CITY OF WINNIPEG

BOARD OF REVISION

PRACTICES AND PROCEDURES MANUAL

June 8, 2017

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1. GENERAL POLICIES

1.1 Compliance and application of Rules

All Members must have an understanding and uphold the legislative enactments, Council directives and the rules, practices, procedures, and obligations of the Board.

Each member must sign the following declaration:

A. Oath of Member
B. Conflict of Interest and Code of Conduct Policy

1.2 Report to Council on non-compliance

In the event of significant non-compliance of the Practices and Procedures Manual or any Legislation, as identified by the Secretary (hereafter Appeals Manager), or the Chair of the Board of Revision, or the Chair of the Panel, the incident must be reported to Council. The particulars of the incident must be reported, on an annual basis, to include the Members of the Panel, the particulars of the incident and the remedy of the non-compliance.

1.3. Member Training

All members must receive training from the Chair, Deputy Chair and/or Appeals Manager prior to the attendance of hearings.

Failure to attend training will result in a recommendation to Council that the Member's appointment be revoked.

1.4 Knowledge of Governing Legislation

All members must have a thorough knowledge of ***The Municipal Assessment Act;*** the power and duties of The Board of Revision *(See Appendix B);* and Practices and Procedures Manual.

2. BOARD OF REVISION

2.1 Role of The Board of Revision

The Board is the first level to which persons questioning their assessments may seek a review. The Board reviews individual applications for revision of the assessment roll and The Board is responsible for determining assessments are fair and equitable and fairly represent market values within the City of Winnipeg.

The Board is not responsible for adjudicating rates or amounts of taxes.

2.2 Mission Statement

The Board of Revision is a citizen board appointed by Council to hear applications for revision of assessments in a fair, open, efficient and quasi-judicious manner with consideration given to the City of Winnipeg's fiscal timeframe.

2.3 General Responsibilities

All members of a Board Panel must consider the merits of each review before rendering a decision. The Chair has the additional responsibility of maintaining order and decorum in the hearing, and maintains focus on the issues for all persons attending the hearing. The Clerk keeps an accurate record of the decisions and completes the necessary documentation required by Section 54(5) of ***The Municipal Assessment Act***.

2.4 Duties and Powers

Each Panel has an obligation to confirm the assessment roll, direct a revision of the assessment roll, or dismiss an application for review with reasons.

2.5 Member Appointments

Board of Revision Members are appointed by City Council annually. The Board of Revision complement must consist of no less than 3 Members and is usually comprised of approximately 35 Members.

2.6 Appointment of Chair

Council shall appoint a Board Member to serve as Chair of the Board.

2.7 Appointment of Deputy Chair

Council shall appoint a Board Member to serve as Deputy Chair of the Board.

2.8 Duties and authority of Chair

The Chair shall:

A. Provide in conjunction with the Appeals Manager, annual training to the Board Members
B. Ensure the Members of the Board of Revision are familiar with procedural responsibilities under Legislation and Practices and Procedures Manual
C. Monitor on-going hearings and provide advice/instruction as necessary
D. Evaluate Board performance
E. Provide an annual report to City Council
F. Disclose to the Appeals Manager any Member infractions according to the Practices and Procedures Manual
G. Identify and remedy Member conflict of interest
H. Ensure decisions are made in a responsible, respectful manner
I. Assist the Appeals Manager in developing procedures, monitor member conduct and other Board related matters
J. In cooperation with the Appeals Manager and Deputy Chair, develop policies, plans and materials that support the Board's activities.

2.9 Duties and authority of Deputy Chair

The Deputy Chair shall:

A. Provide assistance to the Chair as required
B. Assist the Chair and Appeals Manager with annual training to the Board Members
C. Assist the Chair to ensure the Members of the Board of Revision are familiar with procedural responsibilities under Legislation and Practices and Procedures Manual
D. Monitor on-going hearings and provide advice/instruction as necessary
E. Assist in the evaluation of Board performance
F. Assist the Chair in preparation of the annual report
G. Disclose to the Chair and Appeals Manager any member infractions according to the Practices and Procedures Manual
H. Assist in the on-going support to Board Members as required
I. Ensure decisions are made in a responsible, respectful manner
J. In cooperation with the Appeals Manager and Deputy Chair, develop policies, plans and materials that support the Board's activities.

In the absence of the Chair, the Deputy Chair will assume duties and responsibilities outlined in Section 2.8 of the Practices and Procedures Manual.

2.10. Duties and authority of Appeals Manager

The Appeals Manager shall:

A. Provide in conjunction with the Chair and/or Deputy Chair, annual training to the Board Members
B. Ensure the Members and Staff of the Board of Revision are familiar with procedural responsibilities under Legislation and Practices and Procedures Manual
C. Monitor on-going hearings and provide advice/instruction as necessary
D. Evaluate Staff performance
E. Disclose to the Chair and/or Deputy Chair any Member infractions according to the Practices and Procedures Manual
F. In cooperation with the Chair and Deputy Chair, develop procedures, policies, plans and materials that support the Board's activities and conduct
G. Assist the Chair to prepare the annual report to Council
H. Review all applications for revision are in compliance per The Municipal Assessment Act
I. Schedule all valid applications for revision and assign a Clerk for each Hearing
J. Develop a schedule of Panel Members to Hearings based on skills, experience and availability for approval by Board
K. Be responsible for all staff matters, including personnel and procedures

2.11 Terms of Board Members

Unless the member dies, resigns or is removed from their appointment by resolution of Council, a member of The Board shall hold the appointment for a term of not more than one year, commencing on the date of the resolution of Council.

Upon re-application of the Member, Council may choose to re-new the appointment.

2.12 Appointment of Hearing Secretary

The Appeals Manager shall assign a designate to perform the duties of Secretary at a hearing.

2.13 Panel Selection for Hearings

The Hearing Panel to consist of Panel Chair and Members shall be developed by the Appeals Manager for approval by Board. The assignments will be done by taking into account skills, experience and availability.

Each Panel is comprised of three persons, one of whom is Panel Chair.

2.14 Remuneration

See By-law No. 7026/97

2.15 Annual Board Report to Council

The Chair must provide an annual report to Council. The report should contain a summary of the number of appeals heard by classification by value and any particulars the Chair sees fit to include.

3. THE APPLICATION FOR REVIEW PROCESS

3.1 Appeals Manager to give notice of sittings, per Section 41(2) of ***The Municipal Assessment Act.***

> ***Section 41(2)***
> ***The secretary shall, at least 30 days before the scheduled date of commencement of a sitting of a board, give public notice of the sitting in accordance with this section.***

Posting is made in local newspapers and the City of Winnipeg website, as well, information is communicated on tax notices and assessment mailings.

This notice informs taxpayers that if they wish to apply for an assessment review, certain conditions apply as described in 3.2.

