** Enter your 19-digit Roll Number located at the top of your property tax bill or MPAC Assessment Notice (e.g., 2732-XXX-XXX-XXXXX-0000).
- **Grounds for Application:** Check the box corresponding to **Section 357(1)(d)(ii)** (*building or property damaged/rendered substantially unusable*).
- **Explanation / Rider:** Write:

"Ongoing major civil infrastructure works (Quaker Road Sanitary Trunk Sewer & Urbanization Project) have repeatedly severed vehicular ingress/egress, blocked private driveways, suspended standard municipal waste and transit services, and interrupted domestic water supplies, rendering the property substantially unusable for normal residential purposes for [Number] cumulative days during the tax year."

STEP 3: Attach the Quaker Road Evidence Cover Letter

Submit the completed application form accompanied by the standardized evidence letter (template provided in Section 4 of this document).

STEP 4: Submit Before the Strict Statutory Deadline

- Under **Section 357(3)** of the *Municipal Act, 2001*, applications must be received by the Municipal Treasurer **on or before the last day of February of the year following the tax year under appeal**:
 - For disruptions during **2025**: Filing deadline was **February 28, 2026**.
 - For disruptions during **2026**: Filing deadline is **February 28, 2027**.
 - **Submission Protocol**: Deliver via registered mail or hand-deliver directly to the Municipal Clerk/Tax counter to receive a date-stamped receipt.
 - **Crucial Rule**: Continue paying your regular property tax instalments as billed. If relief is granted, the municipality will issue a direct refund or credit your account balance. Failing to pay taxes pending appeal incurs standard statutory penalties and interest.
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STEP 5: Municipal Staff & MPAC Valuation Phase

1. The municipal treasurer forwards the application to the **Municipal Property Assessment Corporation (MPAC)**.
 2. While MPAC assesses technical structural values, **the municipality evaluates the loss-of-utility factors** to determine the quantum of tax reduction.
 3. Municipal tax staff compile a formal administrative report containing recommended dollar adjustments for Council consideration.
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STEP 6: Appear Before Council (Hearing Phase)

- By law, Council must render a decision on all Section 357 applications on or before **September 30** of the year following the application deadline.
 - The municipal clerk must mail you a formal **Notice of Hearing** detailing when Council will hear your application.
 - **Your Statutory Rights**: You have the right to appear as a formal delegation or submit written briefs. Present your disruption logs, photographs, and out-of-pocket receipts to demonstrate why municipal staff's recommended reduction (if inadequate) must be adjusted upward to match the true period of inaccessibility.
 - Council passes an official resolution approving, modifying, or denying the tax relief.
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STEP 7: Appeal to the Assessment Review Board (ARB)

If Council denies your application, grants an insufficient reduction, or fails to make a decision by the statutory deadline:

- **Right of Appeal:** Governed by **Section 357(7)** to the provincial **Assessment Review Board (ARB)** (Tribunals Ontario).
 - **Filing Window:** Within **35 calendar days** of the date printed on Council's written Notice of Decision.
 - **Failure of Council to Decide:** If Council fails to decide by September 30, you have until **October 21** of that year to file directly with the ARB under Section 357(8).
 - **Filing Fee:** Standard ARB residential application fee (\$25). Decisions of the ARB are final and binding on the municipality.
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3. STRATEGIC INSTRUCTIONS FOR QUAKER ROAD APPLICANTS

1. **File Synchronously as a Block:** While every household must file under its individual property roll number, submitting identical evidence logs and project background timelines simultaneously prevents administration from treating disruptions as isolated inconveniences.
 2. **Quantify Exact Calendar Days:** The ARB and municipal adjudicators evaluate whether property utility was genuinely prevented. Having an unbroken record of *exact days* a vehicle could not enter or leave the garage carries vastly more legal weight than general statements of ongoing work.
 3. **Account for Home Businesses:** If you operate a registered home-based business, studio, or trade from your property and clients or deliveries were turned away due to road closure signs, include business revenue loss logs as supplementary evidence of lost commercial usability.
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4. STANDARDIZED EVIDENCE COVER LETTER TEMPLATE

(Copy, complete the bracketed information, and attach to your municipal Section 357 application form).

