Winnipeg | Audit

Board of Revision Audit

June 2021

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AUDIT AT A GLANCE

RECOMMENDATIONS

Better support Council oversight

- *The Appeals Manager report to Council on the status of key responsibilities required by the Chair of the Board.*
- *Identify the performance information to include in the Annual Report and establish a timeframe within which to present it to Council.*

Clarify key roles and responsibilities

- *Clearly distinguish the roles and responsibilities of the Appeals Manager and the Board Chair.*
- *Enhance the Board Clerks training material with the Board Clerks roles and responsibilities and the Board of Revision appeal process.*

Enhance performance management

- *Define and document the duties for monitoring hearings and evaluating the performance of the Board. Provide a summary to the Executive Policy Committee as part of the re-appointment process.*
- *Utilize the data in AACS to target monitoring of hearings and evaluating Board performance.*
- *Conduct performance evaluations of the Board Clerks.*

Enhance communication

- *Include better information in the Board Order to support the Board's decision.*
- *Increase awareness of the opportunity to first contact an assessor to discuss an assessment.*
- *Enhance the information publicly available on how to prepare for a hearing.*

Better align Board member qualifications to responsibilities

- *Recruit Board members with specific qualifications, experience or knowledge.*
- *Review compensation to commensurate with the Chair of the Board and the Board member's qualifications and responsibilities and update the Remuneration By-law accordingly.*
- *Formalize the process for retaining Board member training material.*

Project Background

This audit evaluated the Board of Revision, an impartial quasi-judicial body, responsible for hearing assessment appeals in a fair, efficient and judicious manner, and the role of City Clerk's in the process. We evaluated the fairness and objectivity of the Board's decision-making process; the performance management functions in place that hold the Board accountable for their role; and the support provided to the Board and its members. The Assessment and Taxation Department's process to determine assessment values was not included in the scope of this audit.

Key Observations

The Board of Revision has an important role in ensuring assessment appeals are evaluated in a fair and objective manner and is an important part of fair and accurate property valuation and taxation. The Board of Revision heard more than 4,300 appeals related to the 2020 general assessment, 95 percent of which were an appeal to decrease a property's assessed value. This represents a total assessed value of $16 billion. At the time we conducted this audit, 75 percent of decisions made by the Board of Revision, related to the 2020 property assessment roll, were to decrease an assessed value, representing a decrease of $1.7 billion, resulting in an increase of the mill rate and a redistribution of the property taxes.

There is a formal decision-making process in-place but we cannot confirm the fairness or objectivity of the Board's evaluation of evidence in the assessment appeal process. The Board of Revision's decision in the Board Order contains insufficient detail to understand the reason for the Board's decision. This coupled with insufficient documentation in the appeal files prevents us from confirming what information the board members considered in making their decision.

The Board of Revision Practices and Procedures Manual establishes key roles, responsibilities, and performance management functions of the Board of Revision and City Clerk's. However, we identified a lack of oversight has resulted in the Chair of the Board not being held accountable for the performance of some of their key assigned responsibilities. This includes evaluating the performance of the Board and reporting to Council through an annual report. In addition, the roles and responsibilities of the Chair of the Board and the Appeals Manager are not clearly defined.

Limited information is available on the Board of Revision website to inform residents on the assessment appeal process including how to prepare for a hearing. In addition the option of contacting an assessor first to discuss and possibly to adjust the assessed value to a mutually agreed amount, is not clearly communicated.

The support City Clerk's provides to the Board is sufficient and appropriate. The current Board member training program material provides the appropriate training on conducting hearings and making a decision as a tribunal and is consistent with other jurisdictions. However, the Board of Revision does not require Board applicants possess specific skills to sit on the Board, which is not consistent with other jurisdictions surveyed. Furthermore, Council has not approved an increase to Board member remuneration in over 20 years and the current rate of remuneration does not align with the skill set required and their respective duties or other jurisdictions rates of remuneration.

AUDIT BACKGROUND

The intent of this audit is to review and to evaluate the Board of Revision process.

- The Board of Revision Audit was included in the 2019-2020 Strategic and Audit Plan. This performance audit reviewed the Board of Revision ("the Board") and the assessment appeal process including the role of City Clerk's.
- Our audit methodology is located in **Appendix 1**.
- Our risk assessment criteria are provided in **Appendix 8**.

AUDIT OBJECTIVES

- The objectives of this audit were:
  - To evaluate whether the Board of Revision process is fair and objective for evaluating the evidence brought forward in the assessment appeal process.
  - To evaluate whether the appropriate resources are provided to the Board of Revision to support it in achieving its goal.

CONCLUSIONS

There is a formal decision-making process in-place but we cannot confirm the fairness or objectivity of the Board's evaluation of evidence in the assessment appeal process.

- We are unable to conclude on the fairness and objectivity of the decision-making process supporting a Board decision and identified opportunities to enhance the assessment appeal process and the oversight of the Board.
  - Due to a lack of detail provided in the Board Order coupled with insufficient documentation in the appeal files, we are unable to confirm what information the board members considered and how they used that information in making their decision.
  - City Clerk's and the Board of Revision have established key processes, procedures and performance management functions in the Board of Revision Practices and Procedures Manual. However, some of the key roles and responsibilities, established in the Board Manual, are not fully implemented or performed. The opportunities identified to enhance the process, include reporting to Council on the status of key responsibilities as established in the manual, clarifying the roles and responsibilities of the key individuals in the process, and establishing a monitoring and Board evaluation process that incorporates the use of available data on assessment appeals.

The resources provided to the Board can be enhanced.

- City Clerk's provides sufficient and appropriate support to the Board of Revision to support the achievement of its goal. However, we identified opportunities to enhance the resources and support provided to the Board and its members.

- A list of all recommendations is provided in **Appendix 9**.

INDEPENDENCE

The Audit Department is classified as an independent external auditor under *Government Auditing Standards* due to statutory safeguards that require the City Auditor to report directly to Council, the City's governing body, through the Audit Committee.

The team members selected for the audit did not have any conflict of interest related to the audit's subject matter.

SCOPE

The audit will review the assessment appeal process conducted by the Board of Revision including the role of City Clerk's. All statistics, appeals, policies, procedures, manuals, bylaws, and legislation from the period of July 2017 to current will be included in the scope. The Board panels' private deliberation process is not in scope of this audit because the evaluation of the evidence and discussion between the three panel members occurs in private with the Board Clerk present to document the decision. This process is conducted in-camera and is not heard by the public. We did not observe the deliberations of the Board panel; the presence of others in the room may influence the deliberations and inaccurately reflect the process.

The focus of the audit is on processes and practices that are currently in place at the Board of Revision. The Assessment and Taxation Department's process to determine assessment values was not included in the scope of this audit.

ACKNOWLEDGEMENT

The Audit Department extends its appreciation to the management and employees in City Clerk's with the Board of Revision, the Assessment and Taxation Department and the Chair of the Board of Revision for their time and cooperation in this audit.



Bryan Mansky
City Auditor

June 2021
Date

OVERVIEW

1.1 What is the Board of Revision?

- Established through the Municipal Assessment Act of Manitoba (the "Act"), The City of Winnipeg Board of Revision (the "Board") is an impartial quasi-Judicial body appointed by Council to hear applications for revision ("appeals") to the assessment roll in a fair, open and efficient manner. An application for revision can be submitted for the following reasons:
  - Seeking a decrease or increase to the amount of the assessed value. (In 2020, 95% of appeals relate to appellants seeking a decrease.)
  - A change to the classification of the property.
  - A change to the liability to taxation, examining whether the property should be exempt from both municipal and/or school taxes.
  - Refusal by an assessor to amend the assessment roll based on a written application.
- The Board has the responsibility to hear applications against the assessed value and classification of properties within the City of Winnipeg as well as applications against the assessed annual rental value of businesses.

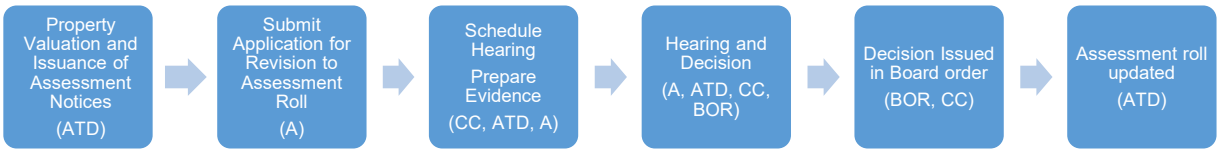
Mission statement

The Board of Revision is independently established to hear appeals respecting assessment issues in a fair, efficient and judicious manner with consideration given to the City of Winnipeg's fiscal time frame.

- As per the Municipal Assessment Act, Council shall appoint a board consisting of not less than three members, some or all of whom may be members of the Council, including appointment of a member of the board to serve as the Presiding Officer/Chair Person. Annually the Executive Policy Committee recommends to Council the appointment of approximately 35 residents to fulfill their role as Board members along with the Chair of the Board. The appointment is for a one-year term that can be extended upon re-application and re-appointment by Council.
- Board members are not City employees and are independent of the assessment authority, the City of Winnipeg Assessment and Taxation Department.

1.2 The Assessment Appeal Process

- The City's assessment appeal process involves City Clerk's, the Board of Revision, the City's Assessment and Taxation Department and the appellant.



A – Appellant (Property Owner or Tax Agent)
ATD – Assessment and Taxation Department
CC – City Clerks
BOR – Board of Revision

- The Assessment and Taxation Department ("ATD") issues assessment notices to property owners upon conducting property and business assessments. The ATD conducts an assessment on all properties in a general assessment year or a supplementary assessment notice if there is a change in the details of the property in-between a general assessment.

- For property assessments, the Act by way of regulation[1] sets out prescribed classes of property based on type, use, size and ownership of land or building, or any one or more of them. There are twelve property classifications that can be grouped into two categories:
    - Residential: one or more dwelling units per building as well as owner-occupied condominium and co-operative housing.
    - Non-residential: farm property, institutional, designated higher education property, pipeline, railway, designated recreational property and other (e.g. office, retail, hotels, industrial, manufacturing).
- For business assessments, section 17(15) of the Act establishes that business assessments shall be based on an annual rental value ("ARV") on the reference date. The ARV reflects the typical market rents for commercial space similar to the premise.
- Property assessments (residential and non-residential) are used to calculate the distribution of the municipal tax. The business assessment is used for calculating the distribution of the business tax.
- Residents, who have concerns with their assessment, can contact the ATD first to discuss the assessed value. If they do not reach an agreeable value, residents have the right to appeal the property assessment or the ARV to the Board. Applications for a revision to an assessed value must be submitted to the Board of Revision within approximately 20 days of receiving an assessment notice. The Board is the first level of appeal for revisions to the assessment roll.
- Upon receiving the hearing notice, the assessor and the appellant prepare their evidence for the hearing. In Manitoba, the Municipal Assessment Act places the burden of proof on the assessor on matters at issues with respect to the amount of assessed value and on the appellant for matters with respect to liability to taxation or classification of property.
- The assessor and the appellant present their evidence to the Board panel during the hearing. Following the hearing, the Board panel deliberates in private to make their decision. The Board Clerks provide the appellant and the assessor the decision in a Board Order. The Board Order contains the hearing date and location, the panel members and the Board Clerk, the panel's decision and a brief rationale of the decision.
- The Board of Revision hear appeals between the months of July and February of the following year. All appeals must have a decision rendered by the Board by the end of February to ensure the assessment roll is updated accordingly.
- Property owners can appeal a decision made by the Board to the Manitoba Municipal Board for concerns with respect to assessed value or classification. Appeals related to liability to taxation are appealed to the Court of Queen's Bench.

1.2.1 Role of the Board

- The Board is an impartial quasi-Judicial body that hears the evidence of the appellant and the assessor with respect to the matters put at issue by the appellant.

The goal of the Board...

. . . "is to ensure that all parties to an appeal irrespective of the decision rendered leave the hearing and appeal process with the perception that they have been treated fairly, professionally and without bias".

- The Board has many of the powers of a court. It is obliged to objectively determine facts and draw conclusions from them to provide the basis of their decision. As such, the Board holds hearings, listens to evidence presented by both the appellant and the assessor, may subpoena testimony and evidence, and issues its decision in the form of the Board Order.

[1] The Municipal Assessment Act – Classification of Property and Portioned Values Regulation 184/98.

- Hearings consist of three panel members with one member assigned the Panel Chair. Hearings occur throughout the year and are open to the public, live streamed and recorded. After the hearing, the panel will deliberate and make their decision in private. The Board Clerk records the decision for the Board Order.
- Based on the evidence presented, the Board may confirm the assessed value as is, increase or decrease the value of the assessment, change the class, and/or change the liability to taxation.

1.2.2 Role of City Clerk's

- The City of Winnipeg Organization By-law No. 7100/97 delegates the administrative and clerical support for the Board to the City Clerk. The City Clerk's Department has established the Appeals Manager and Board Clerks positions to administer and provide support for the Board. Applications for a revision to the assessment roll are available through City Clerk's and must be submitted by the applicant within 20 days after receiving their notice[2].
- All applications are reviewed by the Board Clerks to ensure all documentation is complete and then entered into the City's Appeals Application Control System ("AACS" or the "information system"). Board Clerks advise the property owner and the ATD on the date and time of the hearing.
- Board Clerks attend the hearings to observe that the procedures are followed and answer any questions from the panel members' on the process. They also sit in on the deliberation to record the decision made by the Board panel in the Board Order that they provide to the property owner and the ATD.

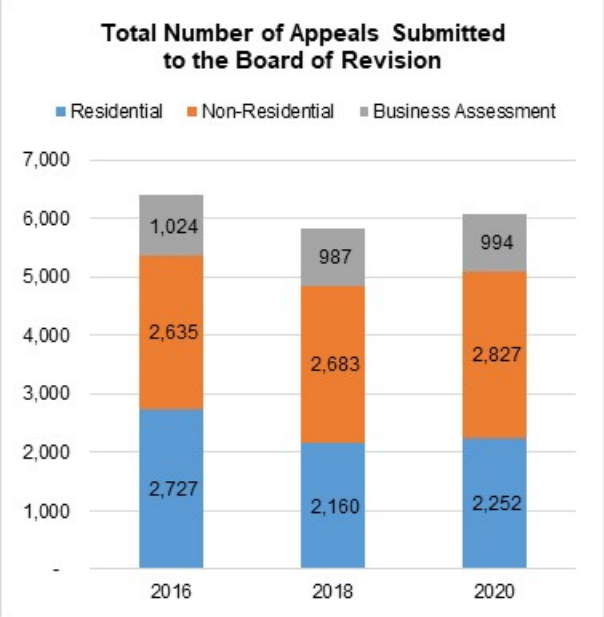
1.2.3 Role of the Assessment and Taxation Department

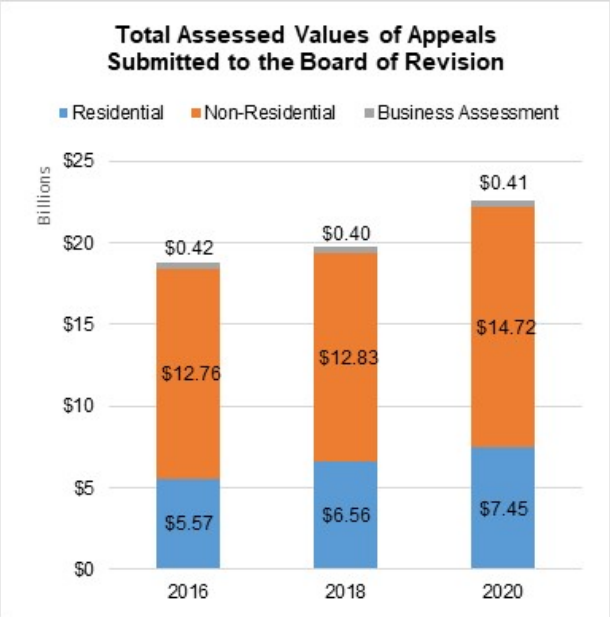
- As established in the Municipal Assessment Act, the ATD conducts a general assessment every two years using market values as of a specified reference date[3]. The ATD estimates the market value of city properties – both residential and non-residential as well as ARV for businesses – for distributing property and business taxes fairly among residents. The objective is to ensure equity by valuing all similar properties in the same way so each property owner pays a fair share of the property tax.
- If a property owner has a concern with the assessed value, they have the opportunity to contact the ATD to discuss the value with an assessor. If both parties agree on a revised assessment, they sign an agreement that the appellant will not proceed to a hearing. This is referred to as a Revision by Agreement.
- For appeals scheduled for a hearing, the Division assigns an assessor or a valuation officer to represent the ATD at the hearing. The assigned representative prepares the evidence and presents it to the Board in the hearing.

[2] Section 14(3) of The Municipal Assessment Act.
[3] The General Assessments and Related Matters Regulation was amended on June 26, 2020 to revise the General Assessment for 2022 and the associated reference date.

1.3 Performance Information

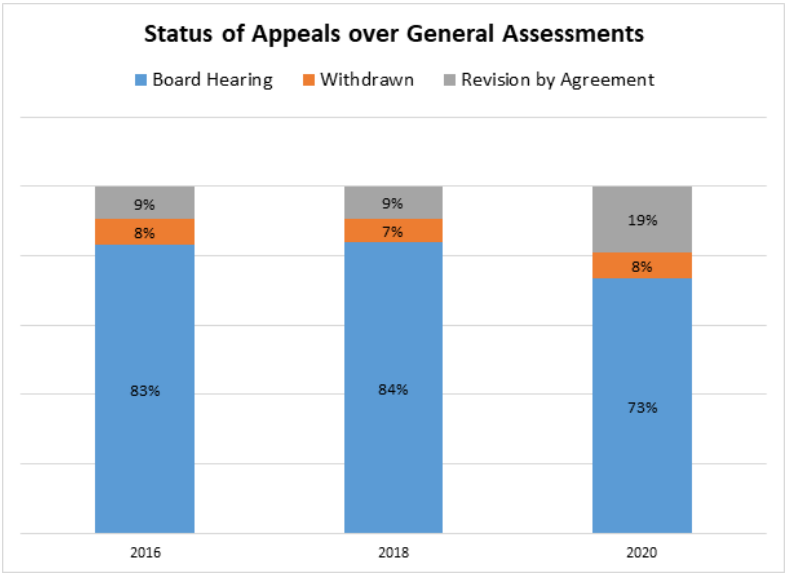
- For the past three general assessment cycles (2016, 2018 and 2020), on average 6,100 appeals for each year have been submitted to the Board. While the number of appeals submitted has not varied significantly, the value of the appeals has continued to increase. Between the 2016 and the 2020 general assessments the value of appeals increased by 20% - from approximately $18.7 billion in 2016 to $22.5 billion in 2020. The total value of appeals in 2020 represent approximately 20 percent of the total assessment roll.





- The ATD issues supplementary notices of assessment in the year's in-between a general assessment cycle. The number of appeals related to supplementary notices are significantly lower with a total of 1,087 and 811 appeals submitted in 2017 and 2019 respectively.

- On average approximately 80 percent of appeals received over the past three general assessment cycles went forward to a hearing at the Board of Revision.



- The overwhelming majority of appeals heard by the Board are for a revision to the assessment roll with respect to a decrease to the amount of an assessed value.

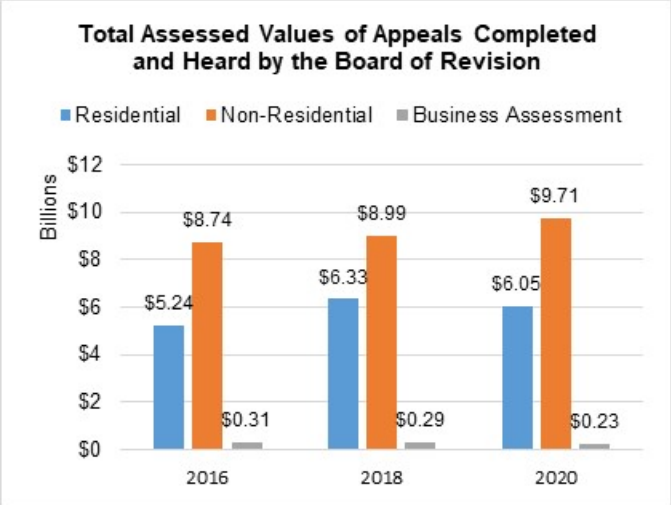
Subject Matter of Appeal Heard by the Board				
Assessment Year	Assessed Value Decrease	Assessed Value Increase	Classification	Liability to Taxation
2016	5,306	9	147	118
2018	4,891	12	210	182
2020	4,358	13	104	98

- The following table presents the number of hearings each year over the past five years at the Board. There are on average 10 appeals heard by the Board panel in one hearing.

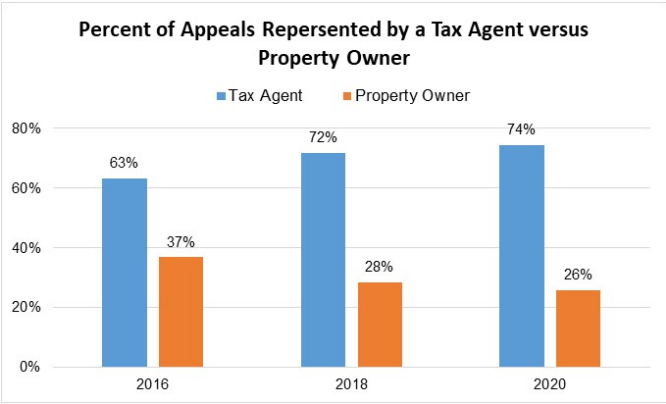
Number of Hearings at the Board January to December				
2016	2017	2018	2019	2020
423	337	318	401	324

Source: City Clerks

- The value of non-residential assessments represent on average 60 percent of the total value of assessments heard by the Board. The value of appeals submitted for non-residential properties has increased by just under $1 billion from the 2016 to the 2020 general assessment. Business assessments appealed to the Board represent, on average, less than two percent of the total assessed values appealed to the Board.

