

November 8th, 2021

To: Mayor Gondek and Members of Council
From: John Mathias, General Chair, Calgary Assessment Review Board
Re: **Administrative Inquiry – Assessment Reform**

The City Clerk has brought the recent Administrative Inquiry respecting Assessment Reform to the attention of the Assessment Review Board (the ARB). The ARB is happy to provide Council with the following information to help address some of the questions set out in the Inquiry.

The ARB is an independent tribunal and has jurisdiction to hear complaints on certain assessment matters as provided by the *Municipal Government Act* (MGA). The ARB hears complaints in a fair and impartial manner and cannot favour either the complainant homeowner or business owner, or the respondent assessor who represents the Assessment Business Unit (ABU).

The ARB can provide information with respect to the hearing of assessment complaints and the issuing of decisions; however, it is independent of the ABU and is not involved in the preparation of assessments. The ABU appears as a party before the ARB when a complaint is filed with respect to an assessment. The ARB is therefore unable to respond to the questions presented in the Administrative Inquiry with respect to the preparation of assessments, the assessor's duties, or what information the assessor decides to submit to the complainant and the ARB in response to a complaint.

Jurisdiction of the ARB

The ARB is established by Council of the City of Calgary pursuant to Council's obligation under the MGA to establish a local assessment review board (LARB) to hear complaints on assessments of residential property with three or fewer dwellings or farm land, and a composite assessment review board (CARB) to hear complaints on any matter on an assessment notice for properties other than property within the jurisdiction of the LARB.

The ARB must comply with the legislative provisions set out in the MGA, the *Matters Relating to Assessment Complaints Regulation* (MRAC), the *Matters Relating to Assessment Taxation Regulation, 2018*, *The City of Calgary Charter*, and the Calgary Assessment Review Board Bylaw.

Complaints to the ARB are most frequently filed with respect to the assessment amount on the annual Assessment Notice issued by the ABU. The ARB has jurisdiction to review the assessment amount but has no jurisdiction to review the tax rate. A property owner's taxes are based on the assessed amount and the tax rate set by City Council as set out in the tax notices issued by the City of Calgary.

ARB Member Qualifications

The MGA requires Council to appoint at least three members to a LARB and two members to a CARB, where the presiding officer is a provincial member appointed to the Alberta Land and Property Rights Tribunal. The Calgary Assessment Review Board Bylaw prescribes a term of one year for each member's appointment, up to a maximum of 12 terms. ARB members are not City of Calgary employees.

MRAC states that an individual who is an assessor, is an employee of the municipality for which the assessment review board is established or is an agent, is ineligible and may not be a member of a panel of an assessment review board. In addition, it is the policy and practice of the Calgary ARB that members must not sit on a panel hearing a complaint with respect to a property within the member's own community, or in relation to which the member has any business or personal interest in the property, or with the property owner (*ARB 2019 Policies for Board Members*). The ARB will also not recommend an individual who is a former assessor to Council for appointment to the ARB until at least one year after termination of their employment as an assessor.

The current number of ARB members appointed by Council is 39. Members are individuals who are experienced in real estate, property appraisal, law, and assessment. Member biographies are available on the ARB website.

ARB members must successfully complete training prescribed by the Minister of Municipal Affairs to be qualified to sit on an assessment review board panel, and thereafter members must successfully complete prescribed refresher training every three years.

The ARB General Chair is responsible for managing performance and conduct of ARB members. The performance of each member is reviewed on an annual basis by the ARB General Chair to identify training and development needs, and to address areas of strength and areas where improvement is required.

The ARB Hearing Process

Hearings of the ARB are conducted in accordance with the principles of natural justice and procedural fairness to both parties. Rules with respect to submitting evidence to the other party and to the ARB are provided in MRAC, and *The City of Calgary Charter*. These regulations prescribe strict timelines for the disclosure of evidence by both a complainant and a respondent prior to an ARB hearing to ensure that both parties are aware of the other party's evidence and have an opportunity to respond to that evidence prior to the hearing. The ARB must not hear any evidence that is not disclosed in accordance with the regulated timelines. The specific dates by which each party must disclose its evidence, and instructions on how to disclose evidence, are communicated to the parties on a Notice of Hearing issued by the ARB for each hearing.



the Court of Queen's Bench, provided that the application is filed and served within 60 days of the date of the decision.

Mr. Howard Silver

The ARB is aware of the matters raised in the Administrative Inquiry with respect to Mr. Howard Silver's complaints against business tax assessments in 2014 and 2015; however, comments on specific assessment complaints or proceedings can only be made by the ARB through its written, published decisions. The ARB has worked constructively with stakeholders to implement the recommendations set out in The Heuristic Report to improve the assessment review process, and has previously informed Council about the significant progress it has made on that work (please see PFC2019-1274). The ARB remains committed to continually improving the assessment review process to ensure timely, fair and efficient assessment review for all Calgary business owners and homeowners.

I trust you will find the above information regarding the ARB, and its jurisdiction and hearing process to be helpful to your inquiry. I would be happy to provide any further information you request from the ARB with respect to these matters.

Yours truly,

A handwritten signature in black ink, appearing to read "John Mathias", is located below the "Yours truly," text. The signature is fluid and cursive.

John Mathias
General Chair, Calgary ARB