[Date]

TO:

Office of the Treasurer / Revenue and Taxation Division

[Select one:]

City of Welland, 60 East Main Street, Welland, ON L3B 3X4

Town of Pelham, 20 Pelham Town Square, P.O. Box 400, Fonthill, ON L0S 1E0

DELIVERED VIA: [Registered Mail / Hand Delivery / Email]

SUBJECT: Evidence Submission in Support of Section 357 Application for Property Tax Adjustment

* Statutory Authority: Municipal Act, 2001, S.O. 2001, c. 25, s. 357(1)(d)(ii) & s. 357(1)(f)

* Taxation Year Under Appeal: ***[Insert Year, e.g., 2026]***

* Property Assessment Roll Number: ***[Insert 19-Digit Roll Number from Tax Bill]***

* Property Address: ***[Insert Your Street Number & Quaker Road Address]***

* Registered Owner(s): ***[Insert Full Legal Name(s)]***

* Contact: ***[Insert Phone Number and Email Address]***

To the Municipal Treasurer and Members of Council:

Please accept this letter and the enclosed supporting documentation as formal evidence in support of my application under Section 357 of the Municipal Act, 2001, for a cancellation, reduction, or refund of property taxes levied against the subject property during the [2026] taxation year.

This application is made pursuant to Section 357(1)(d)(ii), on the grounds that the property has been damaged or compromised by civil construction works so as to render it substantially unusable for the purposes for which it was used immediately prior to the commencement of these works.

For a cumulative total of [Insert Total Number, e.g., 114] calendar days during the [2026] taxation year, the property was deprived of continuous vehicular ingress/egress, basic curbside municipal services, and standard utility reliability due to the prolonged Quaker Road Sanitary Trunk Sewer and Urbanization project.

The deprivations of core property utility are categorized as follows:

1. TOTAL LOSS OF VEHICULAR INGRESS/EGRESS (DRIVEWAY SEVERANCE)

For [Number of Days] documented days, open trenches, excavators, stockpiles of aggregate, and temporary barricades completely prevented vehicular entry and exit. Personal vehicles could not access the private garage or driveway. Parking on surrounding side streets required traversing active, unpaved, unlit construction zones on foot, presenting severe personal safety hazards.

2. SUSPENSION AND WITHDRAWAL OF BASIC MUNICIPAL SERVICES

Standard municipal services billed under general and special tax rates were not delivered:

* Waste Management: Curbside waste, recycling, and organic pickup failed on [Number] scheduled collection mornings due to collection vehicle access refusal.

* Transit Access: Regular Niagara Region Transit routes along Quaker Road were eliminated or detoured without the provision of accessible alternate stops within compliant walking distance.

3. DOMESTIC UTILITY INTERRUPTIONS AND BYPASS LINES

The property was subjected to [Number] unannounced municipal water shutoffs, [Number] utility-strike electrical outages, and remained connected for [Number] consecutive weeks to an overland temporary bypass line characterized by severe pressure loss and boil-water advisories.

4. PHYSICAL VIBRATION AND STRUCTURAL SURFACE DAMAGE

Continuous operation of heavy compaction and trench excavation machinery within the municipal right-of-way caused sustained ground vibrations, resulting in damage to the driveway apron and property frontage (photographs and inspection notes enclosed).

REQUESTED ADJUSTMENT:

Standard property taxation is predicated upon regular municipal access and frontage usability. Because the property was rendered substantially unusable for [Insert Percentage, e.g., 35%] of the taxation year, I respectfully request that Council and MPAC:

1. Recalculate the effective assessed valuation of the subject property to reflect the documented non-usability period.
2. Issue an immediate tax cancellation, reduction, or refund of the proportional municipal, regional, and education tax levies.
3. Apply equivalent statement credits against fixed monthly municipal water and wastewater base capacity fees.

Please provide formal written confirmation of receipt and timely notice of the Council hearing date at which this application will be considered.

Respectfully submitted,

[Printed Legal Name of Property Owner]

[Signature of Property Owner]

5. EVIDENCE LOG SHEET TEMPLATE (APPENDIX A)

Attach this log sheet to your submission, referencing matching photographs and written notices:

BELOW IS AN EXAMPLE:

Date Range	Category of Usability Loss	Specific Operational Impact	Document / Photo Ref.
<i>e.g., Apr 14 – Apr 22</i>	Driveway Severance	Open sewer trench across driveway apron; zero vehicular access.	Photos A-1 to A-4
<i>e.g., May 12</i>	Waste Collection Failure	Waste trucks skipped road; bins left stranded at roadside for 6 days.	Photo B-1
<i>e.g., June 3</i>	Utility Strike (Water)	Watermain struck by excavator; water off from 9:00 AM to 7:30 PM.	Municipal Alert C-1
<i>e.g., July 8 – Aug 18</i>	Overland Bypass	Connected to temporary black surface hose; water pressure under 20 PSI.	Photos D-1 & D-2
<i>e.g., Sept 28</i>	Transit Deprivation	Bus stop removed; family member forced to take private taxis (\$140 total).	
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<i>e.g., Sept 28</i>	Transit Deprivation	Bus stop removed; family member forced to take private taxis (\$140 total).	Transit Notice / Receipts

5. EVIDENCE LOG SHEET TEMPLATE (APPENDIX A)

Attach this log sheet to your submission, referencing matching photographs and written notices:

[illegible]