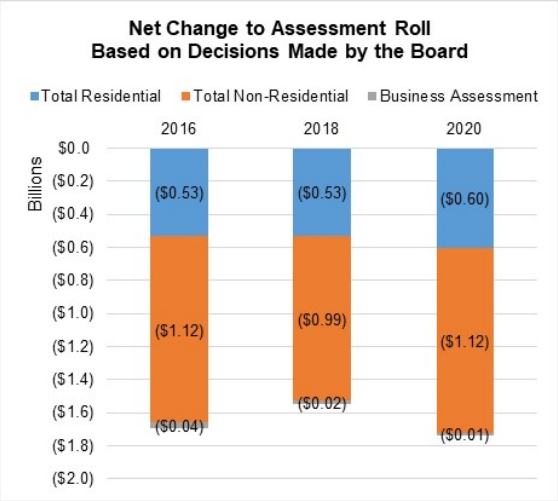


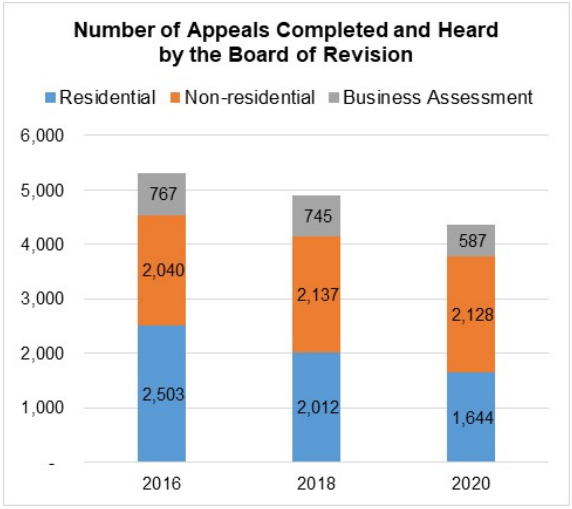
- Tax agents represent an increasing number of appeals presented to the Board. Over the past three general assessments, the percent of appeals represented by property owners has decreased by approximately 10 percent while the percent of appeals represented by tax agents has increased by almost 10 percent.



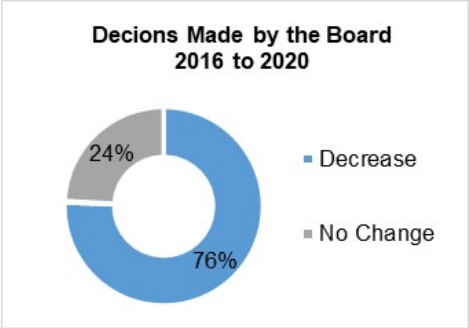
1.3.1 Board of Revision Decisions

- The decisions made by the Board for appeals over the past three general assessments, have resulted in a net decrease of over $1 billion to the assessment roll for each year[4], which directly affects the mill rate and the distribution of property taxes.





- Between 2016 and 2020, Board decisions resulted in a decrease of the assessment roll for, on average, 76 percent of appeals heard each general assessment. Of the Board decisions appealed to the Municipal Board related to the 2016 to 2020 general assessment appeals that have been completed, 95 percent of the decisions resulted in a further decrease, with 96 percent of decisions resulting in decrease through a certificate of agreement – a mutual agreement on the decision made by both parties.



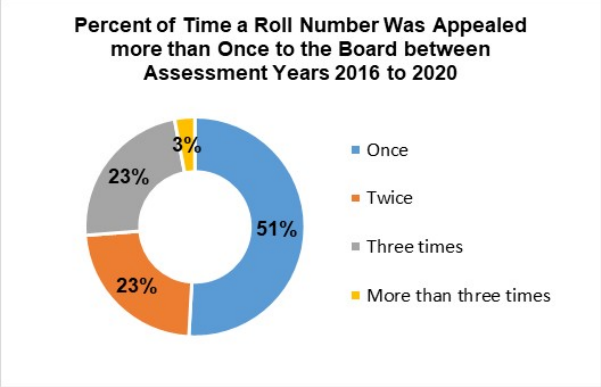
- The assessment roll provides the basis for taxation purposes and determining the distribution of property taxes through a calculation of the mill rate. Over the past three general assessment cycles, the decrease to the assessment roll from appeals, increased the mill rate by approximately 2.6%[5] on average. The following table illustrates the increase in municipal taxes for a property with an assessed value of $100,000, due to an increase of 2.6% to the mill rate.

Change in Mill Rate effect on Property Taxes		
	Prior to Decrease from Appeals	**After Decrease from Appeals**
Taxable Portion of Assessed Value	$100,000	$100,000
Mill Rate	0.01282	0.01308
Municipal Taxes	$1,282	$1,308

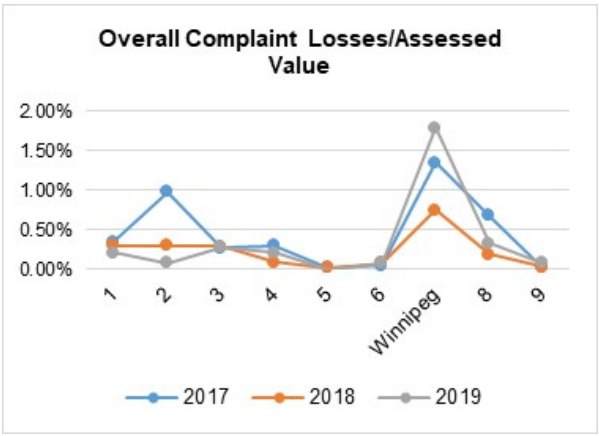
[4] At the time of the audit, there were still decisions outstanding at the Board related to the 2020 general assessment and the total net decrease to the 2020 assessment roll could change.
[5] please note that estimated mill rates in this analysis does not include growth due to new construction or value changes based on improvements. The estimate mill rates do not reflect the actual mill rate used for taxation purposes.

- For the 2020 general assessment, at the time we analyzed the data, the estimated decrease to the assessment roll was $1.73 billion. This represents a decrease of approximately 1.79% to the total property assessment roll. This results in an increase of approximately 2.8% to the mill rate and redistributes the municipal tax collected between residential and non-residential properties.

- Between the assessment years 2016 and 2020, the Board received an application for revision to the assessment roll more than once for the same roll number[6] for 49 percent of the appeals received over this time.



- In comparison to other Canadian jurisdictions, in 2019 the City of Winnipeg experienced the highest percentage of overall number of complaints per property count and the highest percentage of overall complaint losses over the assessed value[7]. The percent of complaint losses, which includes the results from appeals, over the assessed value, was nine times higher than other jurisdictions.



Source: Canadian Property Assessment Network (CPAN)

- There are a number of factors that affect the determination of assessed values and appeals to the Board. This includes the quality of assessment and the information available to assessors when estimating a properties market value, the increasing use of a revision by agreement process and the increasing rate of experienced tax agents regularly presenting to the Board.

- In reviewing this data, it is important to note, all jurisdictions have different assessment cycles, may have different methods for collecting and recording the data and the Manitoba Municipal Assessment Act is the only Canadian jurisdiction that places the burden of proof on the assessor for matters with respect to assessed value.

[6] Appeals for the same property with two different roll numbers may occur as the roll number may change.
[7] The Canadian Property Assessment Network (CPAN) is a network of assessment jurisdictions across Canada that collect data for benchmarking purposes. The information collected by the Canadian Property Assessment Network is confidential and the source of the data cannot be disclosed publically.

1.3.2 Board of Revision Budget

- The City Clerk's budget funds the Board of Revision. The actual expenses for the Board in 2019 for appeals related to the 2020 general assessment cycle was approximately $826,763. This represents the funding for City Clerk's staff as well as the remuneration for the board members. City Clerk's collects a fee from residents who submit an application for revision to the assessment roll.

City Clerk's Board of Revision Revenues and Expenses						
	2015		2017		2019	
	Actual	Budget	Actual	Budget	Actual	Budget
Total Revenue (from fees)	($906,434)	($450,000)	($541,789)	($475,000)	($777,241)	($475,000)
Expenditures	$617,577	$703,530	$677,092	$718,530	$826,763	$745,645
Difference	($288,857)	$253,530	$135,303	$243,530	$49,522	$270,645

1.4 Criteria

- To establish the criteria for this audit, we conducted research on assessment appeal boards in other jurisdictions and administrative tribunal leading practices, reviewed all applicable legislation, regulations and by-laws as well as any standards on conducting assessments and assessment appeals. The resources used to develop the criteria include:
  - The Municipal Assessment Act (the "Act") and regulations:
    - Classification of Property and Portioned Values Regulation 184/98
    - General Assessments and Related Matters Regulation 78/2009
    - General Assessments and Related Matters Regulation 62/2020 (Amendment)
  - The City of Winnipeg Charter
  - The City of Winnipeg – City Organization By-law No. 7100/97
  - The Board of Revision Practices and Procedures Manual (the "Board Manual")
  - Practice Essentials for Administrative Tribunals - Saskatchewan Ombudsman
  - The International Association of Assessing Officers (IAAO) – Standard on Assessment Appeal
  - Government Finance Officers Association (GFOA) Performance Management – Using Performance Measurement in Decision Making
- Please refer to **Appendix 2** for more information on the criteria.

1.5 Overview of Procedures

- The audit procedures focused on three key areas around the Board of Revision: the Board's decision-making process, the performance management functions in place, and the resources and support provided to the Board. The audit included a review of the Board of Revision processes in place as well as activities performed by City Clerk's to support the Board's operations.
  - We conducted interviews with the City Clerk, Deputy City Clerk, Chair of the Board, the Appeals Manager, Board Clerks, and management with the Assessment and Taxation Department.
  - We conducted a jurisdictional survey of assessment appeal boards in two municipalities and five provincial bodies, for comparison with Winnipeg's Board of Revision.
  - We administered three surveys, one for each group of participants in the Board of Revision process, this included: all current Board members, a sample of previous

appellants who presented at the Board of Revision (property owners and tax agents), and all assessors.
    - We reviewed a sample of 30 appeal files; this included a review of the evidence submitted by the appellant and the assessor, observation of the related hearing and the presentation of the evidence during the hearing, a review of the Board Clerks' notes from the hearing, and the decision provided in the Board Order.
    - We conducted analysis of the assessment appeals data in AACS of appeals to the Board of Revision and appeals to the Manitoba Municipal Board.
    - We reviewed the training material for the board members and the Board Clerks and their role and responsibilities.
- Further details on the procedures performed can be found in **Appendix 3.**

1.6 Surveys

- We conducted surveys of all 30 board members (100% response rate), a sample of 258 appellants who had participated in a Board hearing (44% response rate) and all 33 City of Winnipeg Assessors and Valuation Officers who participated in a Board hearing (76% response rate).
    - The survey of all 30 board members was conducted to gain an understanding of their role, responsibilities, experience and qualifications, their decision making process and to obtain an assessment of the support from Board Clerks and the training they received to perform their role. The majority of board members have been on the Board for over four years and all board members have had a positive experience on the Board.
    - We conducted the survey of a sample of the appellants and all of the assessors who have participated in the hearings to gain an understanding of their experience with the assessment appeal process and the Board hearings, as well as their perspective of the fairness and objectivity of the process. Overall, the majority of appellants and assessors felt they were treated professionally and with respect in the hearings, however only 55 percent of appellants agreed that they were treated fairly and 35 percent of assessors felt they were treated without bias.
- The results from the survey can be found in **Appendix 4**.

OBSERVATIONS

2.1 Performance Management

The functions of performance management ensure the Board of Revision is achieving its goal of conducting a fair and objective process. These functions also hold the Board of Revision accountable and can identify areas for improvement. Accountability is an important part of tribunal governance. The performance management functions evaluated include oversight, roles and responsibilities, annual reporting, and monitoring and review of Board and Board member performance.

2.1.1 Oversight

Oversight refers to the actions taken to review and monitor public sector organizations and their policies, plans, programs and projects to ensure they are achieving expected results, identifying, monitoring and mitigating key risks and complying with applicable policies, laws, regulations, ethical standards[8].

Observations

- A lack of oversight of the Board has resulted in the Chair of the Board not being held accountable for the performance of some of the Board's key performance management functions, including reporting to Council on the performance of the Board.

Analysis

Municipal Assessment Act and The City Organization By-law

We reviewed the *Municipal Assessment Act* and the *City of Winnipeg Organization By-law* to identify those in charge of the oversight of the Board.

- The *Municipal Assessment Act* establishes the responsibilities of Council related to the Board of Revision which include the following:
  - Appointing a board of revision consisting of not less than three members, some or all of whom may be members of the council
  - Appointing a member of the board to serve as the presiding Chair of the Board
  - Approving the rules of practice and procedure to govern the conduct of the board, and
  - Providing for the payment of compensation to members of a board.
- Section 54(6) of the Act states "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."
- The *City Organization By-law* delegates to the City Clerk the responsibility to provide the administrative and clerical support to the Board of Revision.

Review of the Board Practices and Procedures Manual

We reviewed the Board Manual and identified that it states that the Chair of the Board is responsible for conducting a number of the performance management functions. The responsibilities of the Chair of the Board include:

- Monitoring on-going hearings and providing advice/instruction as necessary
- Evaluating Board performance
- Providing an annual report to Council with the number of appeals heard by classification, by value and any particulars the Chair sees fit.

[8] Canadian Audit & Accountability Foundation, *Practice Guide to Auditing Oversight,* 2013.

In addition to the Act, the Board Manual also lists the following responsibilities of Council.

- Annually appointing the Board members, the Chair, and the Deputy Chair
- Approving the re-appointment of any Board members
- Providing for remuneration of Board members through the Remuneration By-law
- Reviewing events of significant non-compliance with the Manual or any Legislation presented to Council by the Appeals Manager or the Chair of the Board.

Interviews

We conducted interviews with the Chair of the Board and the Appeals Manager and confirmed the following key performance management functions are not performed as described in the Board Manual.

- The Chair of the Board currently does not evaluate Board performance due to time constraints and limited resources. While the Chair monitors on-going hearings and provides advice or instruction to Board members as necessary, we were not able to obtain documentation supporting the ongoing monitoring of hearings or an evaluation of overall Board performance.
- The Chair of the Board has not prepared or presented, with assistance from the Appeals Manager, an annual report to Council.
    - The current reporting conducted on the Board of Revision activities are the number of appeals filed and hearings conducted during the year. City Clerk's present this information in the City Clerk's Service Based budget.
    - The Board Chair and the Appeals Manager confirmed there is no further reporting on the performance of the Board.
- Neither the Appeals Manager nor the Chair of the Board have informed Council that the reporting as described in the Board Manual has not been conducted.

Jurisdictional Survey

In all jurisdictions, including Winnipeg, the Chair of the Board is responsible for the operations of the Board and reports to the appropriate oversight body. The reporting relationship varies between jurisdictions with the Chair presenting directly to the oversight body or with the administration to the oversight body.

Oversight Authority of the Assessment Appeal Bodies	Municipal			Provincial			
	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	BC[9]
Council	✔	✔	✔ [10]				
Minister				✔ [11]	✔	✔	✔

[9] We included two assessment appeal bodies from British Columbia – Property Assessment Review Panel (PARP) and Property Assessment Appeal Board (PAAB).

[10] In Edmonton, the Chair of the Board reports to the Director for Tribunals. Annually, the Chair of the Board, together with the Director of Tribunals, reports to a committee of the City Council.

[11] In the Manitoba Municipal Board, the Secretary to the Board and Vice Chair perform some form of oversight on the operations of the Board and the administrative staff. The Secretary of the Board prepares the report to the provincial minister.

RECOMMENDATION # 1			
We recommend City Clerk's update the Board of Revision Practices and Procedures Manual to include a responsibility for the Appeals Manager to report to Council, at the time of Board member appointment, on the status of key responsibilities performed by the Chair of the Board over the past year. The City Clerk recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process	**ASSESSMENT**	High
BASIS OF ASSESSMENT	A lack of oversight increases the risk that the Board is not meeting its goal of providing a fair assessment appeal process. The non-performance of key performance management functions, including a lack of reporting on the accomplishments of the Board to the appropriate oversight body, does not hold the Board of Revision accountable for the role they play in the assessment appeal process.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

2.1.2 Roles and Responsibilities

Clearly defined and communicated roles and responsibilities improves the ability for board members to fulfill their roles and responsibilities and for the Board to meet its goals.

Observation

- The roles and responsibilities of the Chair of the Board and the Appeals Manager are not clearly defined.
- The Board Manual establishes the roles and responsibilities of the Chair of the Board and the Appeals Manager, which are consistent with the leading practices. However, the language used to describe the responsibilities of each position leaves it unclear on who has ultimate responsibility for each duty.

Analysis

Practices and Procedures Manual

The Board Manual lists the roles and responsibilities of the Chair of the Board and the Appeals Manager. Refer to **Appendix 5** for the full list of all responsibilities.

- In reviewing the roles and responsibilities we identified some responsibilities do not establish who has ultimate responsibility for the duty. This results in an overlap of responsibilities, creates an unclear understanding of the expectation of that role and does not identify which position is ultimately responsible and accountable for performing that duty.
- We identified both the Chair of the Board and the Appeals Manager share the following responsibilities:
    - Provide in conjunction the annual training to board members
    - Ensure board members are familiar with procedural responsibilities under the Legislation and the Practices and Procedures Manual
    - In cooperation, develop policies, plans and materials that support the Board's activities.
- Additionally, the language used to describe the responsibilities of the Chair of the Board does not describe full responsibility for the oversight of board members and ensuring they are achieving the Board's goal of providing a fair and objective process.
    - The Board Manual describes the Chair of the Board's responsibility as *assisting* the Appeals Manager in monitoring board member conduct: "assist the Appeals Manager in developing procedures, monitor member conduct and other Board related matters."
- We also identified a lack of detail to describe the expectation for some responsibilities, specifically the Chair of the Board's responsibility to evaluate Board performance. There is no further detail or guidance on what this encompasses and what the expectation is.

Interviews

We conducted interviews with the Chair of the Board and the Appeals Manager, to confirm their understanding of their role in the assessment appeal process.

- With the implementation of the Board Manual, the Chair of the Board and the Appeals Manager had begun discussions to clarify and implement their role and responsibilities as listed. As hearings began related to appeals received from a general assessment, due to time constraints, these conversations were deferred.

- The expectation related to responsibilities of the Chair of the Board have not been fully examined.
- The Chair of the Board and the Appeals Manager advised that board members approach them both with questions on matters related to both hearing procedures and clarification/guidance on the legislation. This indicates a potential misunderstanding as to who has the authority related to Board hearing matters.

Leading Practices

We reviewed the leading practices and guidance provided in *The Practice Essentials for Administrative Tribunals* on the leadership of a tribunal.

- The head of the tribunal is the person primarily responsible for ensuring the tribunal develops and meets accountability goals. Their leadership responsibilities include overseeing the hearing process, providing constructive feedback to tribunal members and assisting members in obtaining the training they need to carry out their work.
- We identified in some other jurisdictions, the legislation clearly establishes the Chair as the leader of the Board, for example in Ontario – the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* states that the "chair of an adjudicative tribunal is responsible for ensuring that the tribunal performs the duties and functions required of it". This is further emphasized with the Board Chair responsible for reporting to the oversight body on the performance of the Assessment Appeal Board as discussed in section 2.1.1 Oversight.

RECOMMENDATION # 2			
We recommend City Clerk's and the Chair of the Board revise the roles and responsibilities of the Appeals Manager and the Chair of the Board in the Board of Revision Practices and Procedures Manual to clearly distinguish their responsibilities and align with leading practices. The City Clerk recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process	**ASSESSMENT**	High
BASIS OF ASSESSMENT	Unclear and poorly communicated roles and responsibilities can result in the Board not meeting their goal due to potential misunderstandings.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

2.1.3 Annual Reporting

Reporting annually to Council on the Board's performance and the achievement of their goal holds the Board accountable for the service provided to the public.

Observation

- The current reporting to Council on the Board of Revision activities does not meet the requirement as outlined in the Board Manual.
- The Board Manual annual reporting requirements are consistent with leading practices and other jurisdictions; however, there is an opportunity to include additional performance information for reporting purposes.

Analysis

Municipal Assessment Act and Boards Practice and Procedures Manual

We reviewed the Municipal Assessment Act and the Board Manual to identify what reporting is required by the Board:

- Section 54(6) of the Act states: "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". There is no further guidance provided on reporting on the activities of the Board of Revision.
- The Board Manual states that the Chair of the Board shall provide an annual report to City Council and Section 2.15 of the Manual, further elaborates that the annual report should have a summary of the number of appeals heard by classification by value and any information the Chair sees fit to add.

Interviews

Interviews were conducted with the Board Chair and the Appeals Manager to identify what information is reported annually to City Council:

- The Appeals Manager prepares and reports to Council on the number of appeals filed and the number of hearings conducted in a year. City Clerk's report this information in their Service Based Budget with the service level statistics.
- Both the Appeals Manager and the Chair of the Board stated they do not submit an annual report to Council that includes the information as described in the Board Manual.
- The Appeals Manager and the Board Chair had started discussing what information should be in the annual report; however, the Board of Revision began the appeals related to a general assessment cycle and further consideration and development of the annual report was put on hold.

Jurisdictional Survey

We reviewed the reporting conducted by assessment appeal boards or committees in other jurisdictions and identified that all six jurisdictions surveyed develop and present an annual report, which includes performance information, to the applicable oversight body.

Common Types of Information in the Annual Report	Municipal			Provincial			
	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	BC[12]
Organizational chart	x	✔	x	✔	✔	x	✔
List of Board members and member information	x	✔	✔	✔	x	✔	✔
Administrative staff information	x	x	x	✔	x	✔	✔
Mission/Vision, overall goals & objectives of the Board	x	x	x	✔	✔	✔	✔
Performance Information (type, classification and value)	x[13]	✔	✔	✔	✔	✔	✔
Training conducted for the board/committee	x	x	✔	x	x	✔	x
Overall board performance measurements and targets	x	x	x	x	✔	✔	✔
Board finances	x	x	x	✔	✔	✔	✔
Other significant events/activities	x	✔	x	✔	✔	✔	✔

- In four of the six jurisdictions surveyed, the Chair of the Board or committee, with the assistance of the administrative staff, prepare the annual report. The administrative staff retrieve any data, requested by the Chair, from the information system and provide to the Chair of the Board for their analysis and inclusion in the repot. Please refer to 2.3.2 Support from City Clerk's for more details on the support provided by the administrative staff to the Board of Revision.
- Performance measures used in other jurisdiction's annual reports included:
  - Number and value of appeals heard by residential and non-residential property types
  - Decisions made by the Board – To decrease, increase or no change to the assessment value
  - Number of applications withdrawn
  - Number of appeals resolved through an agreement process
- The process in all jurisdictions to prepare the annual report is consistent with the responsibilities on preparing an annual report for Council as described in the Board Manual.

Leading Practices

We reviewed the leading practices and guidance on the administration of a tribunal and identified the following guidance on reporting to the Council and the public.

[12] We included two assessment appeal bodies from British Columbia – Property Assessment Review Panel (PARP) and Property Assessment Appeal Board (PAAB) – in our jurisdictional comparison. The PAAB provides a fully detailed annual report, while the PARP does not have an annual report.