3.2 Application for revision, per Section 42(1) of ***The Municipal Assessment Act.***

Application for revision can be filed within the timeframe for the following reasons:

> ***Section 42(1)***
> ***A person in whose name property has been assessed, a mortgagee in possession of property under subsection 114(1) of The Real Property Act, an occupier of premises who is required under the terms of a lease to pay the taxes on the property, the authorized agent of the person, mortgagee or occupier, or the assessor may make application for the revision of an assessment roll with respect to the following matters:***
>
> ***(a) liability to taxation;***
>
> ***(b) amount of an assessed value;***
>
> ***(c) classification of property; or***
>
> ***(d) a refusal by an assessor to amend the assessment roll under subsection 13(2).***

3.3 Application requirements

All applications for revision must be filed on an application form along with the non-refundable filing fee. All applications for revision must be received by the Appeals Manager within the timeframe identified in Section 43(1) of ***The Municipal Assessment Act.***

Section 43(1)
An application for Revision must

(a) be made in writing;

(b) set out the roll number and legal description of the assessable property for which the revision is sought;

(c) set out which of the matters referred to in subsection 42(1) are at issue, and the grounds for each of those matters; and

(d) be filed by

(i) delivering it or causing it to be delivered to the office indicated in the public notice given under Section 41(2), or

(ii) serving it upon the secretary.

at least 15 days before the scheduled sitting date of the board as indicated in the public notice.

Supplementary Applications for Revision

14(2) The City Assessor may at any time, for the purpose of correcting an error or omission, amend the latest revised real or personal property assessment roll or business assessment roll, as the case requires, of The City of Winnipeg as certified, amended and revised by the City Assessor; of ***The Municipal Assessment Act.***

All supplementary applications for revision must be received by the Appeals Manager within the timeframe identified in Section 329 of ***The City of Winnipeg Charter Act.***

Section 329

…an application for revision in accordance with Part 8 of the Municipal Assessment Act may be made within 20 days after the day the amended or supplementary tax notice based on the amended assessment was received by the person to whom it was sent.

Applications for Revision submitted after the 20 days must include supporting documentation in regards to when notice was received, in keeping with the 20 day criteria.

All applications received will be scheduled for a hearing once the Application form has been submitted with the applicable non-refundable filing fee and deemed to be complete, in accordance with the Act, to the satisfaction of the Appeals Manager.

3.4 Scheduling of Application for Review and Notice to Applicants

The Appeals Manager schedules all hearings for Revision. All applications made with respect to an assessment roll will be heard by the end of February in accordance with The City of Winnipeg's fiscal timeline. Scheduling is usually undertaken months in advance. All Applicants are provided notice of their assessment review hearing at least 10 days in advance.

Section 44(1)
Notwithstanding the giving of public notice under subsection 41(2), the secretary shall, at least 10 days before the scheduled date of commencement of a sitting of the board at which an application will be heard, give or mail each party a written notice of the date, time and place of the hearing and, to the party who is not the applicant, a copy of the applicant.

3.5 Request for change to a different hearing date

The Board of Revision has limited ability to accommodate individual scheduling requests due to The City of Winnipeg's fiscal timeline. Where possible, an Applicant's request for scheduling change may be accommodated. Applicants may choose to have alternate representation appear at the hearing on their behalf.

3.6 Letter of Authorization

Letter of Authorization and pertinent documentation with respect to the application for revision must be submitted at the time of filing, along with the non-refundable filing fee. All Letters of Authorization are valid for the application

for which it is filed, unless otherwise stated.

3.7 Non- Refundable Filing Fee

All applications for review must be accompanied by the non-refundable filing fee as established by City Council in the Fees and Charges Schedule.

4. HEARING PROCESS

4.1 Livestream and Recording of hearings

All hearings will be open to the public, live streamed and recorded.

4.2 Respectful Customer Service

All Members must treat all parties fairly, in good faith, without bias and ensure that all parties are provided an adequate opportunity to state their case.

4.3 Agenda material to be provided on Decision Making Information System (DMIS).

The agenda shall be available to the Members of the Panel and the Public at least 96 hours preceding the hearing. Information will be posted on the City Clerk's DMIS.

4.4 Non-Residential Hearing Evidence

All parties shall present copies of written evidence for the hearing of non-residential properties to the Clerk, for exchange between parties, at least 14 days prior to a scheduled commercial hearing.

4.5 Quorum

All applications for revision will be heard by a Panel normally consisting of not less than three (3) members, one of whom has been assigned as Chair. Each hearing has a Clerk who is a staff member of the Board of Revision.

If no quorum is present at the end of half an hour past the scheduled hearing time, the Panel shall stand adjourned until such date and time established by the Appeals Manager.

Quorum is the minimum of two Panel Members.

4.6 Member attendance

Members must notify the Board of Revision Office as soon as they are aware of their unavailability to attend a scheduled hearing. Unexcused absences will be subject to a review by the Chair of the Board of Revision in accordance with the Code of Conduct.

Members must notify by email to BOR@winnipeg.ca or contact 204.986.7075

4.7 Order of Proceedings

A list of Applications for Revision to be heard will be posted outside the meeting room and on DMIS prior to the hearing.

The sequence of the agenda to be followed by the Panel at each hearing shall be as follows:

A. The Clerk confirms that quorum is present and so advises the Chairperson;

B. The Panel Chair shall call the meeting to order, introduce the Panel and Winnipeg Public Service, and advise as to the process and procedure that the hearing will follow;

C. The Panel Chair shall call the Assessor and the Applicants for consideration with respect to address the Applications for Revision on the Agenda to begin the hearing;

D. The Panel calls Adjournment of the hearing;

E. Following the conclusion of the hearing, the Board will render a decision in private, without streaming, along with the Clerk who will record the decision. After which, the decision will be forwarded to all respective applicable parties by registered mail.

4.8 Voting

At each hearing, a decision must be rendered on the Application for Revision as applied for.

Each Member must vote unless there is a conflict of interest declared.

4.9 Tie Vote

A vote in which there is an equal number of votes is deemed to be lost, and if no other recommendation is brought forward by the Panel, the assessment is deemed to be confirmed.

4.10 Issuance of a Board Order

Once a decision has been rendered, the Clerk shall prepare an order and provide it to each party as soon as practicable. The order shall:

A. describe the decision of the Panel, the reasons provided by the Panel for its decision and a statement outlining the rights of appeal in accordance with section 56 of the Act;

B. be sent to all parties by registered mail; and

C. be made available to the public in DMIS;

D. not be revised outside the 20 days from the date of the order; an exception may be made if a clerical error occurs that requires revision and any such revision would change the date of appeal.

5. CONFLICT OF INTEREST

5.1 Conflict of Interest Disclosure

If at a hearing, a Panel Member discloses a conflict, the Panel Chair and Clerk must be notified. The Panel Member must leave the hearing and not enter into deliberation of the application under review.

If quorum is lost, the application filed for review will be re-scheduled by the Appeals Manager.

A Member must not participate as a panel where:

A. the party is a family member. A family member is defined as:

i. Children, step-children, parents, step-parents, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, spouses, common law spouses, brothers, sisters, step-brothers, step-sisters, aunts, uncles, nieces, nephews and any persons who is not related but considered a family member.

B. the party is a business associate, an employee, or close acquaintance, but does not include a casual acquaintance; or

C. the member has a pecuniary interest associated with the applicant or property.

A Member shall:

D. disclose the general nature of the conflict to the Panel Chair;

E. withdraw from the hearing without voting or participating in the discussion; and leave the room while the Application for Revision is being heard and decided upon;

F. refrain at all times from attempting to influence the matter.

5.2 Board Member representation at a hearing

Board Members shall not represent anyone, including him or herself, as an Applicant or Witness at a hearing; for properties they own they must utilize alternative representation.

