



Staff Report

Report To: Dan Best, Chief Administrative Officer
From: **Sandy Becker, Financial Services
Manager/Treasurer**
Date: July 17 2017
Report: FIN.17.15
Subject: Assessment Review Board (ARB) – Delegation of
Authority

Recommendations:

That South Huron Council receives the report from S. Becker, Financial Services Manager/Treasurer re: Assessment Review Board (ARB) – Delegation of Authority; and

THAT South Huron Council delegate authority to initiate and file notices of assessment appeal, for any property in the Municipality of South Huron, with the Assessment Review Board (“the ARB”), to the Treasurer or designate; and

THAT South Huron Council delegate authority to withdraw any appeal filed by the Municipality of South Huron, should it be determined that it is not in the Municipality’s best interest to proceed, to the Treasurer or designate; and

THAT South Huron Council delegate authority to attend any Mediation or Settlement Conference on property tax or assessment matters as a party to all appeals whether filed by the Municipality of South Huron or another person, entity or agent, to the Treasurer or designate; and

THAT South Huron Council delegate authority to attend before the Assessment Review Board on property tax or assessment matters as a party to all appeals whether filed by the Municipality of South Huron or another person, entity or agent, to the Treasurer or designate; and

THAT South Huron Council delegate authority to execute settlement agreements, on behalf of the Municipality of South Huron, reached in the course of a taxation or property assessment appeal, mediation or settlement conference, to the Treasurer or designate.

Purpose:

The purpose of this report is for Council to delegate the municipality's authority related to the assessment appeal procedures as defined by the Assessment Review Board, to the Treasurer or designate.

Background and Analysis:

Sections 39 and 40 of the *Assessment Act* allows that any person, including a municipality, may appeal to the Municipal Property Assessment Corporation (MPAC) or the Assessment Review Board (ARB), that a property assessment may be too high, too low, wrongly classified or omitted from the assessment roll. The delegation of the authority for staff to perform the tasks associated with these appeals, and the related collection of property taxes, will allow them to be performed in an efficient and expedient manner.

As of April 1st, 2017, the ARB began implementing new Rules and Procedures. While work in developing these is on-going they have not yet been finalized. Some of the changes to the Rules, as they affect Municipalities were introduced in webinars held in June. Municipalities must now file a Statement of Response for all appeal proceedings as to whether they wish to actively participate or not, this will ensure the Municipality will receive all documentation exchanged between the parties. Now included is a mandatory requirement to hold mediation and/or settlement conferences before scheduling hearings. To participate in mediation, the Municipality must authorize its representative to make and accept settlement offers at the time of the event, there will be no deferrals. Therefore a delegation of authority is required to allow municipal staff to initiate and file notices of assessment appeals, withdraw any appeal filed by the municipality, participate in the mediation or settlement conferences and the ARB and execute settlement agreements reached through the process on behalf of the municipality.

As part of the new ARB procedure, municipalities were also required to provide the name and contact information of its Municipal Appeal representative(s) and its Complaints Representative to the Board by July 1st, 2017. The Appeal representative will be the individual(s) who will

participate in the appeal process and the Complaints representative will be the individual who will receive complaints in regards to any part of the process. These representatives can be changed at any time by notifying the ARB in writing.

South Huron's representatives have been set up as follows;

Appeal representative(s): Treasurer and Deputy Treasurer/Tax Collector

Complaints representative: Clerk and Deputy Clerk

It has been recognized that intense education is required for all municipalities and a combined group of MFOA, OMTRA, AMCTO, OMAA, MPAC, AMO and the ARB are working to provide resources and webinars over the next 3-4 months. New information is coming out almost daily and staff are monitoring and evaluating it for its impact to South Huron.

Operational Considerations:

Assessment appeals in South Huron have for the most part been resolved in the past by agreements between the parties (MPAC and the property owner) prior to a hearing date, resulting in appeals being withdrawn.

Where it is in the opinion of the Treasurer or designate that there may be a significant financial impact to the Corporation, the municipality may retain the services of a tax consultant or paralegal whose expertise is that of assessment appeals and taxation matters.

South Huron's Strategic Plan:

The recommendation(s) included in this Staff Report support the following goals identified in the 2015-2019 Strategic Plan:

- √ Administrative Efficiency and Fiscal Responsibility
- √ Transparent, Accountable and Collaborative Governance

Financial Impact:

There is no immediate financial impact resulting from the proposed recommendation.

Legal Impact:

There are no legal implications for the Corporation resulting from the proposed recommendation.

Staffing Impact:

Staffing implications will be dependent on the number of appeals received in any given year. Historically, South Huron has had very few appeals which reached the mediation and/or ARB meetings stage. At this time ARB has indicated that they will be looking at attendance for these meetings via telephone and/or video conferencing.

Policies/Legislation:

Draft ARB Rules of Practice and Procedure

Consultation:

Wil Telford, Deputy Treasurer/Tax Collector
Genevieve Scharback, Clerk
Dan Best, CAO

Related Documents:

N/A

Respectfully submitted,

Sandy Becker, Financial Services Manager/Treasurer