[13] The Manual of Winnipeg's Board of Revision requires the annual report to have a summary of the number of appeals heard by classification by value and any information the Chair sees fit to add. The number of appeals filed and the number of hearings during the year are the only information included in Winnipeg City Clerk's budget document.

- *The Practice Essentials for Administrative Tribunals* identifies accountability as an important part of tribunal governance. A number of examples are provided on how a tribunal can meet accountability goals of which include[14]:
  - Provide the public with an annual report as a way to provide the public with information about the tribunal's use of public funds.
  - Provide the public with information about the members of your tribunal (such as a list of members' names and a short biography for each member)
  - Set performance standards and targets (for example client service goals and process time frames) and report publicly on the meeting of those targets.
- Furthermore, the Government Finance Officers Association (GFOA) encourages all governments to utilize performance measures as an integral part of the budget and over time report on the outputs and outcomes of the programs[15]. Implementing performance measures and reporting to the public improves municipal government accountability to taxpayers.
- The information reported on the Boards activities in the City Clerk's budget document does not follow the leading practices on performance reporting.

RECOMMENDATION # 3			
We recommend the Annual Report be revised to include at a minimum: the number of appeals heard and value of appeals submitted to the Board of Revision by residential, non-residential and business, decisions made by the Board (decrease, increase or no change), the number of applications withdrawn and the number of appeals resolved through a settlement by agreement. The Chair of the Board and the Appeals Manager, in consultation with Council, identify any additional performance measures or information to include in the Annual Report to ensure the Board is meeting its goal. City Clerk's should update the Board of Revision Practices and Procedures Manual to include all the performance measures to be reported on in the Annual Report. The City Clerk recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process, Organizational Culture	**ASSESSMENT**	High
BASIS OF ASSESSMENT	Annual reporting to Council and the public on the performance of the Board improves transparency of the Board's processes and holds the Board accountable to the goal of conducting a fair process.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

[14] Ombudsman Saskatchewan, *Practice Essentials for Administrative Tribunals* (2009), Page 23.
[15] GFOA Best Practice Applicable in Canada, *Performance Management: Using Performance Measurement for Decision Making, (2007).*

RECOMMENDATION # 4			
We recommend the Chair of the Board and the Appeals Manager establish and document, in the Board of Revision Practices and Procedures Manual, the timeframe within which the Chair of the Board shall present the Annual Report to Council. The City Clerk recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process	**ASSESSMENT**	High
BASIS OF ASSESSMENT	Establishing a time of year when the Chair of the Board reports to Council holds the Chair of the Board accountable for performing this duty.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

2.1.4 Monitoring and Review of Board and Board Member Performance

Monitoring and evaluating Board and Board member performance are key performance management functions. These duties can identify areas for improvement and learning needs, contribute to providing a fair and accessible complaint resolution process and support the reappointment process of board members[16]. Furthermore, providing feedback and guidance to board members helps ensure members fully understand their roles and responsibilities.

Observation

- The Chair of the Board conducts some monitoring of board member performance in hearings and provides guidance and feedback to members. However, the process is not formalized and documented.
- The Chair of the Board does not evaluate the Board's overall performance, in part due to limited resources. This is inconsistent with the recommended leading practices and the practices in other jurisdictions.
- Council has not appointed a board member to the Deputy Chair role since May 2018. A key role that assists the Chair of the Board with their duties.
- A significant amount of information is available in the City's Appeal Application Control System (AACS) that would assist the Chair with monitoring hearings and evaluating overall board performance. Currently the Chair of the Board and the Appeals Manager are not using this information.
- The Board Manual lists some performance measures to report to Council. However, there is a need to establish a more robust set of performance measures and targets for monitoring and evaluating Board and Board member performance.

Analysis

Boards Practice and Procedures Manual

We reviewed the Board Manual and identified:

- The monitoring of on-going hearings and providing advice/instruction as necessary to board members as well as evaluating board performance are the duties and authority of the Chair of the Board.
- The Deputy Chair of the Board assists the Chair of the Board in all of their duties as required.
- The Deputy Chair has the duty to assume the duties and the responsibilities of the Chair of the Board in their absence.
- Refer to **Appendix 5** for the full list of the duties and authority of the Chair and Deputy Chair of the Board.

Furthermore, the Board Manual identifies the following board performance measures to be reported to Council through the annual report:

- Number of appeals heard by classification and by value as well as any other particulars the Chair sees fit to include.

[16] Yee, G. (2017). Performance Assessment for Members – Framework. CCAT Symposium-May 2017, 1.

Interviews

We conducted an interview with the Chair of the Board to discuss the monitoring of hearings and the evaluation of board performance and the work conducted related to these duties.

- Currently the Chair monitors hearings and the performance of board members on a limited basis as time permits. The Chair of the Board observes board member performance during hearings for any training opportunities. If any issues arise from the hearing or if they identify training opportunities, this is discussed with the board member following the hearing. Common issues, themes or concerns are communicated to all members via email along with the proper procedure or rules to follow.
- Occasionally, appellants or assessors will bring to their attention complaints or concerns regarding a board member's performance. Depending on the concern, the Chair will discuss this with the board member directly or provide the Appeals Manager any matters involving a potential conflict of interest or respectful workplace issue.
- The Chair acknowledged a significant amount of time would be required to monitor the hearings of all board members and to conduct an evaluation of the overall performance of the Board. With the limited resources to assist with monitoring all board members and their performance in hearings, the Chair has not prepared and provided the Appeals Manager performance summaries for all board members for the past three years.
- There was no previous guidance or performance measures in place prior to the appointment of the current Board Chair and there is no formalized monitoring review process in place with reporting requirements.
- The Chair of the Board advised that they recently requested data from the Appeals Manager from the City's assessment appeals information system, to provide insight into the decisions made by the Board. The Appeals Manager provided the data; however, the Chair indicated that they were not aware of the type or full extent of information available.
- The Chair discussed that the information system data would be beneficial to monitoring hearings and evaluating the performance of the Board. The information provides an opportunity to review the decisions made by the Board panels and to analyze for any decision-making patterns. However, the system does not contain decisions made by each panel member; it only shows the panel's decision for each appeal.
- Currently there is no evaluation of the overall Board's performance. The Chair has not had discussions with the Appeals Manager on what the expectations related to this duty are.

In addition, we discussed with the Appeals Manager the monitoring of board member performance and providing information to Council on the board member performance as part of the re-appointment process.

- The Appeals Manager identified that in the past, the Chair of the Board would summarize the performance of the board members over the preceding year and the Appeals Manager would provide this information to the Executive Policy Committee as part of the review of renewing the board members term.
- The last summary of performance of the board members was in April 2017. The Chair of the Board and Deputy Chair prepared the summary and provided it to the Appeals Manager. The summary of performance was a high-level general statement affirming all members had performed well over the year. The Appeals Manager presented it to the Executive Policy Committee for consideration in renewing the term for board members who had submitted applications for the upcoming year.

- The Deputy Chair of the Board role was last filled in 2018. The Appeals Manager recommended filling the role in 2019 and 2020; however, Council did not appoint a member to this role.

Data Analysis – Board of Revision

A significant amount of information is available in the information system, AACS, maintained by City Clerk's.

- We conducted an analysis of the data available in AACS on hearings conducted between January 1, 2017 and November 25, 2020 and identified valuable information to assist with monitoring hearings and for reporting on performance of the Board.
- The Board does not record each individual board member's decision; however, the Chair of the Panel and the members of the panel are identified in the data.
- In our analysis of the data, we identified four board members were the presiding Chair for 54 percent of the hearings conducted during this time. We noted that the decisions made by the panels are in line with the value of hearings heard, however these four members chair hearings significantly more than other members do.
- This is useful information for the Board Chair and can assist by providing insight and additional information on members who are conducting a large number hearings accounting for higher assessed values and potentially more complex appeals. We have summarized our observations in the table below.

Value of Appeals Heard by Board Panel Chairs between January 1, 2017 & November 25, 2020		
Board Members	**Original Assessed Value**	**Change to Original Assessed Value**
Top Four Members	19,166,241,385	(1,972,876,542)
Rest of Panel Chairs (15 Members)	15,027,754,748	(1,511,302,029)
Total	**34,193,996,133**	**(3,484,178,571)**

- Each individual board members decision is not recorded, as such, we were unable to analyze the data to identify any inconsistencies or highlight specific concerns with specific board members, as there are three members on each Panel.

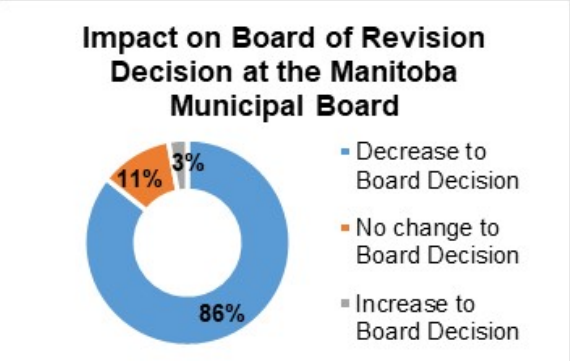
Data Analysis – Manitoba Municipal Board Decisions

Property owners, who do not agree with the outcome at the Board of Revision, related to a decision on assessed value or a classification of property, can appeal the decision to the Manitoba Municipal Board. Decisions by the Board of Revision that are appealed to the Manitoba Municipal Board are recorded in AACS along with the outcome and decision made.

The Municipal Board has no set deadlines for hearing all appeals received, and as such, a significant backlog exists. At the time we conducted this analysis, there were 2,316 appeals outstanding, including appeals related to the 2016 general assessment. Due to this significant backlog, we have reviewed the data on appeals between 2010 and 2020 to identify any trends

in the decisions made by the Municipal Board related to Board of Revision decisions[17]. In conducting our analysis, we observed the following:

- Between 2010 and 2020, 2,168 Board of Revision decisions were appealed to the Municipal Board. For both residential and non-residential properties, tax agents representing a property owner submitted approximately 75 percent of appeals to the Municipal Board and property owners submitted 23 percent. The City Assessor appealed two percent of the decisions made by the Board of Revision.
- Of the total number of decisions appealed to the Municipal Board, 86 percent of the decisions resulted in a further decrease, of on average $425,000, to the Board of Revision's decision. The decrease to the Board of Revision's decision was made either through a "certificate of agreement"- where both parties come to a mutual agreement on the decision, or by a Municipal Board panel.



- The data available on the Municipal Board decision is useful and the Chair of the Board can use this information to review the decisions made by the Board and focus their efforts related to monitoring hearings and evaluating board performance. The Chair of the Board can also use the data to, potentially, analyze the perceived fairness of the decisions made by the Board of Revision; an increase in appeals to the Municipal Board may be an indicator of perceived unfair decisions made.
- It is important to note that the hearing at the Municipal Board is considered a new hearing and the appellants and the assessors could present different and/or new evidence affecting the decision.

Leading Practices

We reviewed the leading practices and guidance in the *Practices Essentials for Administrative Tribunals* on the administration of a tribunal and identified the following guidance for holding a tribunal accountable for obtaining its goals.

- Ensuring board members fully understand their roles and responsibilities and identifying training needs for board members. In addition, the leadership responsibilities include coaching staff, providing constructive feedback to tribunal members, and assisting members in obtaining the training they need to carry out their work.

The Board Manual identifies these as the responsibility of the Chair of the Board that we confirmed are performed.

- Monitoring board member performance is way for the Chair of the Board to ensure that all members fully understand their roles and responsibilities, to identify any training needs and to provide feedback or guidance on areas for improvement.

Furthermore, in March 2021, the Council of Canadian Administrative Tribunals recognized the importance of assessing the performance of tribunal members. The Council recognized that an evaluation of performance is essential for adjudicative excellence, member development and

[17] In our analysis, we have only included the appeals to the Municipal Board that have been completed and heard with a decision made at the Board of Revision and the Municipal Board that were included in our data set with the assessment years 2010 to 2020.

supporting recommendations for member reappointment[18]. Examples of performance measures for board members include focusing on matters of relevance in a hearing as well as responding to and disposing of issues in a timely way.

Jurisdictional Comparison

Five out of seven assessment appeal bodies included in our jurisdictional survey have a Chair of the Board as well as a Vice Chair/Deputy Chair who assists the Chair in performing their duties.

- This is consistent with the City of Winnipeg's Board Manual.

The performance of the Assessment Appeal Boards is reported through the annual report as discussed in section 2.1.3 Annual Reporting.

Summary of Analysis

Monitoring of Hearings and Evaluation of Board Performance

- We identified the Chair of the Board currently conducts some monitoring of hearings, provides feedback to board members, and provides all board members additional guidance and training material where it appears to be required. However, the process for monitoring hearings is not formalized and documented.
- The Chair of the Board and the Appeals Manager have not provided City Council or the Board selection committee, performance summaries on the individual board members or an evaluation of the Board's performance in the past three years. This is important information that should be considered as part of the board member re-appointment process.
- The lack of guidance in the Board Manual and the limited detail on the expectations related to the monitoring of hearings and the evaluation of board performance result in the full potential of this performance management function not being fulfilled.

Deputy Chair Position

- The role of Deputy Chair is an important support role for the Chair of the Board that provides assistance with monitoring hearings and evaluating board performance. The Board can use this additional resource for conducting these key performance management functions.

Opportunity for Data Analysis

- In our review and analysis of the data in AACS we identified a significant amount of information on assessment appeals and the decisions made by the Board panels. We identified the following information that would be useful for selecting hearings to review:
  - The Board panel Chairs who preside the majority of the hearings along with the decision made by the Panels.
  - Decisions made by the Board that have been appealed to the Municipal Board and the Municipal Boards related decision.
  - Properties that have appealed their assessed value over a number years (as identified in section 1.3 Performance Information). The Chair can review this information and potentially identify inconsistencies in decisions made.
- This information is useful for the Chair of the Board for fulfilling their duty of monitoring hearings and evaluating board performance. It provides insight into the decisions made by

[18] Council of Canadian Administrative Tribunals 2021, accessed April 16, 2021, < http://www.ccat-ctac.org/en/resources--opportunities/ccat-repository-for-member-performance-assessment>

Board panels and provides the ability for the Chair to focus their resources on potential higher risk hearings. The data can be analyzed in a variety of ways to identify areas of greater risk and help identify where process and performance may require improvement.

RECOMMENDATION # 5			
We recommend the Chair of the Board and the Appeals Manager, in consultation with Council, define the information the Chair of the Board should document and obtain related to their duties of monitoring hearings and evaluating the performance of the Board. This process should be formalized and documented in the Board of Revision Practices and Procedures Manual. The City Clerk recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	A formalized process for monitoring hearings and evaluation of Board performance promotes accountability and identifies any concerns with performance or opportunities for training.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

RECOMMENDATION # 6			
We recommend the Appeals Manager provide a summary of the observations made by the Chair of the Board on board member performance, to the Executive Policy Committee as part of the board member re-appointment process. This responsibility should be formalized and documented in the Board of Revision Practices and Procedures Manual. The City Clerk recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	A formalized for evaluating Board performance promotes accountability and identifies any concerns with performance or opportunities for training.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

RECOMMENDATION # 7			
We recommend the Appeals Manager, in consultation with the Chair of the Board, make a recommendation to the Executive Policy Committee on a member of the Board to appoint as Deputy Chair.			
RISK AREA	Human Resources	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	The Deputy Chair assists the Chair of the Board in fulfilling key performance management functions that hold the Board accountable to its goal.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A recommendation regarding the Deputy Chair position was presented to Executive Policy Committee and it has since been filled for the 2021 – 2022 cycle. This will result in increased cost to the Board of Revision operations, which will be identified via report to Council.			
IMPLEMENTATION DATE	Implemented		

RECOMMENDATION # 8			
We recommend the Appeals Manager and the Chair of the Board develop a process to utilize and analyze the data in AACS to assist with the monitoring of hearings and the evaluation of Board performance. The data in AACS should also be assessed and the Chair of the Board should utilize, at a minimum, the following performance information for targeting the monitoring of board member performance and the performance of the Board: • Board panel Chairs who preside the majority of the hearings; • Decisions made by the Board that have been appealed to the Municipal Board; • Properties that have appealed their assessed value over a number years.			
RISK AREA	Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	The Chair of the Board and the Appeals Manager do not analyze the available information in AACS to assist with identifying the areas to focus their resources on.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to identify processes needed to comply with the intent of the recommendation. This will result in increased cost to the Board of Revision operations, which will be identified via report to Council.			
IMPLEMENTATION DATE	2nd Quarter 2022		

2.2 Board of Revision's Decision Making Process

We evaluated the processes in place to support the decision-making process followed by the Board to determine whether a fair and objective process is followed for evaluating the evidence presented by both parties in the assessment appeal process. We also looked at if the appellants and the assessors would perceive the process as fair and objective from their perspective.

2.2.1 Amount and Quality of Evidence Presented

The Board bases their decision on the evidence presented in a hearing. A fair and objective process includes ensuring that the appellants and the assessors are treated fairly by making the process easily accessible, providing the appropriate support, treating parties to an appeal with courtesy and respect as well as providing parties with the appropriate guidance throughout the process.

We reviewed the amount and quality of information presented to the board to make a decision. We also assessed whether sufficient guidance and information is provided to appellants to prepare them for the hearing with the appropriate evidence.

Observation

- There are significant differences in the amount and quality of information presented to the Board panels.
- Enhancements can be made to the existing information available to residents on the assessment appeal process including the opportunity to contact the assessor to discuss the assessed value prior to submitting an application for revision to their assessed value.

Analysis

The Municipal Assessment Act and Applicable Regulations

The Act and the General Assessments and Related Matters Regulation provides direction to municipalities on how to administer the assessment roll and property valuation. The Regulation establishes the years for a general assessment and the reference date for each general assessment[19].

- A property assessed under the Act should be valued at the amount at which the property would have reasonably sold for in the open market on the reference date, in its current physical condition, by a willing seller to a willing buyer.
- For business assessments, the annual rental value (ARV) reflects the typical market rents for commercial space similar to the premise under appeal in the reference year or at the reference date.
- Board members must consider this when deciding on the appropriate value of a property.

[19]The General Assessments and Related Matters Regulation - https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=78/2009

Additional Guidance – Case Law and Board orders

The Board can also consider applicable case law in considering their interpretation of the Act when evaluating the evidence presented. The Board Chair recommends that Municipal Board Orders and Court decisions are acceptable because they provide guidance to the panel on the interpretation of the law and proper application of appraisal methodology. However, the Board Chair advices against using past Board of Revision orders as evidence as they do not provide details on the written and verbal evidence of the parties and the findings deliberated by the previous panel in that hearing. Furthermore, as an administrative tribunal, they do not set precedents and are not bound by previous decisions.

Appeal File Information Package Review

In a sample of 30 appeal files selected for review, we reviewed the amount of information presented to the board panel as well as the quality and type of information presented by the appellants and the assessors.

- We observed significant differences between the information presented by the assessor, tax agents representing property owners, and property owners representing themselves.
    - Appellants, specifically the tax agents, have a significant amount of additional and more detailed information on the properties compared to the assessors. In 15 of the 30 appeals in our sample - the tax agents presented interior photos of the property and had up to date details on the property.
    - On average, tax agents present significantly longer packages of evidence compared to the assessors. The average length of the package of evidence submitted by the assessors was 18 pages long compared to the appellants, the majority of which were tax agents, were an average of 81 pages in length.
- The quality of information varies between the parties presenting and includes relevant and irrelevant information. We identified the following information that was submitted that was not fair to admit and should not be considered in the decision-making process of Board members. (Note: Due to lack of detail for basis of decision in the Board Orders we were unable to determine if this information was considered in making the decisions)
    - Two instances where an appellant presented the assessed values of comparable properties – the Act establishes properties are to be valued at their *market* value on the reference date.
    - Four instances where sales values of a property were presented after the reference date that was applicable in the Legislation.
    - Ten instances where prior Board of Revision Orders were included in the evidence packages presented to the Board – The Chair of the Board has advised all Board members that this evidence should not be considered due to the limited information related to the decision made in the Board Order.

Observations of hearings

We observed the hearings related to our sample of 30 appeals selected for review. We observed all participants were professional and respectful. We observed the Board panel Chair provides an overview of the hearing to the participants and outlines the procedures followed in the hearing. We observed that overall:

- All appellants have a significantly higher level of knowledge of the property than the assessors and present detailed information. Tax agents present a significant amount of detailed evidence on the properties compared to property owners representing themselves.

- The assessors rely on the assessed values that are model driven. In the majority of appeals, when the board members requested additional information on the assessed value from the assessor, they did not have any additional information or further explanation for the assessed value. The assessment process relies on the property owners providing the ATD with any requested information on the property. In instances where we observed the Board members ask the assessor if they had this information, the assessors indicated that the property owner had not submitted it to the ATD.
- Both the assessors and the appellants respectfully answered any questions asked by the board as they could.
- In 20% of the appeals from our sample, we observed that at the beginning of the hearing, prior to beginning the presentation to the Board panel, the assessor presented a recommendation to revise the assessed value based on the evidence presented by the appellant. In these cases, the appellant accepted a recommendation and there was no further discussion or presentation to the Board panel.

Board Member Survey

We asked questions in the board members survey on the amount and quality of the information presented by the assessors and the appellants. Refer to **Appendix 4** for the survey results.

The primary observations from the board member responses include:

- Thirty-five percent of board members felt appellants, for residential properties, do not provide enough evidence and 36 percent of board members felt, appellants for non-residential properties, presented too much information.
- Overall, more than 90 percent of board members felt the information presented by the appellant and the assessor for residential properties, was easy to understand. This decreased slightly to 88 percent for the information presented for non-residential properties.

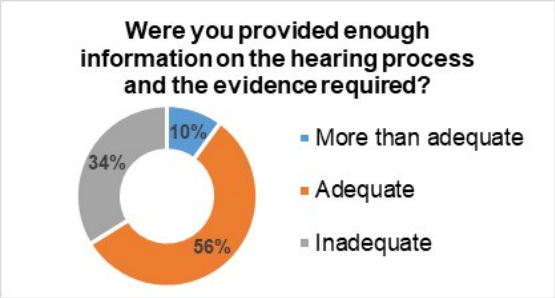
Board members had an opportunity to provide their comments related to the amount and quality of evidence presented. The comments we received included:

- It would assist if the issues, facts and relevant information to support each party's position on the assessed value of the property were clearly presented.
- Regarding residential properties, the majority of appellants are appearing for the first time and are unfamiliar with the process. They present information that cannot be considered by the board in the decision making process.
- There is a lack of information presented by appellants who are representing themselves for the board to consider in their decision making process.

Appellants Survey

As part of the appellant's survey, we asked questions to gain an understanding of their experience on the assessment appeal process. Refer to **Appendix 4** for the survey results.