5.3 Motion Contrary to The Municipal Assessment Act and Practices and Procedures Manual

Whenever the Panel Chair is of the opinion that a motion made by a Member, offered to the Panel is contrary to any Legislation or to the Practices and Procedures Manual, the Panel Chair shall rule the motion out of order and the motion shall not be considered by the Panel.

5.4 Procedural Fairness

All members must provide for a fair hearing to all parties. This includes providing parties with a reasonable opportunity to present and respond to their case. It is important to weigh all relevant evidence, including documentation as presented at the hearing prior to decision making.

6.0 CODE OF ETHICS AND CONDUCT

6.1 Respectful Workplace

All Members must adhere to The City of Winnipeg's Respectful Workplace Administrative Standard HR-002. (See Appendix D)

6.2 Acknowledgement of the Practices and Procedures Manual and Conflict of Interest and Code of Conduct Policy

All Members must sign an Undertaking to adhere to the Practices and Procedures Manual and Conflict of Interest and Code of Conduct Policy.

6.3 Code of Ethics

All Members shall comply with the provisions of the Oath of Member, Conflict of Interest and Code of Conduct Policy.

6.4 Media Communication

A Member shall not make public comment nor discuss, orally or in writing, on any aspect of a matter before the Board, its policies or procedures.

A Member shall not communicate with the media regarding any Board matter and shall direct all media inquiries to the Appeals Manager.

6.5 Member Attendance

A Member shall be available at the hearings no less than 10 minutes prior to the scheduled commencement of a hearing.

A Member is expected to attend scheduled hearings as assigned. Unexcused absences will be subject to a review by the Chair and Appeals Manager of the Board of Revision.

7. CONDUCT IN HEARINGS

All Members must be independent, impartial and responsible to City Council and citizens.

7.1 Board Member Conduct

A Member must demonstrate respect for the Board, the clerk, the assessors, the parties, representatives, witnesses, and for the hearing process itself, through their demeanour, timeliness, dress and conduct throughout the proceeding.

7.2 Delegate Conduct

All Delegates must follow the City of Winnipeg's Respectful Workplace Policy (Administrative Standard HR-002)

The Chair will take appropriate action, if deemed necessary to manage unruly conduct.

Appendix A. The Municipal Assessment Act – Section 8

PART 8

REVISION AND APPEAL

BOARD OF REVISION

Appointment of board of revision
35(1) A council shall each year by resolution appoint a board of revision consisting of not less than three members, some or all of whom may be members of the council.

Presiding member of board of revision
35(2) A council shall appoint a member of a board appointed under subsection (1) to serve as the presiding officer of the board.

Term of office of board members
35(3) Unless the member sooner dies, resigns or is removed from office by resolution of the council or otherwise, a member of a board shall hold office for a term of not more than one year, commencing on the date of the resolution under subsection (1) or such other date as is specified in the resolution.

Appointment of secretary
35(4) The council shall appoint a person to act as secretary of a board appointed under subsection (1).

Duties of a board of revision
36(1) A board appointed under subsection 35(1) shall sit to hear applications for revision under section 42.

Rules of practice
36(2) A board may determine the rules of practice and procedure to govern the conduct of business before the board or a panel of the board, but the rules do not come into force until approved by the council of the municipality. S.M. 1996, c. 7, s. 4.

Protection of board members
37 In an action or other legal proceeding brought against a member of a board for an act or omission of the member in the course of performing the duties of the member, other than for an act or omission that constitutes a contravention of this Act or of any other Act applicable to the duties of the member, the member has the protection and privileges of a judge of the Court of Queen's Bench.

Designation of board panels
38(1) By order,
(a) a board with more than three members may designate at least three of them as a panel

to hear applications for revision; and

(b) any board may designate one of its members as a panel to hear applications respecting properties in the class prescribed as Residential 1.

Presiding officer of panel

38(2) In designating a panel under clause (1)(a), the board must appoint one of the members as the presiding officer of the panel.

Panel has powers of a board

38(3) A panel designated under subsection (1) has all the powers and duties of a board, other than the power of a board to make an order under subsection (1) and the duty of a board to report to council under subsection 54(6).

More than one panel sitting

38(4) Where a board designates more than one panel under subsection (1), the panels may sit at the same time. S.M. 2008, c. 34, s. 12.

Quorum of board or panel

39 A majority of the members of a board or of a panel constitutes a quorum for purposes of a sitting or hearing or of conducting the business of the board or panel.

Compensation

40 A council may, by by-law, provide for the payment of compensation to members of a board who do not receive remuneration as members of the council.

REVISION PROCESS

Annual sittings of boards of revision

41(1) A board shall sit each year for the purpose of hearing applications for revision under section 42.

Secretary to give notice of sittings

41(2) The secretary shall, at least 30 days before the scheduled date of commencement of a sitting of a board, give public notice of the sitting in accordance with this section.

Content of notice of sitting

41(3) A public notice under subsection (2) must state

(a) that the assessment rolls for the municipality have been delivered to the municipality and are open for public inspection;

(b) the address of the office at which the assessment rolls may be inspected;

(c) that a board of revision will be sitting to hear applications and give the date, time and place of the sitting;

(d) that any person who believes that an assessment ought to be revised may make application in accordance with sections 42 and 43;

(e) the address of the office to which applications must be sent; and

(f) the complete text of subsections 42(1) and 43(1).

Method of giving notice of sitting

41(4) The secretary shall, in respect of a public notice under subsection (2),

(a) post the notice in a conspicuous place in the building in which the central offices of the subject municipality are located;

(b) send the notice to a newspaper having general circulation in the municipality for publication in at least two editions of the newspaper; and

(c) otherwise post the notice or send it for publication in such other places and in such other manner as council directs. S.M. 1998, c. 37, s. 90.

Application for revision

42(1) A person in whose name property has been assessed, a mortgagee in possession of property under subsection 114(1) of *The Real Property Act*, an occupier of premises who is required under the terms of a lease to pay the taxes on the property, the authorized agent of the person, mortgagee or occupier, or the assessor may make application for the revision of an assessment roll with respect to the following matters:

(a) liability to taxation;

(b) amount of an assessed value;

(c) classification of property;

(d) a refusal by an assessor to amend the assessment roll under subsection 13(2).

No revision re railway roadway, pipeline or gas distribution system

42(2) A board shall not consider an application for the revision of an assessment rate schedule prescribed under clause 6(1)(a).

S.M. 1996, c. 7, s. 5; S.M. 1996, c. 9, s. 7; S.M. 2001, c. 27, s. 4; S.M. 2008, c. 34, s. 13.

Application requirements

43(1) An application for revision must

(a) be made in writing;

(b) set out the roll number and legal description of the assessable property for which a revision is sought;

(c) set out which of the matters referred to in subsection 42(1) are at issue, and the grounds for each of those matters; and

(d) be filed by

(i) delivering it or causing it to be delivered to the office indicated in the public notice given under subsection 41(2), or

(ii) serving it upon the secretary,

at least 15 days before the scheduled sitting date of the board as indicated in the public notice.

Assessor's request to increase assessed value

43(2) If the assessor wishes to request the board to increase the assessed value of a property, he or she must

(a) file an application under subsection 42(1) that puts the assessed value at issue; or

(b) give notice under subsection (3) of his or her intention to request an increase.