The primary observations from the appellant's responses include:



- The majority of respondents (63 percent) had tried contacting the assessor first, however 37 percent had not.
- Overall, the majority (66 percent) of respondents felt they had enough information on the hearing process and on what evidence to present, while 34 percent did not.
- Eighty-four percent of appellants surveyed agreed that the Board panel made them aware of the process that would be followed at the beginning of the hearing.

Appellants had the opportunity to provide feedback on their experience with the Board of Revision. Several survey participants indicated they would like to see more guidance to assist with preparing for the hearing. The comments provided included:

- It was unclear what evidence to submit and where to obtain the evidence from.
- There was limited information on the process, how to prepare for the hearing and the process that would be followed.
- Tax agents who provided responses in the survey included comments indicating that the while they are aware of the opportunity to contact the ATD first to discuss the assessed value, they indicated that property owners are not aware of this option.

Assessor Survey

We conducted a survey of the assessors who attend the hearings. Refer to **Appendix 4** for the survey results. The primary observations from the assessor's responses include:

- The majority of respondents (91 percent) agreed that the Board panel advises all the participants on the hearing process and their role at the beginning of a hearing.
- Sixty-six percent of respondents felt that an appeal to the Board could have been resolved with a discussion between the assessor the property owner without going to the Board. As well, 75 percent of respondents felt they were likely to succeed at agreeing on assessed value through the revision by agreement process.

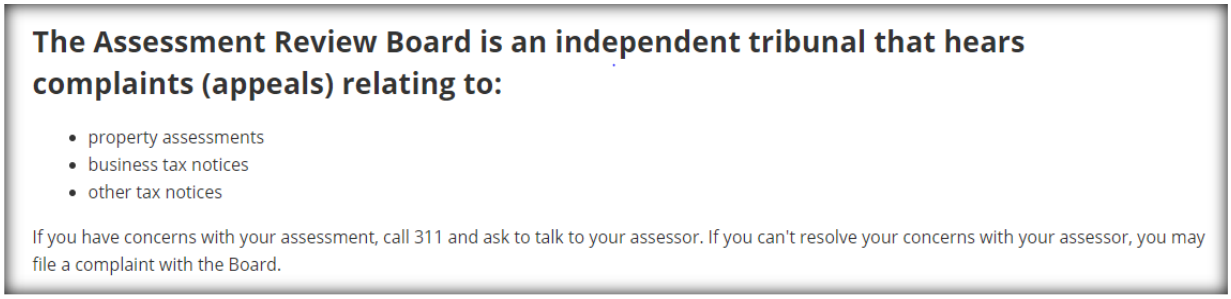
Jurisdictional Survey

As part of the jurisdictional survey, we asked what information is available to all residents and the public to prepare for a hearing in front of the assessment appeal board. We also reviewed the assessment appeal boards websites for the information that was easily accessible for the public.

We identified, that compared to the information available on the City of Winnipeg Board of Revision website, other jurisdictions provide significantly more guidance, instructions and templates. The materials informed residents on the assessment appeal process and preparing for their hearing.

- The Edmonton Assessment Review Board provides a sample evidence package that contain all the documents that would be used at the hearing to support an appellant's case. Frequently asked questions are on the website.
- In addition to providing detailed guidance on what information to gather for the hearing, the Calgary Assessment Review Board provides appellant's access to the Assessment Review Boards Procedural Rules that describe the procedures that govern the Board proceedings and establish the practices for the administration of the hearing.
- Ontario also provides a number of information sheets on their Assessment Review Board website to provide appellants with information and guidance on all aspects of the appeal process.

Furthermore, all jurisdictions surveyed encourage residents to contact Assessment first to discuss the assessed value of the property and clearly identify this as a first step. The following is an example from the City of Edmonton's Assessment Review Board website:



Source: Edmonton Tribunals – Assessment Review Board Website

Leading Practices and Standards

We reviewed The *Practice Essentials for Administrative Tribunals* for leading practices and guidance for ensuring participants in a hearing are provided a fair and objective process. We identified the following guidance:

- "Parties who do not appear before the tribunal regularly and who are not assisted by someone with experience are likely to be unprepared. Process orientation provided by the administrative staff in advance of the hearing would help participants in the hearing by explaining the steps in the hearing process."
- "Conducting a fair hearing starts with ensuring the parties are informed about the hearing process, understand the roles of the various participants, and are ready for the hearing."
- "Lengthy hearings can often be shortened or made more effective with the use of a pre-hearing conference"
    - Pre-hearing conferences also can be used to determine whether the parties would like the opportunity to mediate the issue in dispute.

We reviewed the information available on the City of Winnipeg Board of Revision website and identified there is an opportunity to enhance the information readily available to assist appellants in preparing for a hearing.

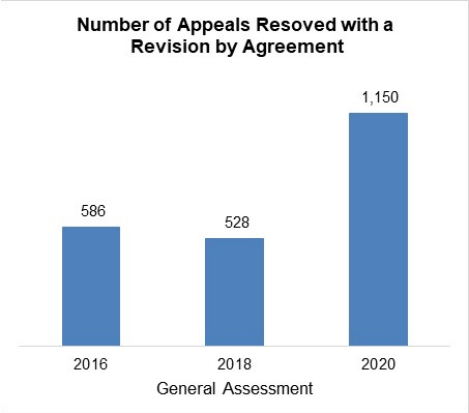
We reviewed the *International Association of Assessing Officers - Standard on Assessment Appeal*. This standard states[20]:

[20] International Association of Assessing Officer, *Standard on Assessment Appeal,* Approved July 2016. Page 5.

- the first step in the assessment appeal process should begin with an informal consultation between the assessor and the property owner in order to:
    - Identify and document errors,
    - Review the equity and uniformity of assessments,
    - Determine what issues (facts) the parties to a valuation dispute can agree on, and
    - Identify and clarify the basis for an exemption or assessment limitation claim.

- Through the jurisdictional survey, all six jurisdictions indicated this process is encouraged to resolve assessment appeals first.
- In the analysis we conducted on the data available in AACS, we identified that 83 percent of decisions at the Municipal Board were the result of a "certificate of agreement"- where both parties come to a mutual agreement on the decision. Of the appeals that were resolved through a certificate of agreement, 97 percent resulted in a further decrease to the decision made by the Board of Revision. Only 30 percent of appeals that went to hearing in front of a Municipal Board panel, resulted in a further decrease to the decision made by the Board of Revision.

In interviews with management in the ATD, they discussed that the ATD has increased the use of the revision by agreement process over the past couple of years. We confirmed this in reviewing the data in AACS as the number of appeals resolved by the revision by agreement process more than doubled between the 2018 and 2020 general assessment. For the 2020 general assessment, 18 percent of all appeals submitted to the Board were resolved through a Revision by Agreement with the ATD.



- However, in reviewing the Assessment notice sent out to all property owners and the Board of Revision website, they do not clearly communicate to residents to contact the assessor prior to submitting an application for revision to the assessed value. The ATD advised that they are currently working on enhancing the communication to residents of this process.

Summary of Analysis

Amount and Quality of Information

- There are significant differences in the amount and quality of information presented to the Board panel members to make a decision. The amount of information and evidence varied from excessive and irrelevant to minimal and not applicable. The quality of information also varied. We identified information that was not fair to admit and should not be considered by the Board panel in the decision making process. We also found that inexperienced appellants presenting for the first time provided limited evidence to support their position.
- We identified opportunities to increase the fairness of the process by providing residents more information, which is readily available, directly on the Board of Revision website. This would include clearly identifying what evidence to present, what information cannot be presented, where to obtain the information, how to present the information and how to prepare for a hearing. Providing this information with examples of evidence to present will

assist with preparing appellants for a fair hearing and ultimately supports the goal of providing a fair and objective process.

Revision by Agreement Process

- In addition, City Clerk's and the ATD do not clearly communicate to residents the availability of an informal consultation process between the assessor and the property owner.
- In reviewing the evidence packages submitted by the property owners and tax agents, observing the information presented by the appellants, it is evident that property owners have significantly more detail and information on the property. Sharing this information with the assessor first could potentially decrease the number of applications for revision to the assessment roll.
- Enhancing the guidance and support for appellants on the assessment appeal process and clearly communicating the opportunity of an informal discussion with the assessor would increase the efficiency of the appeal process by potentially reducing the number of appeals to the Board. Furthermore, providing appellants appropriate and sufficient information educates them on their assessed value and appropriately prepares them for a hearing.

RECOMMENDATION # 9			
We recommend City Clerk's enhance the existing information publicly available to appellants by providing additional information on the Board of Revision's website. The website should include at a minimum, guidance on how to prepare for a hearing with examples of evidence to present, a template to guide appellants with their appeal and information on the opportunity to first contact the Assessment and Taxation Department to discuss the assessed value and resolve through a Revision by Agreement.			
RISK AREA	Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	A lack of sufficient and clear guidance, templates and information to assist residents with the assessment appeal process impacts the ability of resident to fully understand and properly prepare for an appeal hearing.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. The website will be updated to comply with the intent of the recommendation.			
IMPLEMENTATION DATE	2nd Quarter 2022		

RECOMMENDATION # 10			
We recommend the Assessment and Taxation Department enhance the communication to residents, with the Assessment Notice, of the opportunity to first reach out to Assessment to discuss the assessed value and utilize the Revision by Agreement.			
RISK AREA	Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	A fair assessment appeal process begins with an informal consultation between the assessor and the property owner.		
MANAGEMENT RESPONSE			
The Assessment and Taxation Department agree to provide an insert in the assessment notice that outlines additional information regarding appeals and the revision by agreement. The Assessment and Taxation Department will work with Corporate Communications to develop the insert to be included with the assessment notices. The City Clerk's Department agrees with the recommendation.			
IMPLEMENTATION DATE	2nd Quarter 2022		

2.2.2 Evaluation of Evidence by the Board and Support for Decision Made

We reviewed the process the Board follows for evaluating the evidence presented by both the appellants and the assessors to determine whether board members fairly and objectively considered and evaluated the evidence presented. We also reviewed the decisions documented in the Board Orders to determine if the evidence in the file supported the decision.

Observation

- The Board Chair conducts a comprehensive training program that includes training on the decision-making process to fairly and to objectively evaluate the evidence presented by both parties in a hearing. In addition, the Board panels were engaged during the hearings and asked questions to obtain more information or to clarify any uncertain information.
- We are unable to conclude on the fairness and objectivity of the process supporting a Board decision due to a lack of detail provided in the Board Order. This coupled with insufficient documentation in the appeal files prevents us from confirming what information the board members considered and how they used that information in making their decision.
- The Board Order does not provide enough detail on the reason(s) for the Board decision. This is not consistent with leading practices, a recommendation previously made by the City of Winnipeg Assessment Task Force and other jurisdictions.

Analysis – Evaluation of Evidence

Please refer to section 2.2.1 for the discussion on the board members consideration of the Municipal Assessment Act, case law and prior Board Orders in the decision-making process.

We conducted an interview with the Chair of the Board to discuss the decision-making process and the training and guidance provided to board members for evaluating the evidence presented in a hearing. We also reviewed the Board's training material, the Act and the applicable regulations for guidance on evaluating the evidence presented.

- Internal and external guidance exist for weighing and considering evidence. As an administrative tribunal the Board is not bound by formal rules of evidence to the extent that courts are, however board members must ensure evidence admitted is relevant, reliable, and in keeping with procedural fairness.
- The board member training material includes a section on hearings and the decision-making process that identifies the steps for deliberating and considering the evidence presented. This includes some of the following steps: identifying the facts, clarifying any items by asking questions, identifying the relevance of the information and assessing the credibility of the evidence by assigning weight to the evidence presented.
- The Board can also consider applicable case law to provide clarification of the legislation when evaluating the evidence presented. The Chair of the Board provided a memo to the board members about the acceptable evidence in the past. The Chair recommended that Municipal Board Orders and Court decisions are acceptable because they provide guidance to the panel on the interpretation of the law and proper application of appraisal methodology. The Chair also recommended against using past Board of Revision Orders as evidence because they do not provide details on the written and verbal evidence of the parties and the findings deliberated by the previous panel.
- The Board Manual identifies that board members are responsible for determining assessments are fair and equitable and fairly represent market values within the City of Winnipeg.

Observe Hearings - Appeal File Information Package Review

We observed the hearings for our sample of 30 appeals and confirmed all board members actively listened to the presentation of the evidence by both the appellant and the assessor, asked questions when they wanted additional information or clarification and appeared to be taking notes and reviewing the packages of evidence submitted by the appellant and the assessor.

- We identied 2 out of the 30 appeals where the Board panel Chair or member identified evidence presented during the hearing that they could not consider in their decision-making process as the information was not fair to admit.
- We identified 3 instances where the appellant presented prior Board Orders verbally in the hearing. In these instances the Board panel did not comment on the past Board Orders presented and did not explain to the appellants that these cannot be considered as evidence.
- We caution the readers about drawing conclusion from this observation. *We have not reviewed all the appeals heard in a docket*, as the sample appeal is only one of the several appeals in it. The panel could have reminded the parties to the appeal whether the evidence can be fairly admitted or not during another presentation on the same docket. At the beginning of the hearings, the panel Chair also reminds the parties to the appeal that the comparison of assessment of properties is not considered as evidence of market value by the Board of Revision.

Analysis – Support for Board Decision

Jurisdictional Survey

We conducted a survey of six other jurisdictions to gain an understanding of the details included in the decision provided to the parties to the appeal. Please refer to **Appendix 3** Procedures Performed for details on the jurisdictional survey

The following table compares the information available to both parties of an appeal on the decision made by the Assessment Appeal Board. Please refer to **Appendix 6** for the full jurisdiction survey results.

Information Documented in the Decision made by the Board	Municipal			Provincial			
	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	BC PAAB[21]
Description of the Property	x	✔	✔	✔	✔	✔	✔
Reason for the appeal	✔	✔	✔	✔	✔	✔	✔
Position of both parties of the appeal	x	✔	✔	✔	✔	✔	✔
Summary of evidence presented	x	✔	✔	✔	✔	✔	✔
Board's findings of fact and analysis of evidence	x	✔	✔	✔	✔	✔	✔
Board's Decision	✔	✔	✔	✔	✔	✔	✔
Reason for the Decision	x	✔	✔	✔	✔	✔	✔

[21] We included two assessment appeal bodies from British Columbia – Property Assessment Review Panel (PARP) and Property Assessment Appeal Board (PAAB) – in our jurisdictional comparison. The PAAB provides a written decision. The PARP only provides the final decision with no additional detail.

The information contained in a City of Winnipeg Board Order is limited as compared to all other jurisdictions surveyed.

The decision of assessment appeal boards are available to the public in all jurisdictions surveyed; this is consistent with the process followed by the City of Winnipeg Board of Revision.

Leading Practices

We reviewed The *Practice Essentials for Administrative Tribunals* for leading practices and guidance around the decision made by a Board and identified:

- A *decision* and a *reason for a decision* are two different things. The guidance defines a decision as the result you have reached and the reasons explain why you arrived at that result. "It is important to provide the parties with both your decision and the reasons for your decision at the conclusion of your decision-making process."[22]
- Providing the reasons for a decision assist the parties in accepting the decision and increases the likelihood that appellants feel that were given a fair hearing and were understood.

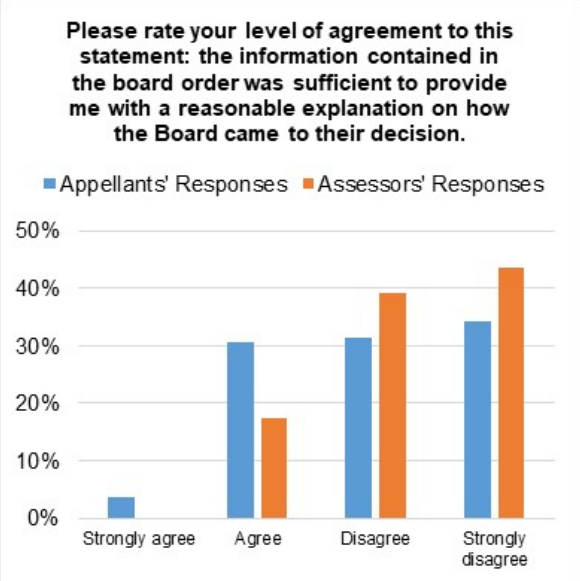
Key Survey Highlights

We asked both the appellants and the assessors who participated in a Board hearing, questions on their experience with the Board panel and the decision provided in the Board Order. We found:

- The majority of assessors (83 percent) and appellants (66 percent) express that the Board Orders do not contain enough information to provide a reasonable explanation for the decision.

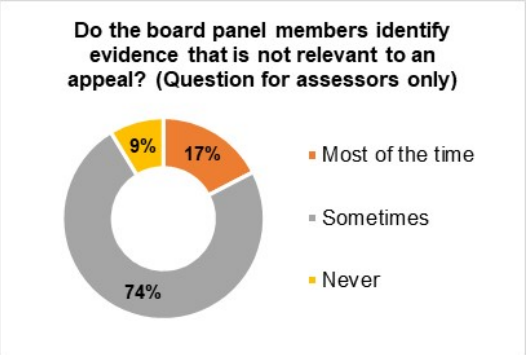
- The majority of appellants expressed that they were treated professionally (88 percent), with respect (89 percent), and without bias (64 percent). However only 55 percent agreed or strongly agreed that they were treated fairly.

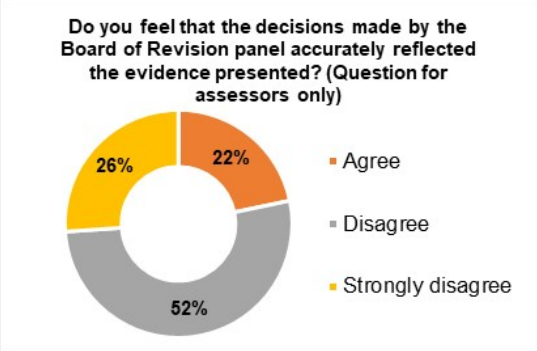
- The assessors expressed that they were treated professionally (70 percent), fairly (61 percent) and with respect (78 percent). However only 35 percent of assessors felt they were treated without bias.



[22] Practice Essentials of Administrative Tribunals. Saskatchewan Ombudsmen, Page 68.

- While the assessors (74 percent) express that panel members sometimes identify irrelevant evidence to an appeal, 78 percent of assessors do not feel that the decision made by the Board panel accurately reflected the evidence presented.





Winnipeg City Council approved recommendation

At the March 22, 2006 City of Winnipeg Council meeting Council adopted a recommendation presented by the Assessment Task Force, that the Board of Revision provide written reasons for their decision upon request.

- The reasons identified in the report for providing written reasons for the decision included the potential impact on the quality and consistency of decisions, improved customer satisfaction by helping appellants understand the reason for the decision, as well as uniformity and control.

We confirmed through interviews with the Chair of Board and the Appeals Manager, they have not provided written reasons with additional detail to any parties.

- We did not identify any communication by the City to appellants that they have the opportunity to request a written reason for the decision from the Board.
- The Chair of the Board and the Appeals Manager advised that they have started working on developing a template for the Board Order that includes additional information. The Chair of the Board drafted a template; however, no further work has been conducted.

Appeal File Review

In our sample selected of 30 appeal files, we reviewed the decisions made by the Board panel as documented in the Board Order. We also reviewed the evidence submitted by both parties to evaluate whether the evidence in the file supports the decision made. Please refer to **Appendix 2** for more details on the sampling methodology.

We identified instances where the parties to the appeal submitted evidence that should not be considered in the decision-making process. Due to the lack of detail in the Board Order, we were not able to confirm whether the Board panel considered the evidence and therefore could not confirm the fairness and objectivity of the decision-making process.

- In reviewing the evidence submitted by the appellants and the assessors in our sample, 50% of the files contained evidence that should not be considered in the decision-making process, such as;
    - A party to the appeal presented the assessed value of a comparable property, instead of the market value at the reference date.

    - A party to the appeal presented the past Board of Revision Orders. Board members have been advised not to consider this evidence in their decision-making process due to the lack of detail in the reason provided.
    - A party to the appeal presented sales comparable information with sale dates after the applicable reference date as defined in the Act.
    - A party to the appeal presented sales comparable without the dates of sale. As such, the sales value of the property cannot be confirmed within the applicable reference dates.
- The decision made by the Board and provided to the appellants in the Board Orders, is a brief rationale containing either a general statement, a specific consideration for the decision, or a mix of both. The Board Order does not contain sufficient detail to explain the evidence presented by each party and the Board's findings of fact and the analysis of the information presented – what information the Board panel considered in their decision-making process. All sampled appeals had a reason documented such as:
    - "Decision is based on the evidence presented by the applicant"
    - "The decision is based on the actual Net Operating Income with a Capitalization Rate of 5.75%"
    - "Decision is based on the Assessor's Net Operating Income and a 5% capitalization rate."

Board's Deliberation Process

To avoid potential misunderstandings, *Government Auditing Standards* require that we address items that could potentially be assumed to be within the scope of our audit. The Board panels' private deliberation process is not in scope of this audit because of the following:

- The evaluation of the evidence and discussion between the three panel members occurs in private with the Board Clerk present to document the decision. This process is conducted in-camera and is not heard by the public.
- City Clerks obtained a legal opinion supporting that the deliberations between the Board panel member's remains private.
- For the purposes of the audit, we did not observe the deliberations of the Board panel; the presence of others in the room may influence the deliberations and inaccurately reflect the process. Furthermore, the public does not see the deliberations and have access only to the written decisions to form their opinion on the fairness and objectivity of the process. As such, the hearing panel's deliberation process is out of scope for this audit.

Summary of Analysis

- In the sample of 30 appeal files we reviewed, we identified that there is inadequate documentation in the files and the Board Orders to confirm what information board members considered and evaluated in their decision-making process.
- The Chair of the Board provides board members the appropriate training, information and tools to identify and clarify the issues, find the facts, identify the relevant law or regulation, and apply the law or regulation to the evidence to make a decision.
- We observed in our same sample of 30 appeal files board members were actively engaged in the hearing. They actively listened to the presentation of the evidence by both the appellant and the assessor, asked questions when they wanted additional information or clarification and appeared to be taking notes and reviewing the packages of evidence submitted by the appellant and the assessor.

- Overwhelmingly, the assessors and the appellants did not agree that the Board Order provides sufficient information on the how the Board panel came to their decision. Only 34 percent of appellants and 17 percent of assessors agreed or strongly agreed that the information contained in the Board Order was sufficient in providing a reasonable explanation on how the Board came to their decision.
- Providing a written reason with the details on the evaluation of the evidence conducted by the Board panel is consistent with the practice in all other jurisdictions surveyed and was a process recommended by the City of Winnipeg Assessment Task Force. It is also a leading practice and demonstrates that the decision-maker has considered the relevant evidence and arguments and ensures that the "why" question is answered for the parties[23].

RECOMMENDATION # 11			
We recommend City Clerk's and the Chair of the Board revise the Board Order to include a more detailed reason for the Board's decision. The Board Order should identify, at a minimum, the issue with the assessment, the key information presented by the assessor and the appellant, the information relied on in the decision making process including how the Board panel made their decision and what information they considered or did not consider. The City Clerk update the Board of Revision Practices and Procedures Manual with the additional information and a Board Order template and recommend the Board Manual update to Council for approval.			
RISK AREA	Business Process	**ASSESSMENT**	High
BASIS OF ASSESSMENT	Conducting a fair hearing and decision-making process involves providing sound written reasons for the decision that provide sufficient information that adequately explain the result.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to identify processes needed to comply with the intent of the recommendation. This will result in increased cost to the Board of Revision operations, which will be identified via report to Council.			
IMPLEMENTATION DATE	2nd Quarter 2022		

[23] Ombudsman Saskatchewan, *Practice Essentials for Administrative Tribunals*, 2009, page 59.

2.3 Resources and Support

The resources and support provided to the Board and the board members are important to achieving a fair and objective assessment appeal process. We reviewed the board member competencies and training as well as the support provided to the Board processes and its members by City Clerk's.

2.3.1 Board Member Competencies and Training

The appropriate board member competencies and training ensure that board members have the necessary knowledge and skills to weigh the evidence, ask the appropriate questions, and decide the outcome of the appeals in a fair and objective manner.

Observations

- The Chair of the Board and the Appeals Manager provide board members adequate training and material that it is consistent with the leading practices and other jurisdictions.
- Less than 20 percent of the board members identified that they have a background in real estate, property appraisal, and/or law; skills identified in the standards on assessment appeals that Board members should possess and recruited for by other jurisdictions.
- The Board of Revision remuneration rates have not been updated in over 20 years and are significantly lower than other jurisdictions.
- The Chair of the Board is a part-time position as compared to some jurisdictions where it is a full-time position.
- The monthly stipend paid to the Chair and Deputy Chair for performing administrative duties has not been formally documented in the By-law or in any other formal documentation.

Analysis

Interviews

We conducted an interview with the Chair of the Board to discuss the training and material provided to board members on the assessment appeal process as well as the guidance and training they received for the position of Chair of the Board.

- The Chair conducts in-person training for board members over three to five days during the year. The Chair usually conducts two sessions, one in November and one in the spring. In addition to the regular training conducted, the Chair of the Board also provides all board members with additional guidance, advice or instructions throughout the year. This material is based on trends identified while monitoring and participating in hearings.
- The Chair of the Board reaches out to board members to identify if there are areas where members feel training can be enhanced or areas where they feel they need additional training.
- There was no prior board member training material provided to the Chair when they took on the role in 2016. The Chair developed and implemented the current training program materials based on experience working with the Province of Manitoba as the Municipal Assessor. In that role, they also developed the training material for the Board of Revisions in other Manitoba municipalities.
- The Chair of the Board has limited involvement in the board member recruitment process. If the Chair identifies any performance concerns or issues, they advise the

Appeals Manager who takes the appropriate action. Over their time with the Board, they recruited individuals who they felt had the appropriate experience and background and encouraged them to apply for a board member position.

- In addition to fulfilling the responsibilities of Chair of the Board, the current Chair also participates in a number of appeal hearings during the year.

We conducted an interview with the Appeals Manager to discuss board member recruitment, training and the support provided to the Chair of the Board to fulfill their responsibilities.

- The Appeals Manager reviews all applications from residents who have applied or reapplied for a position on the Board. Based on their experience and qualifications, the Appeals Manager advises the Executive Policy Committee ("EPC") on the applicants most suitable for the role. They provide all applications along with their recommendations to EPC for review. The EPC recommends to Council on the appointment or reappointment of the board members.
- In addition to the training material prepared and provided to board members by the Chair of the Board, the Appeals Manager provides all board members with a copy of the Act, the applicable legislation and the applicable sections of the City of Winnipeg Charter[24]. Prior to the current Board Chair, City Clerk's did not retain any board member training material prepared by the Chair of the Board. The current Chair of the Board has provided the Appeals Manager with the material they have prepared for future reference and use by other Board Chairs.

Board Practices and Procedures Manual

The Board Manual describes the roles and responsibilities of all board members.

- All board members participate in hearings as part of a Board panel and must consider the merits of each review of an appeal before rendering a decision. The Board is responsible for determining assessments are fair and equitable and fairly represent market values within the City of Winnipeg. All members must have a thorough knowledge of the Municipal Assessment Act, the power and duties of the Board and the Board Manual.
- Each panel has a Chair assigned who has the additional responsibility of maintaining order and decorum in the hearing, and maintains focus on the issues for all persons attending the hearing.

Board Member Training Material

We reviewed the training material developed by the Chair of the Board.

- The materials cover the following topics and provide board members information on their role and responsibilities as well as how to prepare for the hearings and how to evaluate evidence presented:
    - The role of the Board of Revision, their power and duties
    - The hearing and decision making process
    - The Municipal Assessment Act and related regulations
    - The approaches to valuing a property
    - Summaries of significant case law and decisions made by the Municipal Board and higher courts, such as the Court of Queen's Bench and the Court of Appeal to provide new direction or clarification of the legislation.

[24] City of Winnipeg Charter Part 4: Administration and Part 8: Assessment, Taxation and Other Levies on Property.

- We found that the training provided to the board members is consistent with the training described in the *Practice Essentials for Administrative Tribunals* and is consistent with the training provided to board members in other jurisdictions.

Board Recruitment

We reviewed the Board Manual and the board member recruitment postings to identify the requested or required qualifications, experience or knowledge for board members.

- Annually in September, the City of Winnipeg Boards and Commissions conduct an annual recruitment of citizen members to fill various positions on City of Winnipeg Boards and Commissions, including the Board of Revision. The only requirements to apply for a position on the Board are the following:
    - to be a Canadian citizen, who resides in Winnipeg and is entitled to vote in municipal elections.
- There are no requested or required qualifications, skills or experience to be a member of the Board.

Jurisdictional Comparison

In the survey of other jurisdictions, we requested information on their assessment appeal board recruitment process, the training conducted for board members and we collected information on the rates of remuneration.

Board Member Competencies

All six jurisdictions included in our survey, request that applicants for the assessment appeal board have knowledge and experience in a related field such as law, property assessments and/or appraisal. The following is a list of experience that is requested by all jurisdictions surveyed:

- Property assessments or property appraisal
- Real estate
- Law or handling legal issues
- Assessment and mass appraisal

In reviewing the Assessment Appeal Board Annual Update for the City of Calgary, we identified Board members have a mix of experience related to property valuation, assessments, appraisal, real estate and law as well as experience with the Assessment Appeal Board[25].



Source: Assessment Review Board Update Presented to The City of Calgary Council, June 16, 2020

[25] There are a total of 42 members on the City of Calgary Assessment Review Board, 24 Board members were appointed in the last 5 years and 12 were appointed in the last 6 to 10 years.

In reviewing the results from our survey conducted of all 30 City of Winnipeg board members, 9 board members indicated they have a background with Assessment, 3 with Law, 4 with Real Estate and 5 indicated a background In Property appraisal / Development. The majority of board members indicated they have a background in business (14) or other (11).

Board Remuneration

We reviewed the remuneration of board members in other jurisdictions and identified that the Chair of the Board as well as the board members in Winnipeg have the lowest remuneration rates. The Chair of the Board in Winnipeg is a part-time position, which is consistent to some jurisdictions while others are full-time. Please refer to **Appendix 6** for further details on the remuneration and qualifications in other jurisdictions. Note that at the time of the survey we were unaware of that a monthly stipend was part of the remuneration of the Board Chair and Deputy Chair and therefore did not specifically address this in our survey potentially resulting in incomplete information collected on other jurisdictions total remuneration packages.

	Hourly Rate City of Winnipeg	**Range – Hourly Rate (BC, Calgary, Edmonton, SK, Ontario, MB)**
Chair of the Board	$37.50 plus monthly stipend[26]	$53 to $104[27]
Deputy Chair / Vice Chair	$25 to $37.50 plus monthly stipend	$59 to $74
Board Members	$25 to 37.50[28]	$40 to $60

For the City of Winnipeg Board, the Municipal Assessment Act establishes that 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[29]. As such, City Council established and approved the remuneration of board members in the Remuneration of the Members of the Board of Revision By-law. Council passed and approved the by-law on April 30, 1997.

- The following rates of remuneration for Board members were established with approval of the By-law in 1997:

Board of Revision Remuneration	
Presiding Officer of the Board (Chair of the Board)	$75 for every two hours of administrative work or meeting attended.
Chairperson of a panel	$75 for every two hours of hearings attended
Board panel member	$50 for every two hour meeting or hearing attended

- While City Clerks has reviewed and recommended updates to the rate of remuneration for board members, Council has not approved or revised the by-law including the rate of remuneration over the past 20 years.

[26] The Chair of Board and the Deputy Chair receive a monthly stipend for performing administrative duties. We also observed that Edmonton provides a stipend to Board Members for administrative duties performed.
[27] Each jurisdiction has a different compensation rate/schedule. For example, Ontario and Saskatchewan pays an annual salary, while Calgary and Manitoba pays for each full day or half day of work. As such, we calculated and estimated the hourly rate for comparison, based on the remuneration rate. We assumed a 40-hour workweek or 8 hours per day and 4 weeks in a month. We have excluded any expense reimbursements related to mileage, parking, meals, etc. as these vary between jurisdictions.
[28] Hourly rate for the Board member acting as panel Chair is the same as the Chair of the Board.
[29] Municipal Assessment Act, Section 40.

We noted that the Chair of the Board in Winnipeg is remunerated at the same rate as a board member who is acting as the Panel Chair for the hearing, which is not consistent with the practice in other jurisdictions.

- The Board Manual lists a number of key responsibilities of the Chair of the Board to perform; these include the development of the Board's annual report, monitoring hearings, conducting the board member training and the performance management of other board members. However, the remuneration for the Chair of the Board is the same as a Panel Chair of a hearing. Considering the roles and responsibilities as described in the Board Manual, the compensation for the Chair of the Board does not appear adequate.

We also noted subsequent to the passing of the By-law that the Chair of the Board and the Deputy Chair were paid a monthly stipend for performing administrative duties, $1,333 and $833 respectively. We were informed that this amount was authorized by past administrations and elected officials as a means of simplifying the administration of paying the Chair and Deputy Chair for administrative work. However, this change in remuneration has not been formally documented in the By-law or in any other formal documentation.

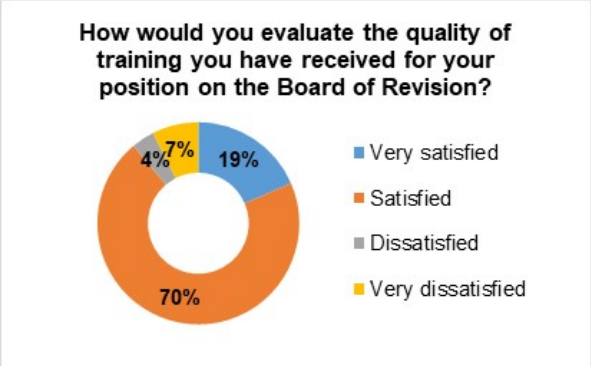
Standards and Leading Practices

Board Training

The *Practice Essentials for Administrative Tribunals* provides guidance on the training for members of a tribunal. It identifies that "training is an essential part of effective tribunal governance as it ensures that members have the knowledge and skills they need to carry out their responsibilities. They need technically competent decision-makers in order to provide a high quality of service to the public"[30].

In our survey of board members, we identified:

- The current board member training material and programs cover they key areas identified in the leading practices. The Chair of the Board provides members an orientation that includes an overview of the hearing and decision-making processes, governing statute and interpretation as well as applicable policies and procedures.
- Eighty-nine percent of board members were satisfied with the quality of training they receive.



Board Member Competencies

We reviewed the IAAO's Standard on Assessment Appeals for guidance on the skills, education or experience members of an assessment appeal board should hold.

- This standard advises that tribunals and appeal boards should comprise individuals such as real estate appraisers, real estate brokers, mortgage loan officers, public accountants, and lawyers who have knowledge of property tax principles, laws, and ratio studies.

[30] Practice Essentials of Administrative Tribunals. Saskatchewan Ombudsmen, Page 30.

While the Board does not specifically advertise or recruit for these individuals, the Chair of the Board advised that he has encouraged individuals with the required skills to apply to be a member of the Board.

- The Appeals Manager advises the EPC of the individuals with related experience or knowledge for their consideration.

Summary of Analysis

Board Member Training Material

- The Chair of the Board developed the current training material and implemented the training program for board members. Eighty-nine percent of board members indicated they were very satisfied or satisfied with the quality of training provided.
- The Chair of the Board received limited guidance and training material on conducting Board hearings and the decision making process from City Clerk's when they took on the role of Chair of the Board.
- To ensure City Clerk's maintains the training material and has it available for future Chairs of the Board, the process for the retention of Board member training material should be documented in the Board Manual.

Board Recruitment

- Less than 20 percent of the all board members responded that they have a background in one of the following: real estate (4 members), property appraisal (5 members) and law (3 members). The majority identified they have experience in assessments (9 members) and business (14 members).
- The standards on assessment appeals indicate assessment appeal boards should be comprised of individuals with experience in real estate, property management or development, property appraisal, assessment or law. Recruiting member with related skills was also consistent across all jurisdictions surveyed.
- As the value of assessment appeals heard by the Board increases, along with the complexity of the appeals, requiring or requesting additional qualifications, experience or knowledge in real estate, property appraisal, property and business assessments, and/or law should be considered in the recruitment process for board members.
- Board members with the knowledge and skills in the applicable areas will benefit the Board and provide the appropriate knowledge and resource to hear and to decide on complex appeals in a fair and objective manner.

Remuneration

- We found the remuneration for Board Chair and board members has not increased in over 20 years and is significantly lower than all other jurisdictions surveyed. City of Winnipeg board members receive remuneration that is approximately 60 percent less than other jurisdictions surveyed.
- The Board Manual lists a number of key responsibilities of the Chair of the Board, such as reporting annually to Council, monitoring hearings and providing training for board members, yet their remuneration is the same as a Panel Chair of a hearing. The remuneration for the Chair of the Board should align with their additional roles and responsibilities.
- The Chair of the Board in Winnipeg is a part-time position; this is consistent with some jurisdictions while others are a full time position.
- The monthly stipend paid to the Chair and Deputy Chair for performing administrative duties has not been formally documented in the By-law or in any other formal documentation. This

may result in inconsistencies in its application and no formal record of the agreed on rate of pay for future City Clerks' staff to reference when hiring for these positions.

RECOMMENDATION # 12			
We recommend City Clerk's identify preferred qualifications, experience or knowledge in property or business assessment, property appraisal, real estate or law as part of the Boards and Commissions annual recruitment process for the Board of Revision.			
RISK AREA	Human Resources	**ASSESSMENT**	High
BASIS OF ASSESSMENT	City Clerk's currently does not request any specific skills, experience or knowledge related to property assessments to ensure the Board has an appropriate mix of skills to fairly and objectively hear assessment appeals.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. The Boards and Commissions website will be updated to comply with the intent of the recommendation.			
IMPLEMENTATION DATE	2nd Quarter 2022		

RECOMMENDATION # 13			
We recommend City Clerk's review and recommend an increase to the remuneration of the Board Chair and Board members. The recommended remuneration should align with the requested qualifications and experience for Board members as well as the roles and responsibilities as described in the Boards Practices and Procedures Manual. City Clerk's should review and consider the remuneration rates in other jurisdictions for comparison.			
RISK AREA	Human Resources	**ASSESSMENT**	High
BASIS OF ASSESSMENT	The current remuneration has not been revised since 1997 and may affect the Boards ability to fulfill its goal and responsibility of deciding assessment appeals in a fair and objective manner.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to identify processes needed to comply with the intent of the recommendation. This will result in increased cost to the Board of Revision operations, which will be identified via report to Council.			
IMPLEMENTATION DATE	2nd Quarter 2022		

RECOMMENDATION # 14			
We recommend the Appeals Manager include the retention of the Board member training material with City Clerk's as a responsibility of the Appeals Manager in the Board of Revision Practices and Procedures Manual. The City Clerk recommend the Board Manual update to Council for approval			
RISK AREA	Human Resources	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	Maintaining the Board member training material in City Clerk's ensures the resource is available for future Board Chairs and provides consistency in the training provided.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to update the Board Manual in keeping with the intent of the recommendation.			
IMPLEMENTATION DATE	1st Quarter 2022		

RECOMMENDATION # 15			
We recommend City Clerk's seek Council approval for the purpose and amount of the monthly stipends paid to the Chair and the Deputy Chair and recommend the appropriate revisions to the By-law to Council for approval.			
RISK AREA	Human Resources	**ASSESSMENT**	High
BASIS OF ASSESSMENT	Formally documenting the approval of the remuneration package for the Board Chair and Deputy Chair ensures future Board Chairs and Deputy Chairs are paid consistently and with the proper authority. It also serves as a valuable reference tool for future City Clerks staff when hiring and remunerating future Chairs and Deputy Chairs.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A report will be presented to Council to identify processes needed to comply with the intent of the recommendation. This will result in increased cost to the Board of Revision operations, which will be identified via report to Council.			
IMPLEMENTATION DATE	2nd Quarter 2022		

2.3.2 Support from City Clerk's

City Clerk's support the Board of Revision by providing the administrative and clerical support for the assessment appeal process. The Board Clerks, together with the Appeals Manager, assist the Board of Revision in its daily operations.

Observation

- Board of Revision members feel they receive sufficient and appropriate support from City Clerk's.
- The Board Clerks training material is sufficient, however some areas are in development and there is an opportunity to enhance the existing training material.
- The Appeals Manager does not conduct performance evaluations of permanent Board Clerks.
- Assessment Appeal Board administrative staff in other jurisdictions surveyed do not sit in on the Board hearings. This is inconsistent with the current practice followed by the City of Winnipeg Board of Revision and may be an opportunity to more efficiently utilize these resources.

Analysis

Interviews

We conducted an interview with the Appeals Manager to discuss their role and responsibilities related to the role of Board Clerks with the assessment appeal process. Pease refer to **Appendix 5** for the full list of the roles and responsibilities documented in the Board Manual.

The Appeals Manager discussed that their primary responsibilities include:

- Scheduling the Board of Revision hearings and assigning the Board Clerk, board members and a Panel Chair to attend the hearings.
- Monitoring the hearings and the Board Clerks' performance to provide advice and instruction as necessary and evaluating Board Clerks' performance.
- Conducting the recruitment for board members and consulting with the Chair of the Board on the list of applicants. The Appeals Manager submits the final listing to the Executive Policy Committee (the selection committee), with their comments, for review and approval by Council.

The following responsibilities of the Appeals Manager are either not performed or we did not obtain supporting documentation.

- The Appeals Manager discussed that they have not assisted the Chair of the Board with preparing a formal Board annual report for Council, as described in the Board Manual. The Appeals Manager prepares the service level statistics for the Board that are reported to Council in the City Clerk's Budgets. This is discussed further in section 2.1.3 Annual Reporting.
- The Appeals Manager was not able to provide supporting documentation or evidence to demonstrate the monitoring of hearings and advised that they have not conducted formal performance evaluations of the Board Clerk Bs who attend the hearings. However, the Board Clerk Bs, confirmed the Appeals Manager monitors the hearings and provides guidance and instruction when necessary.

We also conducted interviews with the Board Clerk Bs to discuss their primary role and responsibilities. The Board Clerk Bs attend the Board hearings and monitor the hearings to

ensure they follow the procedures and answer any questions related to the procedures. Please refer to **Appendix 7** for the hearing procedures.

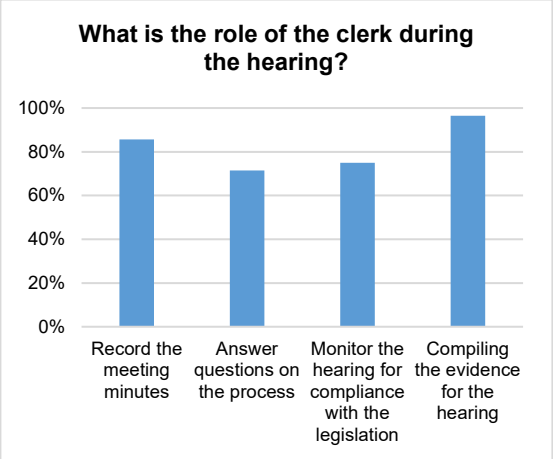
- The Board Clerk Bs who attend the hearings have been with City Clerk's and the Board of Revision for between 6 to 20 years. Temporary Board Clerk Bs are hired during the years when assessment appeals related to a general assessment are heard.
- The Board Clerk Bs discussed their primary responsibilities include:
  - Compiling the packages of evidence submitted by both parties and distributing the packages to the panel members and parties during the hearing.
  - Recording any notes from the hearings and recording the decision made by the Board panel after the Panel's deliberation.
  - Answering questions related to the process and procedures of the hearing.
- The hearing procedures reflect some of the requirements of the Municipal Assessment Act. The Board Clerk Bs observe the hearings to ensure that these are followed during the hearing. For example, the Board Clerk Bs administer the oath or affirmation to the parties at the hearing and remind the panel to deal with any applications for revision where the applicant is absent.
- The Board Clerk As do not attend the hearings. They are responsible for the following:
  - Accepting, reviewing and entering all applications for revision to the assessment role into AACS.
  - Assisting the public with any questions related to the assessment appeal process.
  - Maintaining the Board of Revisions filing system.
  - Reviewing the appeal applications received to ensure proper authorization, if applicable, and the application for revision is valid.
- The Appeals Manager identified that a number of the Board Clerk A positions are temporary positions that fluctuate with the general assessment cycles. Some individuals in these positions are rehired every year.

Board Member Survey

An overwhelming majority (96 percent) of Board members feel they receive the appropriate support from the Board Clerks.

We also asked board members to identify their understanding of the role of the Board Clerks during the hearing[31].

- The results from the survey indicate that there is an opportunity to enhance communication on the role of the Board Clerks to the board members. Over 70 percent of respondents indicated Board Clerks monitor hearings for compliance with the legislation.
- In interviews conducted with the Appeals Manager and the Board Clerk Bs, they indicated that they do not monitor the hearings for compliance with legislation and do not review the evidence in detail for compliance with the legislation; however,



[31] The results do not add up to 100 percent. Board members were allowed to choose more than one option from the list of answers to some questions in the survey.

they ensure the hearings follow the appropriate procedures. See **Appendix 7** for the hearing procedures.