Notice of request to increase assessed value

43(3) If an application by a person other than the assessor puts at issue the assessed value of a property, and the assessor wishes to request the board to increase the assessed value, instead of filing an application under subsection 42(1), the assessor must, at least 10 days before the hearing of the application,

(a) file with the board a written notice of his or her intention to seek an increase; and

(b) give or mail a copy of the notice to the other parties.

S.M. 2001, c. 27, s. 5.

Notice of sitting to parties

44(1) Notwithstanding the giving of public notice under subsection 41(2), the secretary shall, at least 10 days before the scheduled date of commencement of a sitting of the board at which an application will be heard, give or mail to each party a written notice of the date, time and place of the hearing and, to the party who is not the applicant, a copy of the application.

44(2) [Repealed] S.M. 1996, c. 9, s. 8.

S.M. 1996, c. 9, s. 8.

Notice of rescheduled sitting

45(1) Where a board cancels a scheduled sitting or fails to sit as scheduled, the secretary shall, no later than the tenth day following the day on which the board cancels the sitting or fails to sit, give or mail to the parties written notice of the rescheduled date, time and place for the sitting, which date shall be no sooner than the tenth day following the date of the notice.

Adjournments of sittings

45(2) A board may adjourn the hearing of an application to a later date, to the next sitting of the board or to an unspecified date, as the board considers appropriate in the circumstances.

Absence of party at revision hearing

46(1) Subject to subsection (2), where notice is given in accordance with section 44 and a party fails to attend at the scheduled sitting of the board as specified in the notice, the board may hear and decide upon the application in the absence of the party.

Board may dismiss where applicant absent

46(2) Where notice is given in accordance with section 44 and the applicant fails to attend at a scheduled sitting of the board, the board may dismiss the application without a hearing and in the absence of the applicant.

Assessor to attend revision hearings

46(3) Where an assessor receives notice under subsection 44(1), the assessor shall attend the hearing of the application to which the notice relates.

S.M. 1998, c. 34, s. 13.

Party may testify or call witnesses

47(1) A party may testify, and may call witnesses to testify, at the hearing of an application.

Subpoena powers of secretary

47(2) For purposes of hearing an application, a party may request the secretary, by a subpoena or summons issued under the hand of the secretary, to summon a person

(a) to appear before the board that is scheduled to hear the application;

(b) to give evidence; and

(c) to produce such documents and things as relate to the matters at issue in the application.

Board may call witnesses

47(3) For the purposes of hearing and deciding upon an application, a board may, by order, summon a person

(a) to appear before the board;

(b) to give evidence; and

(c) to produce such documents and things as relate to such matters as are specified in the order.

Service of subpoena, summons or order

47(4) The party that requests a secretary under subsection (2) to issue a subpoena or summons or such party as the board making an order under subsection (3) specifies in the order shall serve the subpoena, summons or order upon the person to whom it is directed by personal service upon the person or by registered mail sent to the address of the person.
S.M. 1989-90, c. 90, s. 31.

Failure of witness to appear: penalty

48 Subject to section 49, where, under subsection 47(4), a person is served with a subpoena, summons or order and the person without just excuse fails to attend at the time and place specified in the subpoena, summons or order or, although in attendance, refuses to testify or produce documents as required under the subpoena, summons or order, the person is guilty of an offence and is liable to a fine of not more than $100.
S.M. 1989-90, c. 90, s. 31.

Attendance money entitlement

49(1) Where a person who is not a party is required by a summons, subpoena or order under subsection 47(2) or 47(3) to attend at a hearing of an application, the person is relieved of the obligation to attend unless, at the time of service of the subpoena, summons or order, attendance money calculated in accordance with clause 1(a) of Tariff "B" of the Queen's Bench Rules is paid or tendered to the person.

Liability for attendance money

49(2) Unless the board otherwise orders, the party responsible for service of a subpoena, summons or order under subsection 47(4) is liable for payment of attendance money under subsection (1).

Testimony under oath or affirmation

50(1) A witness at a hearing shall testify under oath or affirmation.

Administration of oath or affirmation
50(2) The secretary or a member of the board hearing the application shall administer the oath or affirmation under subsection (1).

Recording of evidence
51(1) Where a party at a hearing requests that the hearing or part of the hearing or the testimony of a witness testifying at the hearing be recorded, the board conducting the hearing may direct, by order, that the hearing or a part of the hearing or the testimony of a witness be recorded by a person appointed by the board, with or without production of a transcript copy of the recording.

Liability for cost of recording
51(2) Where a board makes an order under subsection (1), the board may, at the time of making the order or after deciding upon the application, charge against the party who requested the recording the costs or a part of the costs of

(a) recording the hearing, a part of the hearing or the testimony of a witness, including the cost of the services of the person appointed to make a recording;

(b) producing a readable transcript of a recording; or

(c) making copies of a recording or a transcript.

Board may view property
52 A board may, for purposes of an application, view the property that is the subject of the application.

Burden of proof on assessor
53(1) Subject to subsections (2) and (3), a board shall, at a hearing of an application that pertains to the amount of an assessed value, place the burden of proof on the assessor on matters at issue with respect to the amount of the assessed value.

Burden of proof on applicant
53(2) A board shall, at a hearing of an application that pertains to liability to taxation or the classification of property, place the burden of proof on the applicant on matters at issue with respect to liability to taxation or classification of property.

Burden of proof for non-cooperation
53(3) Where an applicant fails or refuses

(a) to give an assessor a reasonable opportunity to inspect the property; or

(b) to comply with a request for information and documentation under section 16;

a board shall, at the hearing of the application, place the burden of proof on the applicant on all matters at issue.

Order by board or panel

54(1) After hearing an application, a board or, where the application is heard by a panel, the panel, shall, by order,

(a) confirm the assessment; or

(b) change the assessment as the circumstances require and direct a revision of the assessment roll accordingly,

(i) subject to subsections (2.1) and (3), by increasing or decreasing the assessed value of the subject property,

(ii) by changing the liability to taxation or the classification of the subject property, or

(iii) by changing both the assessed value of the subject property and its liability to taxation or its classification.

No order on matters not put at issue

54(2) Despite clause (1)(b), a board or panel shall not change an assessment with respect to any matter that was not put at issue by

(a) an application made under subsection 42(1); or

(b) a notice filed under subsection 43(3).

Increase in assessed value

54(2.1) A board or panel may increase the assessed value of the subject property only if the assessor

(a) filed an application under subsection 42(1) that put the assessed value at issue; or

(b) gave notice under subsection 43(3) of his or her intention to seek an increase in the assessed value.

No change if fair and just relation

54(3) A board or panel shall not change an assessed value where the assessed value bears a fair and just relation to the assessed values of other assessable property.

Effect of providing inconsistent information

54(3.1) Where, in response to a request for information or documentation under clause 16(1)(c), a person provided information that was substantially at variance with information that he or she presented at a hearing, the presiding officer of the board or panel may order that the information presented by the person at the hearing is not to be considered by the board or panel in making its decision.

Effect of providing no information

54(3.2) Where a person failed to comply with a request for information or documentation under clause 16(1)(c), the board or panel shall specify in its order that any reduction in the assessed value of the person's property is not to take effect until the year following the year to which the application relates.

Panel report to board

54(4) After a panel makes an order under subsection (1) in respect of an application, the presiding officer of the panel shall report to the board with respect to the application.

Mailing of board or panel order
54(5) After an order is made under subsection (1), the secretary shall, by registered mail, send to each party and, where the secretary is not also the municipal administrator, to the municipal administrator,

(a) a copy of the order; and

(b) a statement informing the party of the rights of appeal available under section 56 and the procedure to be followed on an appeal.

Board report to council
54(6) Upon completion of the revision process in respect of a year, the board shall report to council that the revision process for the year is completed.

Revision of assessment roll by assessor
54(7) Where an order is made under subsection (1) directing revision of an assessment roll, the assessor shall revise the assessment roll accordingly.

Revising the assessed value of a community revitalization property
54(8) If an order is made increasing or decreasing the total assessed value of a community revitalization property, when revising the assessment roll under subsection (7), the assessor must, to the extent possible, change the property's incremental assessed value.
S.M. 1995, c. 35, s. 5; S.M. 1996, c. 9, s. 9; S.M. 1998, c. 34, s. 14; S.M. 2001, c. 27, s. 6; S.M. 2008, c. 34, s. 14; S.M. 2009, c. 29, s. 18.

Revised assessment rolls final
55(1) Upon entry of revisions authorized by a board, if any, the assessment rolls are in force and, subject to the results of an appeal under section 56, are binding on all parties.

Amendment process saved
55(2) Subsection (1) does not affect the power of an assessor under section 13 to amend an assessment roll.

APPEAL PROCESS

Appeal to Court of Queen's Bench
56(1) A party may appeal an order made under subsection 54(1) to the Court of Queen's Bench with respect to liability to taxation only.

Appeal to Municipal Board
56(2) A party may appeal an order under subsection 54(1) to the Municipal Board only with respect to the amount of an assessed value or a classification of property.

Simultaneous appeals
56(3) Where a party commences an appeal to the Court of Queen's Bench under subsection (1) and an appeal to the Municipal Board under subsection (2) and both appeals relate to the same application or the same property, the Board may defer hearing the appeal to the Board until the appeal to the Court of Queen's Bench, including any appeal from the decision of the Court, is finally determined.

New hearing on appeal
56(4) An appeal to the Court of Queen's Bench or to the Municipal Board is a new hearing on the matters that were put at issue before the board.

Right of appeal lost
56(5) The right to appeal as provided under this section is lost and is deemed to be waived or abandoned where a person fails to comply with subsection 57(2) or 62(2).
S.M. 1994, c. 20, s. 14; S.M. 2001, c. 27, s. 7.

Appeal procedure to Municipal Board
57(1) The appeal procedure set out in this section applies on an appeal to the Municipal Board.

Notice of appeal to Municipal Board
57(2) An appellant shall, not later than 21 days after the day on which a copy of an order is sent to the appellant under subsection 54(5), file a copy of the order and a notice of appeal with the Municipal Board.

Contents of notice
57(2.1) The notice of appeal referred to in subsection (2) must

(a) set out the roll number and legal description or address of the assessable property that is the subject of the appeal; and

(b) [repealed] S.M. 1996, c. 9, s. 10;

(c) set out the matters referred to in subsection 56(2) that are the subject of the appeal, and the grounds of appeal for each of those matters.

Filing fee on appeal
57(3) When filing a notice of appeal under subsection (2), the appellant shall pay the

applicable filing fee prescribed under *The Municipal Board Act*.

Appeal fee refund
57(4) Where an appellant is successful on an appeal, the filing fee paid under subsection (3) shall be refunded to the appellant.

Municipal Board to set appeal hearing with notice
57(5) Subject to subsection (5.1), the Municipal Board shall, with respect to each appeal, set the date, time and place of hearing of the appeal and give written notice of the date, time and place of hearing of the appeal by registered mail to each of the parties.

Board may assist in resolution
57(5.1) The Board may, on its own initiative or at the request of the parties, attempt to assist the parties in reaching an agreement that resolves one or more of the matters at issue without holding a hearing.

Notice of appeal hearing
57(6) A notice under subsection (5) must set out

(a) the name of the appellant and the names of the other parties to the appeal;

(b) the roll number and legal description or address of the assessable property to which the appeal relates; and

(c) the scheduled date, time and place of the hearing of the appeal.

Posting of notice of appeal hearing
57(7) The municipal administrator to whom a notice is sent under subsection (5) shall post the notice in a conspicuous place in the building in which the central offices of the municipality are located.

Assessor may seek increase in assessed value
57(8) Notwithstanding that the assessor did not file an application under subsection 42(1) or a notice under subsection 43(3), the assessor may request the Municipal Board to order that the assessed value of a property be increased to an amount greater than what it was before the board order was made. The request is to be made by

(a) filing an appeal under subsection (2); or

(b) giving notice under subsection (9).

Assessor's notice of request to increase assessed value
57(9) If an appellant other than the assessor puts at issue in an appeal the assessed value of a property, as determined by an order made under subsection 54(1), and the assessor wishes to request an increase in that value, instead of filing an appeal under subsection (2), the assessor must, at least 10 days before the hearing of the appeal,

(a) file with the Municipal Board a written notice of his or her intent to seek an increase; and

(b) give or mail a copy of the notice to the other parties to the appeal.

S.M. 1989-90, c. 90, s. 31; S.M. 1992, c. 13, s. 7; S.M. 1996, c. 9, s. 10; S.M. 1998, c. 34, s. 15; S.M. 1998, c. 37, s. 90; S.M. 2001, c. 27, s. 8; S.M. 2008, c. 34, s. 15.

Assessors to attend appeal hearings
58 Whether or not an assessor is a party appealed against in an appeal to the Municipal Board, an assessor shall attend the hearing of the appeal.

Adjournment of appeal hearings
59(1) The Municipal Board may adjourn the hearing of an appeal to a later date, to the next sitting of the Board or to an unspecified date, as the board considers appropriate in the circumstances.

Municipal Board Act powers apply
59(2) In conducting the hearing of an appeal, the Municipal Board may exercise the powers that are vested in it under *The Municipal Board Act*.

Appeal hearing in absence of party
59(3) Where notice is given in accordance with subsection 57(5) and a party fails to attend the hearing of the appeal at the scheduled time and place or at the scheduled time and place of an adjourned hearing, the Municipal Board may hear and decide the appeal in the absence of the party.

Dismissal if appellant fails to appear
59(4) Where notice is given and an appellant fails to appear at the scheduled time and place for the hearing of the appeal, the Board may dismiss the appeal without conducting a hearing and in the absence of the appellant.

Burden of proof on appeals
59(5) Subject to subsection (6), the Municipal Board shall, at a hearing of an appeal, place the burden of proof on the assessor on matters at issue with respect to the amount of the assessed value and on the appellant on matters at issue with respect to the classification of property.

Burden of proof for non-cooperation
59(6) Where a property owner fails or refuses

(a) to give an assessor a reasonable opportunity to inspect the property; or

(b) to comply with a request for information and documentation under section 16;

the Municipal Board, on an appeal under subsection 56(2), shall, at the hearing of the appeal, place the burden of proof on the property owner on all matters at issue.
S.M. 1992, c. 13, s. 8.