Training and Training Materials for the Board Clerks

We reviewed the training for Board Clerks and their training materials.

- The Board Clerks have compiled a collection of documents that provide instruction and detail on their responsibilities. These documents are maintained in a central directory accessible to all Board Clerks.
- The documents contain step-by-step instructions on the various Board processes, such as entering an application into the information system, compiling the briefs of evidence from the appellant and the City of Winnipeg's ATD, and preparing the Board Orders. Board Clerks update the directory directly and enter or update any information as necessary. The directory and the documents show the date of the last content update. Board Clerks have developed all the documents based on their experience and the processes they follow.
- The Board Clerks are aware of this directory through their training. They are encouraged to review the directory regularly for any updates in performing their duties and training new Board Clerks. All training is conducted on the job and through job shadowing.
- We identified sections of the training material are currently in development and noted the material does not include the role of the Board of Revision, the Board of Revision appeal process and the Board Clerks' role and responsibilities.

Jurisdictional Comparison

There are similarities and differences between the City of Winnipeg's Board Clerks and the other jurisdictions' administrative staff.

- We noted the following similarities for the role of the administrative staff in all six jurisdictions surveyed, including Winnipeg:
    - Record the hearings and if there are any concerns, the administrative staff or the Board Clerks can look back at the recording to answer any questions,
    - Maintain the data on assessment appeals and provide this information to the Chair of the Board for their review and consideration. The Board Chair and Board members do not have access to the information system in the jurisdictions surveyed[32], including Winnipeg.
- We identified that the administrative staff do not attend hearings in five out of the six jurisdictions surveyed. This is inconsistent with the practice at the City of Winnipeg Board where the Board Clerks attend the hearings.

Leading Practices

City Clerk's play a role in the treatment provided to the parties involved in the process. The *Practice Essentials for Administrative Tribunals* states that the fair treatment of the parties involved in the process is one aspect of ensuring the decision making process is fair.

We identified a lack of a complete and formalized training manual. This may create situations where Board Clerks are not providing consistent information to all appellants.

- Due to the nature of the general assessment cycles resulting in a significant increase in appeals every second year, some Board Clerk positions are temporary positions. This

[32] In six out of seven organizations in the jurisdictional survey, the chair members do not have access to the internal information system. Full time members at the BC PAAB have access.

increases the importance of enhancing the Board Clerks training material to provide consistent information that all Board Clerks can access.

Summary of Analysis

- The Appeals Manager and the Board Clerk Bs are aware and knowledgeable on their role and the assessment appeal process and provide the appropriate support to the Board. Ninety-six percent of board members agreed that the Board Clerks are providing the appropriate support to the Board of Revision.
- The board member survey results indicated a difference in understanding of the role of Board Clerks in the hearings specifically related to monitoring hearings for compliance with the legislation. There is an opportunity to enhance and clarify the role of the Board Clerks in a hearing to the board members.
- In addition to supporting the board members, Board Clerks also provide information to residents on the assessment appeal process and provide appellants with information to prepare for a hearing. We examined the role of Board Clerks and the support they provide to appellants to prepare for a hearing in section 2.2.1 of this report.
- The Board Clerks training material is sufficient; however, there is an opportunity to enhance the training material. Including the role of the Board of Revision, the Board of Revision appeal process and the Board Clerks' role and responsibilities would provide context for their work and ensure all Board Clerks have a clear understanding of their roles and responsibilities within the Board of Revision process.
- Currently, there are no formal performance evaluations conducted for the Board Clerks. However informally the Appeals Manager monitors Board hearings and provides advice and guidance to the Board Clerks as necessary.
- Enhanced training material and formal performance evaluations for the Board Clerks would provide the appropriate guidance and support to perform their role.
- Administrative staff in five of the six jurisdictions surveyed do not attend the assessment appeal board hearings. This is inconsistent with the practice at the City of Winnipeg Board of Revision and highlights an opportunity for City Clerk's to review this practice.

RECOMMENDATION # 16			
We recommend the Appeals Manager enhance the existing Board Clerks training material to include the role of the Board of Revision, the Board of Revision appeal process and the Board Clerks' role and responsibilities.			
RISK AREA	Business Process	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	Board Clerks provide residents with information on the assessment appeal process and can assist in preparing residents for a hearing. Informal training material and inconsistent communication could lead to mistakes and inconsistent communication to appellants, affecting the services provided to the Board of Revision.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A program will be implemented to comply with the intent of the recommendation.			
IMPLEMENTATION DATE	2nd Quarter 2022		

RECOMMENDATION #17			
We recommend the Appeals Manager conduct formal performance evaluations of, at a minimum, the Board Clerk Bs.			
RISK AREA	Human Resources	**ASSESSMENT**	Moderate
BASIS OF ASSESSMENT	Monitoring the Board Clerks performance through formal performance evaluations promotes accountability and helps ensure the Board Clerks are providing the appropriate support and advice to the Board and the public.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees with the recommendation. A program will be implemented to comply with the intent of the recommendation.			
IMPLEMENTATION DATE	2nd Quarter 2022		

RECOMMENDATION #18			
We recommend City Clerk's review and evaluate the role of the Board Clerk sitting in during the hearings and consult with the Chair of the Board on the role of the Board Clerks in the hearing to ensure these resources are used effectively and efficiently. The City Clerk report to Council on the decision made to continue or to revise the practice of the Board Clerks attending the hearings.			
RISK AREA	Human Resources	**ASSESSMENT**	High
BASIS OF ASSESSMENT	This practice is not consistent across all jurisdictions and may be an opportunity to reallocate the resources to another area.		
MANAGEMENT RESPONSE			
The City Clerk's Department agrees to evaluate the usage of Committee Clerks at Board of Revision hearings and report back to Council on this subject.			
IMPLEMENTATION DATE	2nd Quarter 2022		

APPENDIX 1 – AUDIT METHODOLOGY

MANDATE OF THE CITY AUDITOR

The City Auditor is a statutory officer appointed by City Council under *The City of Winnipeg Charter*. The City Auditor is independent of the Public Service and reports directly to Executi Policy Committee, which serves as the City's Audit Committee.

The City Auditor conducts examinations of the operations of the City and its affiliated bodies to assist Council in its governance role of ensuring the Public Service's accountability for the quality of stewardship over public funds and for the achievement of value for money in City operations.

Once an audit report has been communicated to Council, it becomes a public document.

PROJECT RISK ANALYSIS

Our audits are conducted using a risk-based methodology.

We considered the following potential risks when assessing whether the Board of Revision meets its overall goal:

- Does the board appear to consider the information brought forward by both sides in their decision making process?
- Is the appropriate amount and quality of information provided to board members by the assessors and the appellants?
- Are decisions appropriately supported and consistent?
- What performance management functions are in place to evaluate the performance of the board and ensure they are conducting a fair, objective and effective process?
- Do board members have the appropriate training, experience and remuneration?
- Do board members receive sufficient and appropriate support from City Clerk's?

Individual audit area risk assessments are provided for each issue discussed. The assessments discuss and detail the residual risk for issues after considering the City's mitigating risk controls.

APPROACH AND CRITERIA

We conducted our audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient appropriate evidence to provide a reasonable basis for our observations and conclusions, based on our audit objectives. We believe the evidence we have obtained provides a reasonable basis for our observations and conclusions.

We researched industry standards and guidance on administrative tribunals and assessment appeal process. Then, we conducted the fieldwork. We compared the fieldwork results to the standards and guidance on administrative tribunals and assessment appeal process. Please refer to **Appendix 2** for further details.

We conducted various procedures to obtain sufficient, appropriate evidence for our audit. Please refer to **Appendix 3** for further details.

APPENDIX 2 – CRITERIA

We developed the criteria for this audit based on the following legislation, standards and leading practices:

The Municipal Assessment Act

- In Manitoba, the Act (https://web2.gov.mb.ca/laws/statutes/index_ccsm.php) is the Provincial legislation that governs assessments for the purpose of municipal taxation of property. It provides direction to municipalities on how to administer the assessment role and on the function of the Board of Revision.
- It provides direction on the revision and appeal process through a municipality's Board of Revision, such as appointment and term of office, duties of the board, board panels, compensation to members, application for revision and requirements, notice of sittings, recording of evidence, panel report and orders by board.
- The Act includes the following regulations related to the property classification, valuation and general assessments:
    - Classification of Property and Portioned Values Regulation 184/98
    - General Assessments and Related Matters Regulation 78/2009
    - General Assessments and Related Matters Regulation 62/2020 (Amendment)

City of Winnipeg Charter and City Organization By-law

- The City of Winnipeg Charter Part 8 applies to Assessment, Taxation and Other Levies on Property. This part of the Charter includes sections on the revision of assessment process.
- The City Organization By-law No.7100/97 (Paragraph 24) delegates the administrative and clerical support for the Board to the City Clerk.

The Board of Revision Practices and Procedures Manual

- Council approved the Board of Revision Practices and Procedures Manual in July 2017. The document outlines the rules of practice and procedures to govern the conduct of business of the Board of Revision.
- The manual contains the Board's policies, appeals application and hearing processes, duties and authorities of the Chair of the Board, Deputy Chair and Appeals Manager, Board members' appointment and terms of appointment, remuneration, report to Council, conflict of interest, and code of ethics and conduct.

Practice Essentials for Administrative Tribunals

- The *Practice Essentials for Administrative Tribunals* was developed by the Ombudsman Saskatchewan (https://ombudsman.sk.ca/) – an organization that ensures the fairness in the design and delivery of services provided by the Saskatchewan government. As the result of a review conducted of administrative tribunals in Saskatchewan related to the timeliness of decision-making by administrative tribunals, a need for better training for tribunal members and staff was identified. The Ombudsman Saskatchewan, in working with the Dispute Resolution Office, a branch of Saskatchewan Justice developed the *Practice Essentials for Administrative Tribunals*.
- This manual provides leading practices for administrative tribunals in the design and delivery of their processes, including orientation and training of members.
- It covers the following critical areas:
    - The legal framework for tribunals (Administrative Tribunals and the Canadian Legal System)
    - Tribunal governance (Governing Your Tribunal and Yourself)

- The hearing process (Conducting a Fair Hearing)
- The making and writing of decisions (Making and Writing Good Decisions).

The International Association of Assessing Officers (IAAO) - Standard on Assessment Appeal

- The IAAO (https://www.iaao.org/wcm) is a non-profit organization dedicated to the education, innovation, and research in property appraisal, assessment administration, and property tax policy. “IAAO assessment standards represent a consensus in the assessing profession [and]…provide a systematic means by which assessing officers can improve and standardize the operation of their offices.”
- Since the IAAO standards are advisory in nature, application or compliance to these standards is voluntary. The City of Winnipeg Assessment and Taxation Department adopted these standards in 1998.

Government Finance Officers Association (GFOA) Performance Management – Using Performance Measurement in Decision Making

- The Government Finance Officers Association (GFOA, https://www.gfoa.org/) is a professional association of state, provincial, and local government finance officers in the United Stated and Canada.
- This document contains leading practices for using performance measures in decision-making and long-term strategic planning. Furthermore, it recommends the internal and external reporting of performance measures.

APPENDIX 3 – PROCEDURES PERFORMED

We performed the following procedures in the planning and fieldwork stages of the audit in order to gather sufficient, appropriate evidence to support our findings and conclusions.

Survey Analysis

- We conducted three separate electronic surveys of all Board members, a sample of appellants, and a sample of assessors and valuation officers to gain an understanding of their roles and experiences with the Board of Revision. We distributed the survey to all board members, City of Winnipeg assessors and valuations officers who have attended a Board hearing over the past year and a sample of appellants who had participated in a hearing between December 2019 and November 2020. The appellants included both individual property owners and tax agents.

Participant Group(s)	Purpose / Survey Descriptions	Number of Participants	Response Rates
Board of Revision Members (2020-2021)	To gain an understanding of their role, responsibilities, experience and qualifications, their decision making process (amount and quality of evidence received), as well as to obtain an assessment of the support from Board Clerks and training Board of Revision members have received to perform their role	30	100%
Appellants	To gain an understanding of their experience with the assessment appeal process and the hearing at the Board of Revision.	258	44%
Assessors		33	76%

- The audit team developed the survey questions based on the audit objectives and distributed the survey with the assistance of the City's Office of Public Engagement.
- The survey was open to respondents over a two-week period.
- To ensure confidentiality and anonymity of respondents we have rephrased any written responses to avoid any direct association with a participant. Additionally, to maintain anonymity, we averaged and aggregated the survey results for each participant group.
- We conducted an analysis of the survey data in developing our conclusions and recommendations.

Interviews

- To obtain an in-depth understanding of the Board of Revision's processes, including the roles and responsibilities of the individuals involved and affected. The audit team also used the interviews to plan the audit and to gather evidence in support of the conclusions. Throughout the phases of the audit, the audit team conducted interviews with the following individuals:
    - *Board of Revision:* The Chair of the Board of Revision
    - *City Clerk's Department*: City Clerk, Deputy City Clerk, Appeals Manager, Board Clerk Bs
    - *Assessment and Taxation Department:* City Assessor, Deputy City Assessor and Manager of Assessment Services

Assessment Appeal File Review

- The review of assessment appeal files included a review of all evidence submitted by the assessor and the appellant, observing the hearing and the presentation of the evidence to the Board, a review of the Board Clerks notes from the hearing and a review of the Board Order with the reason provided. We reviewed these files to obtain an understanding of the information presented by the parties to the appeal to the Board's hearing panel, and vice versa.
- We considered the following factors to be outside the scope of this audit:
    - Accuracy and completeness of the information presented by the assessors and appellant. The assessors' and appellants' internal processes and controls for preparing their respective evidence are outside the authority of the Board of Revision. Further, the Board's hearing panel is responsible for fact-finding and cross-examining the evidence for its relevance, reliability, and admissibility to the appeal.
    - Deliberation process of the panel after each hearing. This process occurs privately and in-camera. Both the appellants and assessors do not have access to the panel's deliberation process.
    - Pre-hearing information exchange between assessors and the property owner/tax agents of commercial or non-residential properties. This information exchange only occurs for an appeal related to non-residential properties and between the assessors and the tax agents or property owner. The Board of Revision members do not participate in this exchange. The information exchanged are the same evidence packages presented to the Board's panel at the hearing.
- We selected a sample of 30 assessment appeal files for analysis of the evidence submitted to the Board and the documentation to support the decision made by the Board.
- To select the sample, we obtained the assessment appeals data directly from the Information System. We selected the sample from assessment appeals heard by the Board between January 2018 and November 2020. The following was considered in selecting the sample:
    - The date of the hearing. We selected a greater number of appeal files related to the 2020 general assessment, as these files are current and relevant to the current members on the Board.
    - The average gain and loss of the decision made associated with the panel Chair. We selected a number of appeals that resulted in significant changes to the assessed value, as these appeals have an impact to the assessment roll.
    - The type of property (non-residential properties represent a greater number of the type of appeals appealed to the Board of Revision).
    - If an authorized agent presented to the Board. We selected more appeals represented by tax agents (representative of an individual or a group of property owners) than individual property owners, because the tax agents presented more properties with significant assessed values. Additionally, tax agents usually present the appeals for non-residential properties at the Board of Revision hearings.
- The sample selected for review consists of 11 residential (37 percent) and 19 non-residential (63 percent) appeals. The samples and the sample size of 30 appeals are not statistically significant, however was used for evaluating the process.
- We did not observe all the appeals heard in a docket. The sample appeals selected for review is only one of several that are heard in a hearing. An appellant can present a number

of appeals for one roll number on the same docket. We only reviewed the selected appeal in the hearing.

Data Analysis

- We obtained data from the Innovation, Transformation and Technology Department on the assessment appeals to the Board of Revision and the Municipal Board. We obtained the data for all appeals from 2010 to 2021.
- We obtained an understanding and tested the completeness and accuracy of the data. We also performed a trend and comparative analysis using the data received.
- We conducted analysis of the data to gather evidence in support of the conclusions during fieldwork.

Jurisdictional Survey

- We selected the following jurisdictions to include in a jurisdictional comparison based on discussions with City Clerk's, Assessment and Taxation Department, and the Chair of the Board of Revision.
    - Provincial bodies: Manitoba Municipal Board, Saskatchewan Assessment Appeals Committee (a committee of the Saskatchewan Municipal Board), Ontario Assessment Review Board (a tribunal under the Tribunals Ontario), British Columbia Property Assessment Review Panel and Property Assessment Appeal Board
    - Municipal bodies: Calgary Assessment Review Board and Edmonton Assessment Review Board
- Provincial legislation governs the assessment process and the assessment appeal process; as such, the assessment appeal board in each jurisdiction is set up differently.
- We conducted the interviews with the Chair of the Board or the Registrar or Secretary from the city or province representing the Assessment Appeal Board.
- We also researched and reviewed available information online, where necessary.

Training

- The Chair of the Board develops the training material for all Board members and delivers the training to the members.
    - We reviewed the training material and compared it to the training provided to assessment appeals boards in other jurisdictions and to any applicable guidance or leading practices.
    - We also surveyed Board members to obtain their feedback and opinion on the training provided to support them in their role.
- We also reviewed the training material provided to Board Clerks to support them in their role.

Canadian Property Assessment Network (CPAN)

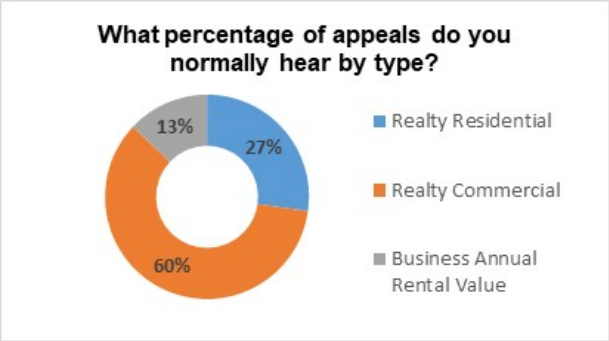
- We obtained data collected by the Canadian Property Assessment Network (CPAN), https://www.cpanforum.ca/) to review and analyze for comparative purposes.
- CPAN is a network of assessment jurisdictions across Canada. The purpose of the organization is to promote property assessment policies and practices through information sharing, benchmarking, and forums, raising awareness of issues and recommending innovative solutions. The information collected by the Canadian Property Assessment Network is confidential and the source of the data cannot be disclosed publically.

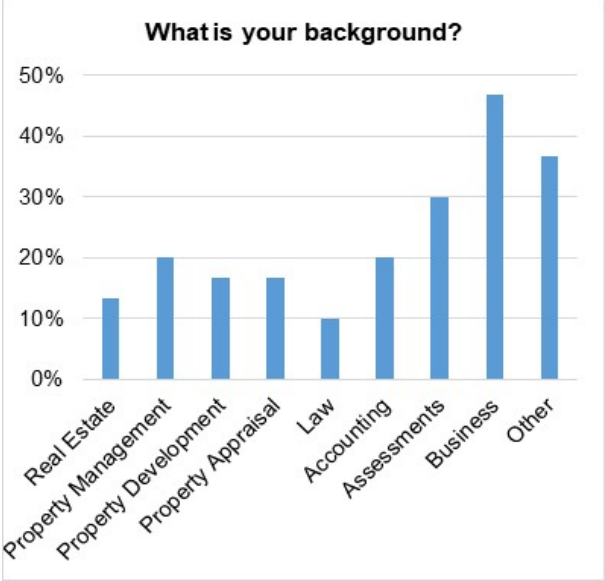
APPENDIX 4 – SURVEY RESULTS

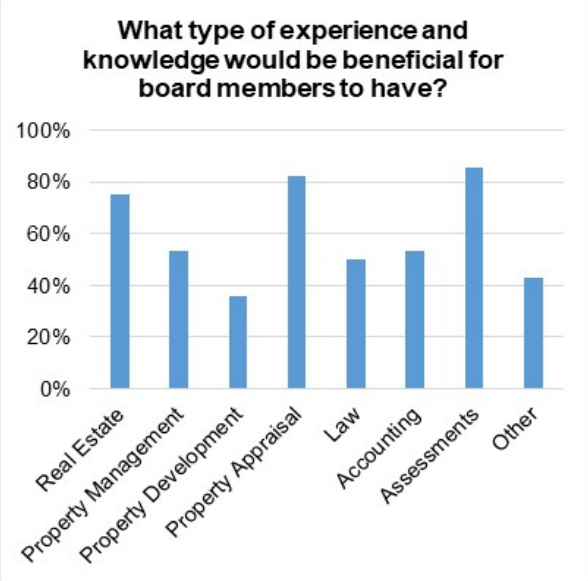
Below are the summaries of select survey results discussed in the Observations section of this audit report. Please note that we have not included all the questions from the surveys.