Order by Municipal Board

60(1) After hearing an appeal, the Municipal Board may, by order,

(a) confirm the assessment; or

(b) change the assessment as the circumstances require and direct a revision of the assessment roll accordingly,

(i) subject to subsections (1.3) and (2), by increasing or decreasing the assessed value of the subject property,

(ii) by changing the classification of the subject property, or

(iii) by changing the assessed value and the classification of the subject property;

and the board may award costs against a party.

No hearing necessary with agreement

60(1.1) Where all parties agree to a revised assessment, the Municipal Board may change the assessment or classification of the subject property, as agreed by the parties, and direct a revision of the roll without hearing an appeal.

No order on matters not at issue in an appeal

60(1.2) The Municipal Board shall not change an assessment with respect to any matter that was not put at issue by

(a) a notice of appeal filed under subsection 57(2); or

(b) a notice filed under subsection 57(9).

Increase in assessed value

60(1.3) The Municipal Board may increase the amount of the assessed value of the subject property to an amount equal to or greater than what it was before the board order was made under subsection 54(1), but only if the assessor

(a) filed a notice of appeal under subsection 57(2) that put the assessed value at issue; or

(b) gave notice under subsection 57(9) of his or her intent to request an increase in the assessed value.

No change by Board if fair and just relation

60(2) The Board shall not change an assessed value where the assessed value bears a fair and just relation to the assessed values of other assessable property.

Effect of providing inconsistent information

60(2.1) Where, in response to a request for information or documentation under clause 16(1)(c), a person provided information or documentation that was substantially at variance with information that he or she presented at the hearing of an appeal by The Municipal Board, the person chairing the hearing may, whether or not an order was made under subsection 54(3.1) in respect of the matter, order that the information or documentation presented at the hearing is not to be considered by The Municipal Board in making its decision.

Effect of providing no information

60(2.2) Where a person failed to comply with a request for information or documentation under clause 16(1)(c), the Municipal Board shall specify in its order that any reduction in the assessed value of the person's property is not to take effect until the year following the year to

which the application relates.

Board may direct assessments redone

60(3) Subject to subsection (5), where, after hearing and deciding upon appeals made to it, the Municipal Board finds that a number of assessments might be erroneous, the Board may, by order, direct that

(a) the assessments that might be erroneous be redone; or

(b) assessments of a type or class of property specified in the order be redone.

Directions on assessments to be redone

60(4) Where the Municipal Board under subsection (3) directs that assessments be redone, the Board shall give directions with respect to

(a) the type or class of property for which assessments are to be redone;

(b) whether or not assessments for all properties of a type or class under clause (a) in a municipality are to be redone;

(c) where assessments for only a portion of the properties of a type or class under clause (a) are to be redone, the portion for which assessments are to be redone;

(d) the factors that an assessor must consider in redoing the assessments;

(e) the time for completion and delivery of the assessment rolls with assessments redone;

(f) the mailing and publication of notices of assessments that are redone;

(g) the year for which the redone assessments apply for taxation purposes; and

(h) such other matters as the Board considers appropriate.

Reassessment as of before delivery of rolls

60(5) Where the Board under subsection (3) directs that assessments be redone, the assessor shall assess the property as if the assessment were being redone prior to the time of delivery of the applicable assessment roll under subsection 9(3).

Same conditions and requirements apply

60(6) In redoing assessments by order of the Board under subsection (3), assessors shall apply the same conditions and requirements, including the same reference date, as applied when the assessments were first done.

Reassessments apply in subsequent years

60(7) An assessment that is redone under subsection (3) applies in the years that follow the year in which the assessment is redone until the year for which the next general assessment under subsection 9(1) is done.

P.M.A. and City Assessor to be heard

60(8) Before directing, under subsection (3), that assessments be redone, the Municipal Board shall notify the Provincial Municipal Assessor or, where applicable, the City Assessor of the finding of the Board under subsection (3) and shall allow the Provincial Municipal Assessor or the City Assessor an opportunity to make submissions to the Board with respect to the assessments to be redone or the directions to be given by the Board in respect of the assessments. S.M. 1989-90, c. 90, s. 31; S.M. 1996, c. 9, s. 11; S.M. 1998, c. 34, s. 16; S.M. 2001, c. 27, s. 9 and 10; S.M. 2008, c. 34, s. 16.

Mailing of order of Board
61(1) After making an order under subsection 60(1), the Municipal Board shall mail or deliver a copy of the order, together with the reasons for the making of the order, to each of the parties.

Revision by municipal administrator
61(2) Where an order of the Municipal Board under subsection 60(1) includes a direction that an assessment or an assessment roll be revised, the municipal administrator of the subject municipality or, in the case of the City of Winnipeg, the City Assessor, shall, upon receiving a copy of the order, revise the assessment or assessment roll accordingly.

Revising the assessed value of a community revitalization property
61(3) If an order is made increasing or decreasing the total assessed value of a community revitalization property, the municipal administrator of the subject municipality or, in the case of the City of Winnipeg, the City Assessor, must, to the extent possible, change the property's incremental assessed value when revising the assessment roll under subsection (2).
S.M. 2009, c. 29, s. 18.

Appeal to Court of Queen's Bench
62(1) The procedure set out in the Queen's Bench Rules applies for purposes of an appeal to the Court of Queen's Bench under subsection 56(1).

Content of appeal documents, parties
62(2) The appellant commencing an appeal under subsection 56(1) shall, in accordance with the Queen's Bench Rules and not later than 21 days after the day on which a copy of the order of the board is sent to the appellant under subsection 54(5), file appeal documents

(a) setting out

(i) the assessment or assessable property to which the appeal relates, and

(ii) the grounds on which the appeal is based; and

(b) naming as respondents

(i) the parties on the application for revision from which the appeal arises, and

(ii) the City Assessor or the Provincial Municipal Assessor, as the case may be.

28-day limitations
62(3) In respect of an appeal to the Court of Queen's Bench under subsection 56(1),

(a) the registrar of the Court shall fix a date for commencement of the appeal hearing on a date not later than 28 days after the date on which appeal documents are filed under subsection (2);

(b) a judge of the Court may adjourn the appeal hearing for a period not exceeding 28 days and, if the judge is of the opinion that special circumstances warrant, such additional period as the judge may consider appropriate; and

(c) the judge hearing the appeal shall render a decision on the appeal within 28 days of completion of the appeal hearing.
S.M. 1989-90, c. 90, s. 31; S.M. 1992, c. 13, s. 9.

Appeal to Court of Appeal
63(1) Subject to this section, a party to an appeal to the Municipal Board or to the Court of Queen's Bench may appeal the order of the Municipal Board or the Court of Queen's Bench to the Court of Appeal upon

(a) a question involving the jurisdiction of The Municipal Board or The Court of Queen's Bench; or

(b) a point of law;

in accordance with the rules of the Court of Appeal.

Leave to appeal
63(2) A party may not appeal an order of the Municipal Board to the Court of Appeal without leave of a judge of the Court of Appeal.

Apply for leave within 30 days
63(3) For purposes of subsection (2), a party shall apply for leave no later than 30 days after the making of the order sought to be appealed from, or within such further time as a judge of the Court of Appeal may allow.

Notice
63(4) A party seeking leave to appeal shall give notice to the other parties and shall state in the notice the grounds of the appeal.

Court of Appeal decision final
63(5) A decision of the Court of Appeal on an appeal under subsection (1) is final.

Appendix B. City of Winnipeg's Respectful Workplace Policy

ADMINISTRATIVE STANDARD HR-002

RESPECTFUL WORKPLACE

AUTHORITY FOR STANDARD: Director of Corporate Support Services

LAST UPDATED: October 2015

Standard

ALL EMPLOYEES WILL MAINTAIN A RESPECTFUL WORKPLACE FREE OF BEHAVIOURS SUCH AS UNLAWFUL DISCRIMINATION, HARASSMENT, RUMOURS THAT DAMAGE A PERSON'S REPUTATION DISRUPTIVE WORKPLACE CONFLICT, AND DISRESPECTFUL BEHAVIOUR.

CONTEXT FOR THIS STANDARD

The City recognizes its responsibility to build and maintain a respectful workplace where all employees enjoy an environment free of behaviours such as unlawful discrimination, harassment, disruptive workplace conflict, disrespectful behaviour and violence in the workplace.

A respectful workplace requires the cooperation and support from every employee in the organization. Everyone has a responsibility to set a positive example and behave in a manner which will not reasonably offend, intimidate, embarrass or humiliate others, whether deliberate or unintentional.

Employers' responsibility to provide a safe and healthy work environment, free from harassment and discrimination is clearly stated by Human Rights and Workplace Safety and Health legislation.

The following is prohibited by the Manitoba Human Rights Code;

- Harassment based on race, national or ethnic origin, colour, religion, age, sex including pregnancy, gender identity, marital status, family status, physical or mental disability, sexual orientation and social status.
- Sexual harassment based on disrespectful/disruptive conduct of a *sexual nature* made by a person who knows or ought reasonably to know that such conduct or comment is *unwanted* or *unwelcome.*

The City's Human Resource Strategic Plan, approved by Council in July 2001, clearly articulates the requirement for a "positive, respectful, safe and healthy work environment" to support "the physical, psychological and social well-being of employees".

The City recognizes that disruptive workplace conflicts and disrespectful behaviour can jeopardize an individual's dignity and well-being and/or undermine work relationships and productivity. The City commits to providing a workplace built upon the principle of fair and respectful treatment in order to minimize these conflicts.

This Standard does not preclude;

- Police officers from using force as sanctioned by the Criminal Code of Canada.
- The employer's right to manage. Performance reviews, work assignments/evaluation, and disciplinary measures taken by the employer for any valid reason do not constitute disrespectful behaviour or harassment in the workplace.

A. PURPOSE OF STANDARD

- To support a respectful workplace and minimize risk to individual employees by ensuring a consistent, quick and thorough process for dealing with behaviours such as violence in the workplace, discrimination, harassment, rumours that damage a person's reputation, disruptive workplace conflict, and disrespectful behaviour.

- To minimize risk to the City by ensuring that action is taken quickly and consistently when employees face violence/threats from other employees in the workplace or from members of the public.

B. PRINCIPLES OF A RESPECTFUL WORKPLACE

- The principle of fair treatment is a fundamental concept of the City's respectful workplace approach.
- Every employee in the public service is entitled to a respectful and safe workplace.
- The City will take immediate action towards any violent acts or threats directed at employees, between employees, by an employee toward a member of the public or by a member of the public towards an employee.
- The City and the Unions will support employees who find themselves in a position that could jeopardize their dignity and well-being, or undermine work relationships or productivity.
- Every employee has the right to file a complaint with the Manitoba Human Rights Commission - phone 204-945-3007.
- This Standard is not intended to discourage or prevent a complainant or from exercising any other legal rights pursuant to any other law.

C. KEY ROLES AND RESPONSIBILITIES

THE DIRECTOR OF CORPORATE SUPPORT SERVICES WILL:

1. Ensure compliance with this Standard.

2. Ensure ongoing monitoring and review of procedures and regular reporting of respectful workplace issues.

MANAGERS AND SUPERVISORS WILL:

(Management includes senior management, department heads, human resource representatives, managers, supervisors, foremen, or any person with immediate supervisory responsibility).

1. Ensure all employees enjoy an environment free of behaviours such as unlawful discrimination, harassment, rumours that damage a person's reputation, disruptive workplace conflict, disrespectful behavior and violence in the workplace.

2. Ensure that this Standard and the protocol/procedures attached to it are clearly communicated to and adhered to by supervisors and by all employees within their area of control.

3. Ensure all new employees are provided with the Respectful Workplace Employee Information Sheet.

4. Communicate pertinent information about respectful workplace behaviours and violence to employees in a timely manner.

5. Provide immediate intervention for contraventions of this Standard.

6. Ensure that the name of the complainant or an alleged harasser or the circumstances related to the complaint will not be disclosed to any person except where disclosure is:

    a) necessary to investigate the complaint or take corrective action with respect to the complaint.

    or

    b) required by law.

7. Post a copy of the Respectful Workplace Information Sheet on a bulletin board or prominent location in each workplace.

DEPARTMENTAL HUMAN RESOURCE REPRESENTATIVES WILL:

1. Provide timely information, advice and support to management in carrying out responsibilities related to this Standard.

2. Facilitate resolution of all incidents, and support remedial efforts that may be developed to address issues that may arise.

EMPLOYEES WILL:

Contribute to a respectful workplace through appropriate behaviours and comply with this Standard.

LABOUR RELATIONS DIVISION [Corporate Support Services] will:

1. Assist departments, if requested, in investigating, documenting and resolving the incidents in an impartial and objective manner.

2. Monitor compliance with the Standard by tracking incidents and providing departments with information and recommendations to assist them with prevention of disrespectful behaviours.

3. Prepare an annual review report to evaluate the effectiveness of the Procedures and recommend revision to the Director of Corporate Support Services if necessary.

D. REFERENCES AND LINKS TO RELATED PROTOCOL/ PROCEDURES

- Respectful Workplace Statement of Commitment
- The Manitoba Human Rights Code
- The Manitoba Workplace Safety and Health Regulation 217/2006, Parts 10 and 11
- Safety, Health and Organizational Wellness, Administrative Standard HR-006
- Respectful Workplace Protocol/Procedures/Tools
- Collective Agreements between the City of Winnipeg and its unions/associations contain articles that outline the principles of a respectful workplace
- The City of Winnipeg Human Resource Strategic Plan (approved by Council, July 2001)

D. AMENDMENTS

The following policies were replaced by this Standard when it was created in 2002:

- October 1984, The Board of Commissioners approved a “Policy on Sexual Harassment”.
- October 24, 1985, The Chief Commissioner approved a “Policy Statement on Racial Discrimination”.
- September 11, 1996, Council approved “The City of Winnipeg Harassment Policy for
- Department Managers, The Board of Commissioners and Members of City Council”.
- October 5, 2015 – Updates to the Human Rights Code and to organizational titles/responsibilities.

E. REVIEW PROCESS

The Director of Corporate Support Services is accountable for implementing and reviewing this Standard. The CAO approves amendments to this Standard. To be reviewed by December 31st every second year.