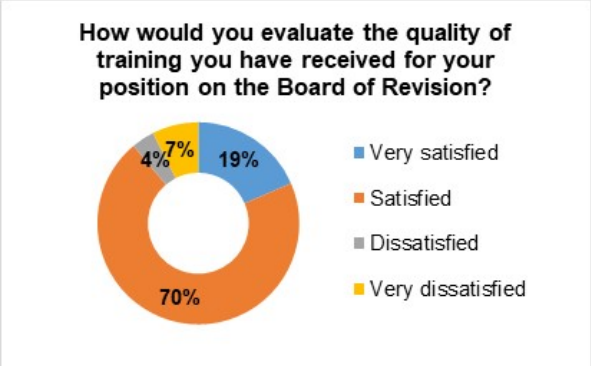
Board Member Survey

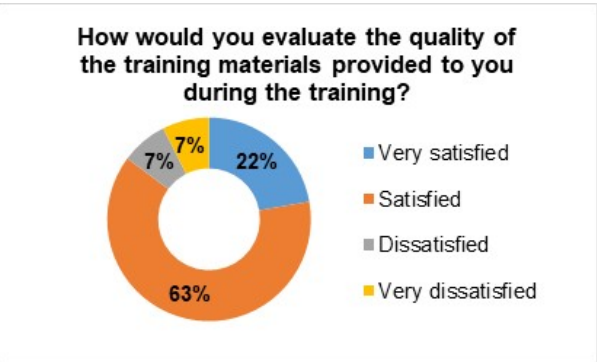


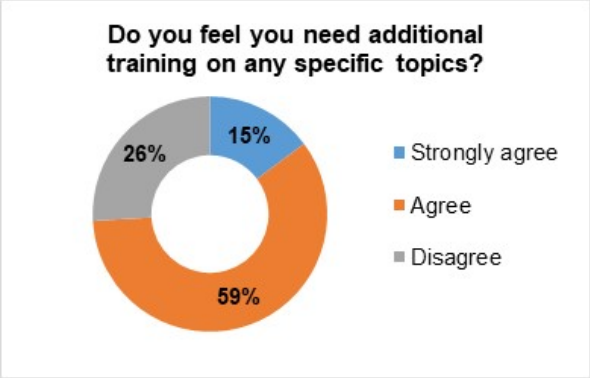


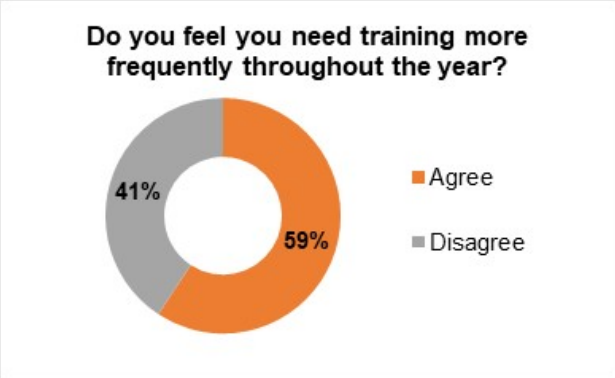


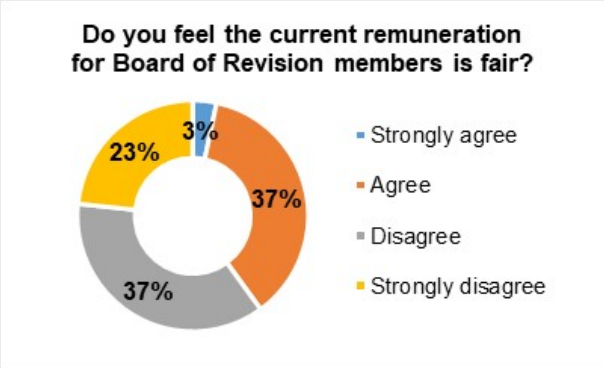


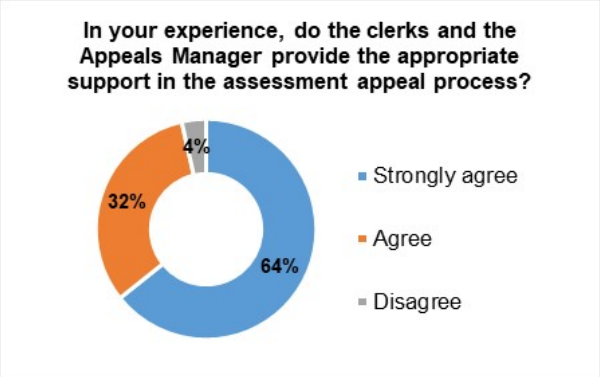


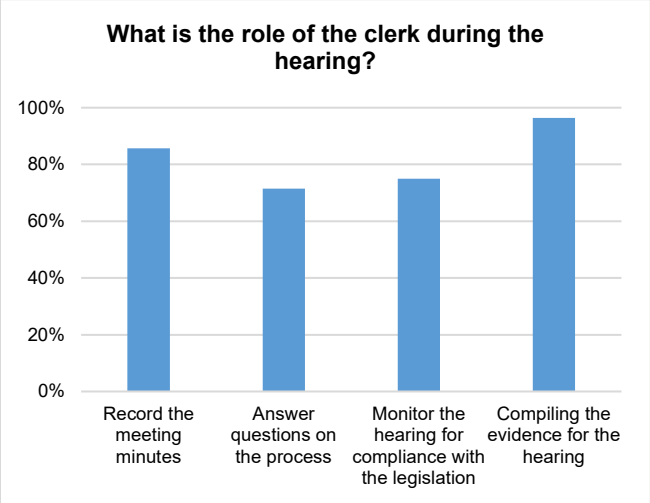



Do you feel you need additional training on any specific topics?
15%
26%
59%
Strongly agree
Agree
Disagree

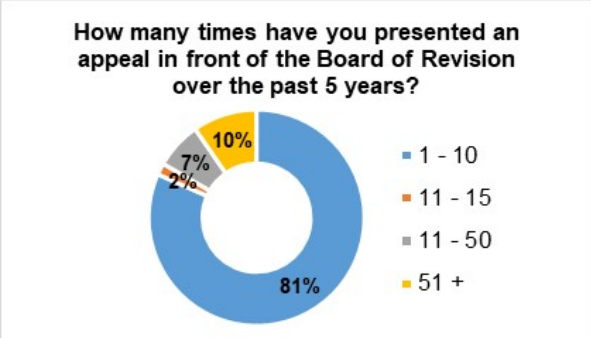

Do you feel you need training more frequently throughout the year?
41%
59%
Agree
Disagree

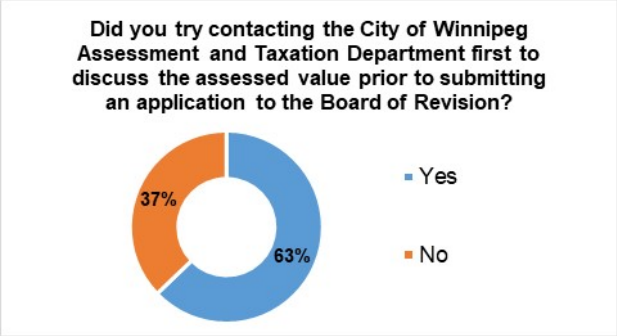

Do you feel the current remuneration for Board of Revision members is fair?
3%
23%
37%
37%
Strongly agree
Agree
Disagree
Strongly disagree

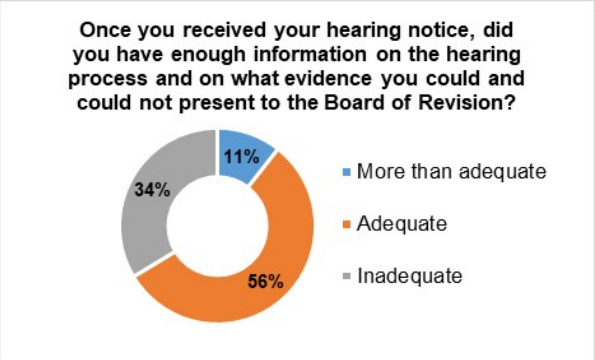

In your experience, do the clerks and the Appeals Manager provide the appropriate support in the assessment appeal process?
4%
32%
64%
Strongly agree
Agree
Disagree

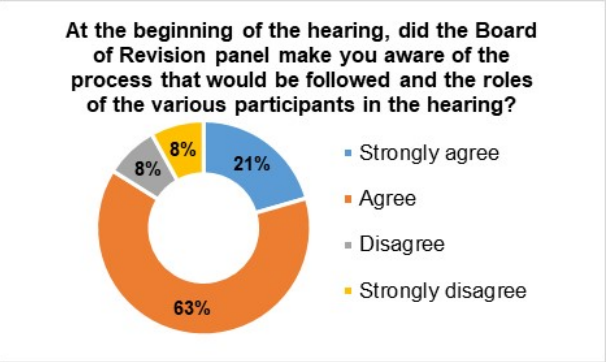

What is the role of the clerk during the hearing?
100%
80%
60%
40%
20%
0%
Record the meeting minutes
Answer questions on the process
Monitor the hearing for compliance with the legislation
Compiling the evidence for the hearing

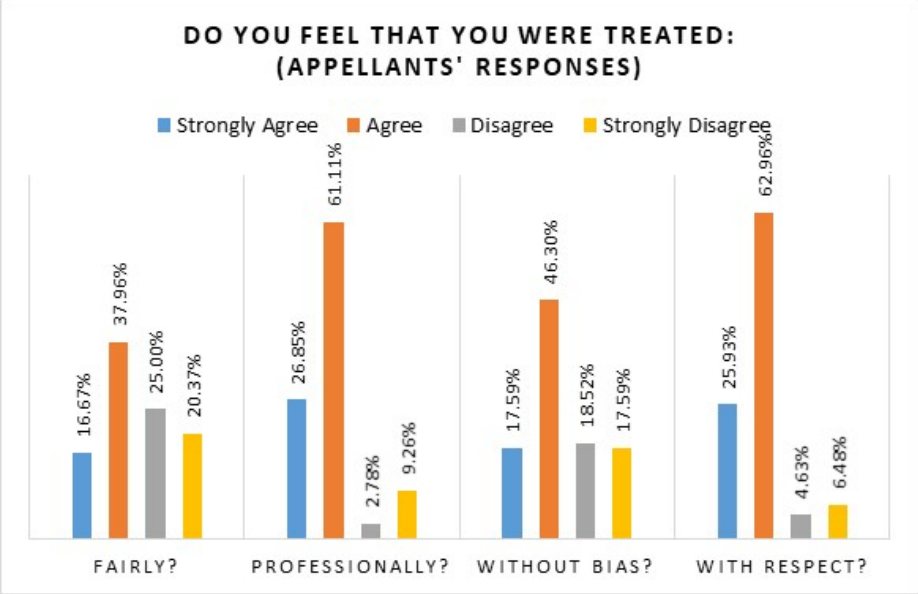
Appellant Survey



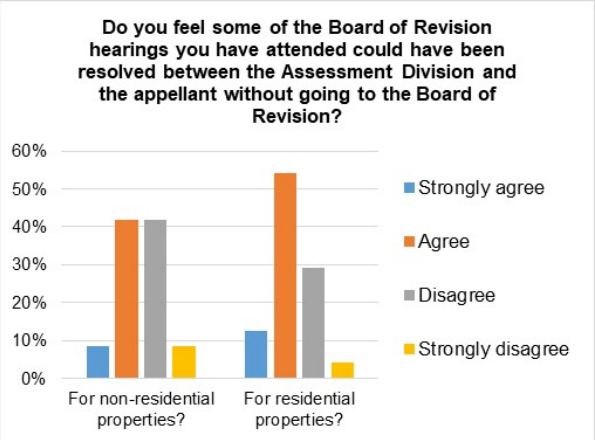


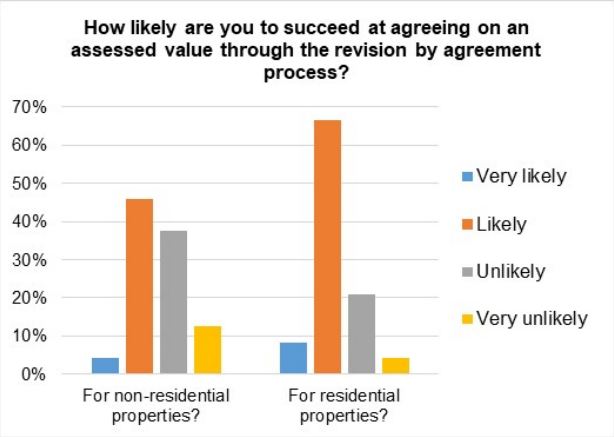


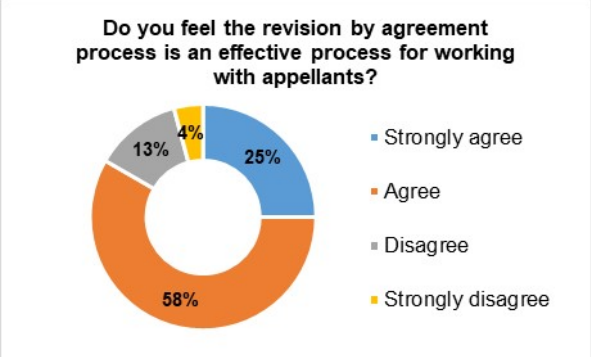


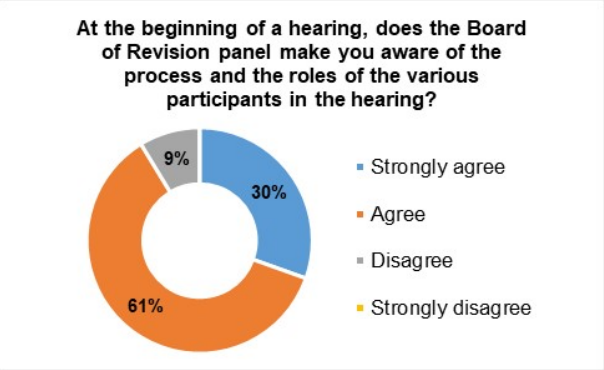


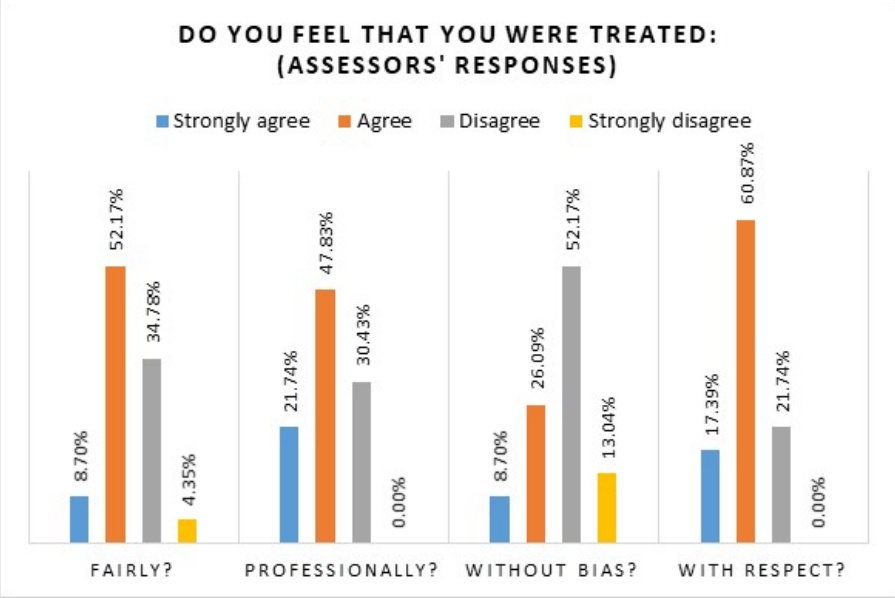
Assessor Survey

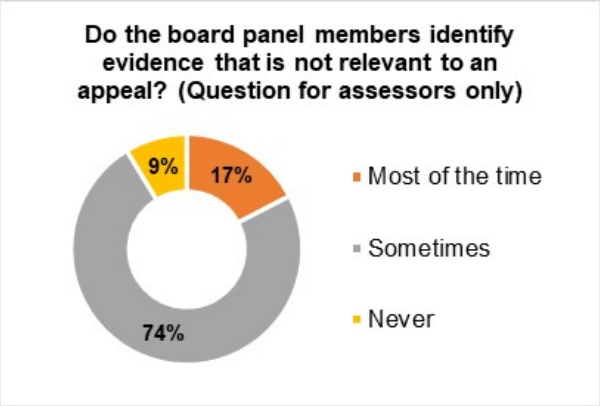


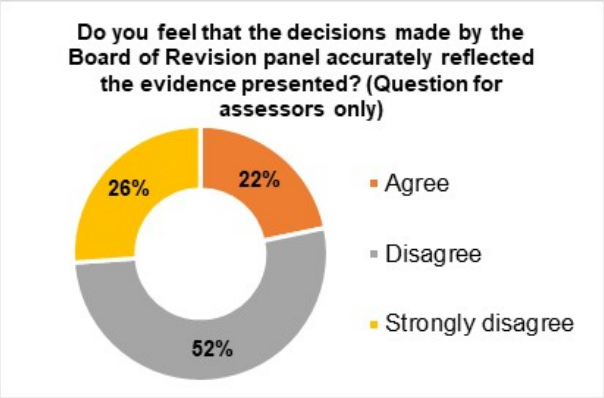


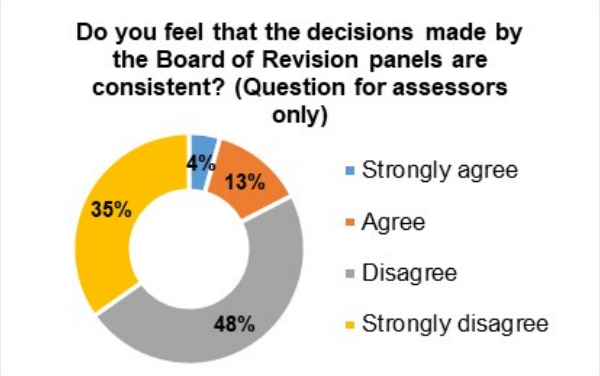




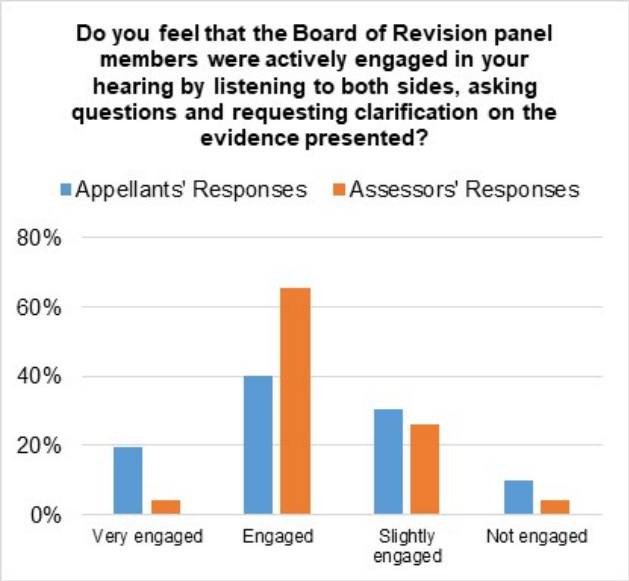


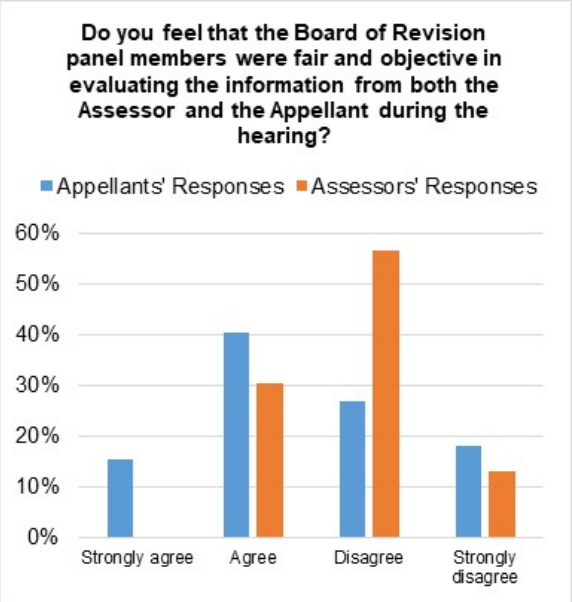

Do the board panel members identify evidence that is not relevant to an appeal? (Question for assessors only)
9%
17%
74%
Most of the time
Sometimes
Never

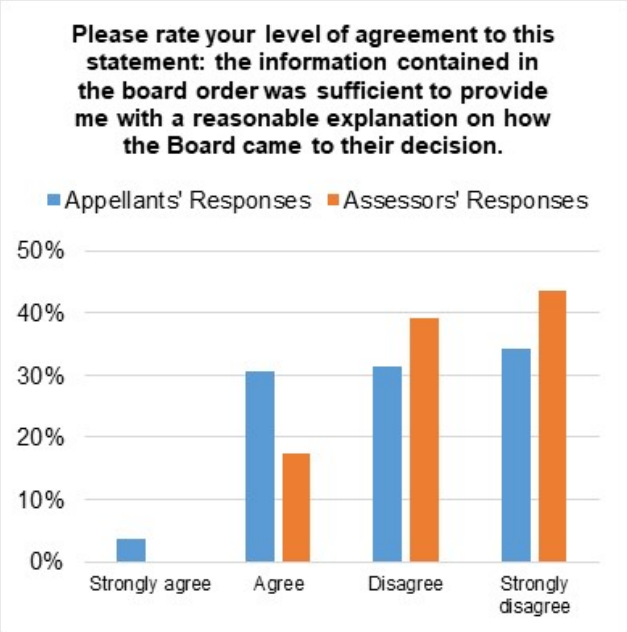

Do you feel that the decisions made by the Board of Revision panel accurately reflected the evidence presented? (Question for assessors only)
26%
22%
52%
Agree
Disagree
Strongly disagree


Do you feel that the decisions made by the Board of Revision panels are consistent? (Question for assessors only)
4%
13%
35%
48%
Strongly agree
Agree
Disagree
Strongly disagree

Appellant and Assessor (Responses to Questions Combined)







APPENDIX 5 – ROLES AND RESPONSIBILTIES

The following are the roles and responsibilities from the Board Practices and Procedures Manual.

Legend:

☑ Performed with supporting documentation provided (where applicable).
✔ Performed without supporting documentation.
⊙ Performed. The specific action cannot be recorded; however, the audit team confirmed performance through corroborative inquiries, reviewing the data from AACS, surveys, and other audit procedures.
✕ Not performed
O Partially performed.
⌘ In-progress
AM – Appeals Manager.
GC – General Chair of the Board of Revision.
DC – Deputy Chair of the Board of Revision.

Note 1 – No additional procedures, policies or plan were developed, other than the Board of Revision's *Practices and Procedures Manual*.

2.8 Duties and authority of Chair	**Completed**	**Overlap with**
A. Provide in conjunction with the Appeals Manager, annual training to the Board Members	☑	AM
B. Ensure the Members of the Board of Revision are familiar with procedural responsibilities under Legislation and Practices and Procedures Manual	☑	AM
C. Monitor on-going hearings and provide advice/instruction as necessary	✔	AM, DC
D. Evaluate Board performance	✕	None
E. Provide an annual report to City Council	✕	None
F. Disclose to the Appeals Manager any Member infractions according to the Practices and Procedures Manual	✔	AM, DC
G. Identify and remedy Member conflict of interest	✔	None
H. Ensure decisions are made in a responsible, respectful manner	☑	DC
I. Assist the Appeals Manager in developing procedures, monitor member conduct and other Board related matters	**Note 1**	None
J. In cooperation with the Appeals Manager and Deputy Chair, develop policies, plans and materials that support the Board's activities.	**Note 1**	AM, DC

2.9 Duties and authority of Deputy Chair[33]		
A. Provide assistance to the Chair as required	✕	None.
B. Assist the Chair and Appeals Manager with annual training to the Board Members	✕	None.
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	✕	None.
D. Monitor on-going hearings and provide advice/instruction as necessary	✕	AM, GC
E. Assist in the evaluation of Board performance	✕	None.
F. Assist the Chair in preparation of the annual report	✕	AM
G. Disclose to the Chair and Appeals Manager any member infractions according to the Practices and Procedures Manual	✕	AM, GC
H. Assist in the on-going support to Board Members as required	✕	None.
I. Ensure decisions are made in a responsible, respectful manner	✕	GC
J. In cooperation with the Appeals Manager and Deputy Chair, develop policies, plans and materials that support the Board's activities.	✕	AM, GC
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.	✕	None.