F: KEY CONTACTS

Human Rights & Workplace Consultant, Labour Relations Division, Corporate Support Services
Organizational Safety & Occupational Hygiene Coordinator, Corporate Support Services

RESPECTFUL WORKPLACE
Statement of Commitment

The City recognizes its responsibility to build and maintain a respectful workplace where all employees enjoy an environment free of behaviours such as unlawful discrimination, harassment, rumours that damage a person's reputation disruptive workplace conflict, disrespectful behaviour and violence in the workplace.

It has been clearly stated by the Canadian and Manitoba Courts that an employer has a responsibility to provide a safe and healthy work environment, free from harassment and discrimination. Harassment based on race, national or ethnic origin, colour, religion, age, sex including pregnancy, gender identity, marital status, family status, physical or mental disability, sexual orientation and/or social status is prohibited.

The City's Human Resource Strategic Plan, approved by Council in July 2001, clearly articulates the requirement for a "positive, respectful, safe and healthy work environment" to support "the physical, psychological and social well-being of employees".

The City recognizes that disruptive workplace conflicts and disrespectful behaviour can jeopardize an individual's dignity and well-being and/or undermine work relationships and productivity. The City commits to providing a workplace built upon the principle of fair and respectful treatment in order to minimize these conflicts.

The principle of fair and respectful treatment is a fundamental one that the City commits to upholding for all employees and the public they serve. All City of Winnipeg employees have a responsibility to set an example through respecting the dignity and human rights of fellow employees, councillors and the public.

Administrative procedures guide the organization in dealing with behaviours such as: discrimination, harassment, rumours that damage a person's reputation, disruptive workplace conflict, disrespectful behaviour and violence in the workplace.

For more information please contact/refer to:

- The Respectful Workplace Administrative Standard, No. HR-002
- Your Departmental Human Resource Representative
- Labour Relations Division, Corporate Support Services Department, (204)-986-4494

Appendix C. Oath of Member

OATH OF MEMBERS FOR THE
CITY OF WINNIPEG BOARD OF REVISION

I, _____ do solemnly and sincerely affirm that I will faithfully, diligently and impartially perform the duties required of me as a member of The City Of Winnipeg Board of Revision.

I will, to the best of my judgment, skill, knowledge and ability carry out all the duties bestowed on members pursuant to The Municipal Assessment Act, The City of Winnipeg Act, the Conflict of Interest and Code of Conduct Policy together with the Practices and Procedures Manual of the City of Winnipeg Board of Revision.

TAKEN, subscribed and sworn before
me at Winnipeg, Manitoba, Canada,
this XX day of XX, AD 20XX.

_____ _____
Commissioner's Name XX, Board Member

Commissioner of Oaths in the
Province of Manitoba

My Commission expires
On the XX, XX, XXXX.

Appendix D. Conflict of Interest and Code of Conduct Policy

Conflict of Interest and Code of Conduct Policy for the Winnipeg Board of Revision

This Conflict of Interest and Code of Conduct Policy was drafted to guide City of Winnipeg Board of Revision members (hereafter "Board Members") in conducting themselves in the best interests of the community and the City of Winnipeg Board of Revision (hereafter "The Board").

1. The Board Members are expected to perform duties conscientiously and in a manner that will not put their personal interests in conflict with the public interest. A conflict of interest arises when a Board Member's private interests supersede or compete with The Board Member's dedication to the public interest. This could arise from real, potential, or apparent conflict of interest:

    A. A "real" conflict of interest occurs when a Board Member exercises an official power or performs an official duty or function and, at the same time, knows that in the performance of that duty or function or in the exercise of power, there is the opportunity to further a private interest, including:

        i. a family member, which is defined as:

            a. Children, step-children, parents, step-parents, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, spouses, common law spouses, brothers, sisters, step-brothers, step-sisters, aunts, uncles, nieces, nephews and any persons who is not related but considered a family member.

        ii. the party is a business associate, an employee, or close acquaintance, but does not include a casual acquaintance; or

        iii. the member has a pecuniary interest associated with the applicant or property.

B. A “potential” conflict of interest occurs when there exists some private interest that could influence the performance of a Board Member’s duty or function or in the exercise of power, provided that the member has not yet exercised that duty or function.

C. An “apparent” conflict of interest exists when there is a reasonable apprehension, that a reasonably well-informed person could properly believe, that a real conflict of interest exists on the part of a Board Member.

A Board Member who has been assigned to a Panel, has an obligation to declare a conflict of interest and make a full disclosure to the Secretary and Chair prior to discussion of an issue. This enables The Board to resolve unclear situations and gives an opportunity to dispose of conflicting interests before any difficulty can arise.

If the conflict becomes known at the hearing, full disclosure shall be made on the record by the Secretary.

2. Upon declaration of a conflict, the person recording the events of the meeting should duly note the declaration. The Board Member who declared the conflict must absent themselves from the proceedings during discussion or voting on that particular matter, contract or arrangement.

   Board Members concerned that another Board Member may have a conflict of interest must bring the matter to the attention of the Chair as soon as is practicable. In the case of a conflict of interest involving the Chair, the matter is to be brought to the attention of the Vice-Chair. Conflicts brought to the attention of the Chair or Vice-Chair must be resolved in a manner that preserves and enhances public confidence and trust in the objectivity and impartiality of The Board. This may mean asking The Board Member who is or who is perceived to be in a conflict of interest to abstain from a particular vote or discussion or in extreme cases, asking The Board Member to step down or be removed from his/her appointment.

3. No Board Member shall purport to speak on behalf of The Board except the Chair of The Board or Appeals Manager.

4. Board Member is expected to attend and actively participate in all Board meetings and hearings assigned to them and shall notify the Appeals Manager of any anticipated absences. A Member unable to attend meetings over an extended period of time without the prior knowledge of the Appeals Manager may be asked to resign.

5. Board Members shall discharge their duties loyally, faithfully, impartially with commitment and accountability to the community and in accordance with The City of Winnipeg Act and The Municipal Assessment Act any other rule as provided in their Oath of Member.

6. A Member must exercise a standard of care and level of judgment that a “reasonable prudent person" would take in the performance of his or her activities on behalf of The Board and that will inspire public confidence in the abilities and integrity of The Board.

7. No Member shall use, for personal gain or the gain of any other person, information which is not available to the public and which the Member acquires in the performance of their duties.

8. If the Chair and Appeals Manager has determined that a Member has breached the within provisions it may take such action as it deems appropriate having consideration for all the circumstances, including without limitation, reprimand, suspension without pay, or requesting City Council to revoke the Member's appointment.

9. Members shall not, except in the discharge of their duties, disclose any matter raised during a meeting of The Board closed to the public except where disclosure is required by law.

10. Members shall not interfere with the day to day operation of The Board.

11. Board Members shall sign, upon annual appointment, that they have read and will comply with the Conflict of Interest and Code of Conduct Policy and The Board Practices and Procedures Policy and amendments thereto and are unaware of any matters that contravene same.

12. Members must adhere to The City of Winnipeg’s Respectful Workplace Administrative Standard HR-002. (See Appendix D)

TAKEN, subscribed and sworn before
me at Winnipeg, Manitoba, Canada,
this XX day of XX, AD 20XX.

_____ _____

Commissioner’s Name

XX, Board Member

Commissioner of Oaths in the
Province of Manitoba

My Commission expires
On the XX, XX, XXXX.