2.10. Duties and authority of Appeals Manager		
A. Provide in conjunction with the Chair and/or Deputy Chair, annual training to the Board Members	☑	GC
B. Ensure the Members and Staff of the Board of Revision are familiar with procedural responsibilities under Legislation and Practices and Procedures Manual	☑	GC
C. Monitor on-going hearings and provide advice/instruction as necessary	✔	GC, DC
D. Evaluate Staff performance	O	None.
E. Disclose to the Chair and/or Deputy Chair any Member infractions according to the Practices and Procedures Manual	✔	GC, DC
F. In cooperation with the Chair and Deputy Chair, develop procedures, policies, plans and materials that support the Board's activities and conduct	**Note 1**	GC, DC
G. Assist the Chair to prepare the annual report to Council	✕	DC
H. Review all applications for revision are in compliance per The Municipal Assessment Act	✔	None.
I. Schedule all valid applications for revision and assign a Clerk for each Hearing	☑	None.
J. Develop a schedule of Panel Members to Hearings based on skills, experience and availability for approval by Board	☑	None.
K. Be responsible for all staff matters, including personnel and procedures	⊙	None.

[33] The position of Deputy Chair has remained vacant since May 2019. Thus, the duties of the Deputy Chair has not been performed.

APPENDIX 6 – JURISDICTIONAL SURVEY RESULTS

We summarized the results of our jurisdictional scan in the table below. For more details on the jurisdictional scan, please refer to Appendix 3 Procedures Performed.

	Municipal Jurisdictions				Provincial Jurisdictions			
Organization	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	B.C.	B.C.
	Board of Revision	**Assessment Review Board**	**Assessment Review Board**	**Municipal Board**	**Assessment Appeals Committee**	**Assessment Review Board**	**Property Assessment Review Panel (PARP)**	**Property Assessment Appeal Board (PAAB)**
Area	*Oversight*							
How often is the general assessment?	Every 2 years	Annually	Annually	Every 2 years	Every 4 years	Every 4 years	Annually	Annually
Approximate number of appeals received and heard for the last general assessment?	4,400 (2020)	1,000 (2020)	2,500 (2020)	2,000 (2018)	4,000 (2017)	55,769 (as of March 31, 2017)	25,400 (2019)	4,500 (2019)
Timeline to hear all appeals?	July to February	March to November	March to November	No timeline	No legislative timeline		February 1 to March 15 each year	May to March
Who is the oversight authority?	City Council	City Council	City Council, Director of Tribunals, City Clerk	Secretary to the Board, Vice Chair	Provincial Minister	Provincial Government, Ministry of Attorney General	Provincial Minister	Provincial Minister
Area	*Annual Reporting*							
Does the organization create an annual report?	No[34]	Yes	Yes	Yes	Yes	Yes	No annual report created	Yes
Who creates the report?	N/A	General Chair	General Chair and the Director of Tribunals	Secretary to the Board	General Chair[35] of the Saskatchewan Municipal Board	Tribunals Ontario	N/A	General Chair
What type of information is included in the report?	N/A	Statistics, achievements during the year, any changes, look-back and look-forward information, information about the ARB members.	Training conducted for the Assessment Review Board, member bio's, evaluation forms completed for each member of the board and statistics on the appeals, etc.	Organization chart, role, mission statement and goals of the Board, board member and administrative staff info, statistics and types of appeals heard by the Board, etc.	Vision, Mandate, Performance Measurements, Stakeholder engagement, statistics (appeal counts and activity), Budget, Organizational Chart, List of enabling legislation.	Mandate and mission, vision and core values, public and governance accountability, diversity, inclusion, and accessibility, recruitment of members, professional development, public engagement and consultations, performance results and finances, Assessment Review Board (operational	N/A	Organizational chart; statistics on volume of appeals; report on the Board's performance and completion rates and targets; Board finances and other activities; list of Board members

[34] The number of appeals filed and the number of hearings conducted in a year are included in the Service Based Budget (public document) of the City Clerk's Department. There is no formal annual report created. The Appeals Manager accesses the information system and pulls the statistics to include in the budget document.
[35] The overall Chair of the Saskatchewan Municipal Board

Organization	Municipal Jurisdictions				Provincial Jurisdictions			
	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	B.C.	B.C.
	Board of Revision	**Assessment Review Board**	**Assessment Review Board**	**Municipal Board**	**Assessment Appeals Committee**	**Assessment Review Board**	**Property Assessment Review Panel (PARP)**	**Property Assessment Appeal Board (PAAB)**
						highlights and statistics, etc.), administrative staff information		
How does the preparer obtain the necessary information for the report?	N/A	Directly through the information system or through the administrative staff	Through the administrative staff and the Director of Tribunals	Directly through the information system	Through the administrative staff	Most information is captured in the case management system and reports are generated.	N/A	Directly through the system
Is it a public report?	N/A	Yes	No	Yes	Yes	Yes	N/A	Yes
Area	*Competencies and Training*							
What are the minimum requirements for members?	Canadian citizen living in Winnipeg; eligible to vote in municipal elections	Calgary resident of at least 18 years old; must possess at least one of the following: professional experience in real estate, property management, property development, property appraisal, assessment, or law.	Some experience or knowledge in specific areas, such as finance, legal, assessment, real estate, administrative law, and writing.	Focus on skill and experience in property assessment and law	Expertise and experience in law, assessment, and mass appraisal	Education, knowledge and training in the subject matter and legal issues dealt with by the tribunal; aptitude for impartial adjudication and for applying alternative adjudicative practices and procedures that may be set out in the tribunal's rules.	No minimum requirements other than computer and internet skill; The following skill are desirable: knowledge in real estate and land survey; property appraisal; business experience; and/or mediation skills	Legal background and extensive appraisal background
How long are the terms of:								
General Chair[36]	1 year Part-time	1-12 years	1-12 years[37]	3-10 years	Max 10 years	Up to 10 years (See Link)	1-5 years	3-4 years
Vice/Deputy Chair	1 year	1-12 years	N/A	N/A[38]	Max 10 years	Up to 10 years (See Link)	N/A	3-4 years
Member	1 year	1-12 years	1-12 years[39]	3-10 years	Max 10 years[40]	Up to 10 years (See Link)	1-4 years	3-4 years
What are the remuneration rates[41] **for:**								

[36] Refers to the overall Chair of the organization

[37] The Chair is appointed each year for a term of one year. The maximum of 12 years coincides with the maximum number of years that a member can be a member.

[38] The Vice Chair of the Manitoba Municipal Board is considered a Civil Servant without a fixed term.

[39] The members are appointed for one-year terms in April. Members can be members for a maximum of 12 consecutive years.

[40] Maximum term for full-time members; part time members have a maximum of 3 years.

[41] Each jurisdiction has a different compensation rate/schedule. For example, Ontario and Saskatchewan pays an annual salary, while Calgary and Manitoba pays for each full day or half day of work. As such, we calculated and estimated the hourly rate for comparison, based on the remuneration rate. We assumed a 40-hour workweek or 8 hours per day and 4 weeks in a month. We have excluded any expense reimbursements related to mileage, parking, meals, etc. as these vary between jurisdictions.

	Municipal Jurisdictions				Provincial Jurisdictions			
	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	B.C.	B.C.
Organization	**Board of Revision**	**Assessment Review Board**	**Assessment Review Board**	**Municipal Board**	**Assessment Appeals Committee**	**Assessment Review Board**	**Property Assessment Review Panel (PARP)**	**Property Assessment Appeal Board (PAAB)**
General Chair[42]	$37.50[43]	$68.75[44]	$53.13 - $57.50[45]	$70.00	$78.13 - $104.17	See Link	$75.00	$76.56 - $87.50
Vice/Deputy Chair	$25.00 - $37.50[46]	$59.38 - $65.00	N/A	(Information not obtained)	(Information not obtained)	See Link	N/A	$65.10 - $74.48
Member	$25.00 - $37.50	$40.00 - $57.50	$40.00 - $54.75[47]	$40.00 - $45.50[48]	(Information not obtained)	See Link	$53.13	$53.65 - $61.46
Area	*Hearing schedule and panel*							
What is the timeline for hearing all appeals?	Jul - Feb	Mar - Nov / Dec	Mar – Nov / Dec	None.	None.	14 weeks – 40 weeks	Feb 1 – Mar 15	None[49]
Can an appellant informally appeal their property assessment to the jurisdiction's assessment division prior to an appeal to the organization?	Yes	Yes	Yes	Yes	Yes	Yes – as per the Assessment Act there is a provision whereby you can file a Request for Reconsideration with the Municipal Property Assessment Corporation or with the Administrators (Ontario)	Yes	Yes
How many members sit at each appeal hearing for:								
Residential	3	3	3	2-3	1-3	1 or more	3	1
Non-residential	3	3	3	2-3	3 or more	1 or more	3	1-3
What type of information are included in the Board order[50]?	Written decision with a brief rationale	Written decision, including details on the issues identified, findings, and rationale	Written decision, including details on the issues identified, findings, and rationale	Written decision, including details of the issue, summary of discussions at the hearing, analysis of evidence provided by both sides	Written decision, including details of the issue, procedural matters, analysis of evidence provided by both sides	Oral and written decisions, including a full discussion/description of the reasoning - issues identified, decision, findings, and analysis	Oral decision only	Written decision, including issues identified, the findings, and the reason
Area	*Support from Clerks (or Administrative staff)*							

[42] Refers to the overall Chair of the organization

[43] The Chair also receives an additional $1,333 per month for performing their administrative duties. This amount is excluded from the amount in the table above.

[44] All positions, including the General Chair, receive an additional $50 per month. This is excluded from the amount in the table above.

[45] The Chair also receives an additional $425 per month for performing their duties. This amount is excluded from the amount in the table above.

[46] The Deputy Chair receives an additional $833 per month for performing their administrative duties. This amount is excluded from the amount in the table above.

[47] The Board members also receive $230 per month if they are performing the duties of an administrative committee member (except the chair). This amount is excluded from the amount in the table above.

[48] If the Board sits for more than eight (8) hours on any day (as determined by the Chair), they are to be paid an additional ($60) for that day. This amount is excluded from the amount in the table above.

[49] The targets are to complete or to hear 90-100 percent of residential appeals by December 31, and 75-85 percent of non-residential appeals by March 31 of the following year.

[50] Only for appeals formally heard at a hearing in front of the organization's members.

Organization	Municipal Jurisdictions				Provincial Jurisdictions			
	Winnipeg	Calgary	Edmonton	Manitoba	Saskatchewan	Ontario	B.C.	B.C.
	Board of Revision	**Assessment Review Board**	**Assessment Review Board**	**Municipal Board**	**Assessment Appeals Committee**	**Assessment Review Board**	**Property Assessment Review Panel (PARP)**	**Property Assessment Appeal Board (PAAB)**
What are the roles of the administrative staff in the organization's process?[51]	Schedule hearings and prepare and distribute agenda Maintain the files and the information system Collect and compile evidence packages for distribution to the hearing panel. Document the panel's decision. Produce the orders. Answer questions from the appellants Process the pay of the chair and members Assist in the recruitment process.	Enter the complaints in the system Receive, compile, and distribute the evidence provided by the parties to the panel members Send out hearing and decision notices	Attend and assist with procedures during the hearings Scheduling the hearings Answering phone calls and emails Enters data into the system	Responsible for all administrative tasks from opening a file to the final decision and order. Administer oath, maintain recording equipment, bring in exhibits, and assist the Chair, when needed, during the hearing	Responsible for receiving, tracking, compiling, and distributing the appeal submissions to the parties to the appeal. Schedule the hearings and transcribe and distribute the decisions to the parties.	Administrative staff schedule all hearing events, prepare hearing files, and gather information that is received from the parties in relation to the appeals. All hearing files are presented to the members. Assist Board members with any admin-related issues.	BC Assessment's administrative staff provides administrative services in support of the PARP hearing process including : sending out notice of hearings and decision notices; scheduling of hearings; uploading evidence to the PARP Online Evidence Submission System; and retention all the documents. The Ministry responsible for the PARP provides administrative support and responsibility for the Panels including: appointment, remuneration and payment, training, Panel assignment and day-today support.	Manage the board's resources Review incoming appeals and allocate administration resources to hearings and appeal management processes Manage and maintain the IT and record system Input and process data Coordinating schedules Processes expense claims by the board members Take calls and respond to routine inquiries
Do the staff attend the hearings?	Yes	No	Yes	Yes	No	No	No	No
Do the members have access to the information system, or do the staff provide the information?	Staff provide the information to the members.	Staff provide the information to the members.	Staff provide the information to the members.	Staff provide the information to the members.	Staff provide the information to the members.	Staff provide the information to the members.	Panel members have access to the PARP Online Evidence Submission System.	Staff provide the information to the members[52].

[51] These lists are not exhaustive.

[52] Full-time members have access to the information system.

APPENDIX 7 – HEARING POLICIES AND PROCEDURES

At the hearing, the following policies and procedures are observed.

Hearing Policies and Procedures (From the Board of Revision Practices and Procedures Manual)

Article 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.

Residential Realty Hearing Policies and Procedures (From the Board of Revision website):

1. Your Notice of Hearing indicates the time and location of the hearing at which your application for revision is being heard. You are required to be present in the meeting room at the start time indicated in your Notice of Hearing. Registration opens a half hour prior to the hearing start time. You are encouraged to arrive early enough to allow sufficient time for registration and to familiarize yourself with the details of the Assessor's Brief which you will be provided during your registration process.
2. You must register with the Secretary when you arrive at the hearing, at which time you will be provided with a copy of the Assessment and Taxation Department's evidence with respect to your application for revision.

Commercial Realty Hearing Policies and Procedures (From the Board of Revision website):

1. The Notice of Hearing letter indicates the start time and location of the hearing at which your application for revision is being heard. You are required to be present in the meeting room at the start time indicated in your Notice of Hearing.
2. You must register with the Secretary upon arrival at the hearing.

Business Annual Rental Value Hearing Policies and Procedures (From the Board of Revision website):

1. The Notice of Hearing letter indicates the start time and location of the hearing which your application for revision is being heard. The order in which the applications for revision are heard at the hearing is determined by the Chairperson.
2. You must register with the Secretary when you arrive at the hearing, at which time you will be provided with a copy of the Assessment and Taxation Department's evidence with respect to your application for revision.

All Appeals (From the Board of Revision website):

3. The Chairperson will call the hearing to order and will announce the procedure and processes that the hearing will follow. All questions and and/or comments must be directed to the Chairperson only.
4. When your name and/or address is called, you will take a seat at the front of the Boardroom, and all evidence you give will be under Oath or Affirmation.
5. Only for residential realty appeals: You are required to bring SIX (6) COMPLETE COPIES of your printed evidence with you to your hearing, which you will give to the Secretary once you are called to the front of the room to be heard. The Secretary will distribute 1 copy to each of the 3 Board Members (= 3 copies); 1 copy to the Assessor; 1 copy will be kept for the Board of Revision Hearing File; 1 copy is to keep for yourself to refer to during your presentation.
6. The Assessor will submit his/her evidence first, through the Chairperson, and the Board of Revision Panel Members as well as the Applicant, are allowed to cross-examine/ask questions, through the Chair, regarding the Assessor's evidence that was just presented.
7. You will then submit your evidence, through the Chairperson, and you will be open to the same questioning /cross-examination by the Board of Revision Panel Members and the Assessor, through the Chair.
8. If need be, the Chairperson may ask both parties to summarize.
9. After all those in attendance have been heard, the Board will then deal with any applications for revision where the applicant is not in attendance.
10. After all the applications for revision on the docket are heard, the decisions will be made and the hearing will then conclude.

After the hearing:

11. The Board of Revision Orders will be sent to you by Certified Mail within two weeks of the hearing date.
12. If you are not satisfied with the Board of Revision's decision, a further appeal process to the Manitoba Municipal Board is outlined in the printed material included with the Order.

APPENDIX 8 – RISK ASSESSMENT WORKSHEET

Potential Impacts / Likelihood	Insignificant - None or minor change in services, project or processes - Very limited exposure of sensitive information - Very minor, non-permanent environmental damage - Financial impact < $100K	Minor - Minor change in achievement of service objectives - Limited exposure of sensitive information - Minor, non-permanent environmental damage - Financial impact $100K – $500K	Moderate - Moderate change in delivery of essential services - Exposure of limited amount of confidential information - Moderate environmental damage - Financial impact $500K – $1M	Major - Significant change in delivery of essential services - Exposure of significant amount of confidential information - Significant change in quality of life indicators - Major environmental damage - Financial impact $1M – $10M	Extreme - Unable to perform essential services for extended period Exposure of critical confidential information - Very significant change in quality of life indicators - Significant damage to environment - Financial impact >$10M
Almost certain (Excepted to occur unless circumstances change)	M	M	H	C	C
Likely (Probably occur in most circumstances)	M	M	H	C	C
Possible (Might occur under different circumstances)	L	M	M	H	H
Unlikely (Could occur if circumstances change)	L	L	M	H	H
Rare (May occur in exceptional circumstances)	L	L	M	M	M

Legend

C Critical risk:	Requires urgent action, monitor and review at least weekly by Senior Management and COO, inform CAO and Committee of Council
H High risk:	High impact, monitor and review at least quarterly by management, inform COO
M Moderate risk:	Monitor and review at least quarterly by management
L Low risk:	Review periodically, no explicit action required.

APPENDIX 9 – SUMMARY OF RECOMMENDATIONS

Performance Management

Recommendation 1: We recommend City Clerk's update the Board of Revision Practices and Procedures Manual to include a responsibility for the Appeals Manager to report to Council, at the time of Board member appointment, on the status of key responsibilities performed by the Chair of the Board over the past year.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 2: We recommend City Clerk's and the Chair of the Board revise the roles and responsibilities of the Appeals Manager and the Chair of the Board in the Board of Revision Practices and Procedures Manual to clearly distinguish their responsibilities and align with leading practices.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 3: We recommend the Annual Report be revised to include at a minimum: the number of appeals heard and value of appeals submitted to the Board of Revision by residential, non-residential and business, decisions made by the Board (decrease, increase or no change), the number of applications withdrawn and the number of appeals resolved through a settlement by agreement.
The Chair of the Board and the Appeals Manager, in consultation with Council, identify any additional performance measures or information to include in the Annual Report to ensure the Board is meeting its goal. City Clerk's should update the Board of Revision Practices and Procedures Manual to include all the performance measures to be reported on in the Annual Report.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 4: We recommend the Chair of the Board and the Appeals Manager establish and document, in the Board of Revision Practices and Procedures Manual, the timeframe within which the Chair of the Board shall present the Annual Report to Council.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 5: We recommend the Chair of the Board and the Appeals Manager, in consultation with Council, define the information the Chair of the Board should document and obtain related to their duties of monitoring hearings and evaluating the performance of the Board. This process should be formalized and documented in the Board of Revision Practices and Procedures Manual.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 6: We recommend the Appeals Manager provide a summary of the observations made by the Chair of the Board on board member performance, to the Executive Policy Committee as part of the board member re-appointment process. This responsibility should be formalized and documented in the Board of Revision Practices and Procedures Manual.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 7: We recommend the Appeals Manager, in consultation with the Chair of the Board, make a recommendation to the Executive Policy Committee on a member of the Board to appoint as Deputy Chair.

Recommendation 8: We recommend the Appeals Manager and the Chair of the Board develop a process to utilize and analyze the data in AACS to assist with the monitoring of hearings and the evaluation of Board performance. The data in AACS should also be assessed and the Chair of the Board should utilize, at a minimum, the following performance information for targeting the monitoring of board member performance and the performance of the Board:

- Board panel Chairs who preside the majority of the hearings;
- Decisions made by the Board that have been appealed to the Municipal Board;
- Properties that have appealed their assessed value over a number years.

Board of Revision Decision Making Process

Recommendation 9: We recommend City Clerk's enhance the existing information publicly available to appellants by providing additional information on the Board of Revision's website. The website should include at a minimum, guidance on how to prepare for a hearing with examples of evidence to present, a template to guide appellants with their appeal and information on the opportunity to first contact the Assessment and Taxation Department to discuss the assessed value and resolve through a Revision by Agreement.

Recommendation 10: We recommend the Assessment and Taxation Department enhance the communication to residents, with the Assessment Notice, of the opportunity to first reach out to Assessment to discuss the assessed value and utilize the Revision by Agreement.

Recommendation 11: We recommend City Clerk's and the Chair of the Board revise the Board Order to include a more detailed reason for the Board's decision. The Board Order should identify, at a minimum, the issue with the assessment, the key information presented by the assessor and the appellant, the information relied on in the decision making process including how the Board panel made their decision and what information they considered or did not consider.
The City Clerk update the Board of Revision Practices and Procedures Manual with the additional information and a Board Order template and recommend the Board Manual update to Council for approval.

Resources and Support

Recommendation 12: We recommend City Clerk's identify preferred qualifications, experience or knowledge in property or business assessment, property appraisal, real estate or law as part of the Boards and Commissions annual recruitment process for the Board of Revision.

Recommendation 13: We recommend City Clerk's review and recommend an increase to the remuneration of the Board Chair and Board members. The recommended remuneration should align with the requested qualifications and experience for Board members as well as the roles and responsibilities as described in the Boards Practices and Procedures Manual. City Clerk's should review and consider the remuneration rates in other jurisdictions for comparison.

Recommendation 14: We recommend the Appeals Manager include the retention of the Board member training material with City Clerk's as a responsibility of the Appeals Manager in the Board of Revision Practices and Procedures Manual.
The City Clerk recommend the Board Manual update to Council for approval.

Recommendation 15: We recommend City Clerk's seek Council approval for the monthly stipends paid to the Chair and the Deputy Chair and recommend the appropriate revisions to the By-law to Council for approval.

Recommendation 16: We recommend the Appeals Manager enhance the existing Board Clerks training material to include the role of the Board of Revision, the Board of Revision appeal process and the Board Clerks' role and responsibilities.

Recommendation 17: We recommend the Appeals Manager conduct formal performance evaluations of, at a minimum, the Board Clerk Bs.

Recommendation 18: We recommend City Clerk's review and evaluate the role of the Board Clerk sitting in during the hearings and consult with the Chair of the Board on the role of the Board Clerks in the hearing to ensure these resources are used effectively and efficiently. The City Clerk report to Council on the decision made to continue or to revise the practice of the Board Clerks attending the hearings.