Introduction

The following guide contains frequently asked questions that will help you understand the property assessment appeal process.

Questions are grouped into the following categories:

- Understanding property assessments
- Understanding assessments appeals
- Local appeals to the Board of Revision
- Provincial appeals to the Saskatchewan Municipal Board's Assessment Appeals Committee

Resources for additional information are provided at the end of this guide. This document is for guidance purposes only and is not a substitute for legislation dealing with assessment appeals. It may be advisable to consult a solicitor on specific situations.

Understanding Property Assessments

What is property assessment?

Property assessment is the process of determining a property's assessed value as of a specific date for property tax purposes. Property assessment is not the same as property tax. Local governments use property assessments as a basis for the distribution of property taxes among property owners.

What property is assessable?

All property is assessable. "Property" means land or improvements or both. The term "land" refers to the legally surveyed parcel of ground to which an owner has title or a lessee has access. The term "Improvements" refers to buildings or structures on the land. Machinery or equipment used to service buildings is assessed. Resource production equipment is also assessed. This includes fixtures, machinery, tools, railroad spur tracks and other appliances used in the operation of a mine or an oil and gas well.

Are all properties assessed using the same standard?

Since the revaluation in 2009, assessment appraisers no longer exclusively use the regulated property assessment approach to appraise all properties. The change in assessment practices in 2009 is commonly referred to as a "market value" assessment approach.

For the 2013 revaluation, the Saskatchewan Assessment Management Agency (SAMA) and other assessment service providers will continue to value properties under these two standards:

- A **"regulated property assessment valuation standard"** is applied to specified properties (agricultural land, railway roadway, resource production equipment, heavy industrial properties, and pipelines) and
- A **"market valuation standard"** is applied to all other properties (e.g. residential and commercial).

Under the former, assessed value is determined by applying the rules and procedures that are contained in the Saskatchewan Assessment Manual, and by following the appropriate statutes and guidelines established by SAMA.

Under a market valuation standard, assessed value for residential and commercial properties is determined through the use of mass appraisal techniques and quality assurance standards set by SAMA.

Two types of standards are used for assessing property values:

- **Regulated property assessment valuation standard** *and*
- **Market valuation standard.**

Residential *and* **commercial properties** *are valued using the market valuation standard.*

How does the "market value" system work?

In a "market value" system, the market valuation standard allows assessment appraisers to determine which of the three approaches to value is most appropriate to measure the economic realities of the real estate market.

- The sales comparison approach is primarily used to determine residential property assessments in areas with active sales markets.
- The cost approach estimates the replacement cost new of a building, less depreciation, adding land values primarily based on sales. This method is useful for cases where there are few comparable property sales.
- The income (rental) approach calculates the property's value based on the property's expenses and ability to produce future income.

Non-regulated property assessments (e.g. residential and commercial) provide an estimate of the property's value using mass appraisal techniques that reflect typical market conditions for properties similar to the one being assessed.

Who prepares property assessments?

Most often SAMA prepares property assessments. SAMA is an independent agency that manages the rules of property assessment in Saskatchewan and provides property assessment services to most Saskatchewan municipalities.

In some cases a municipality may have its own staff or an independent assessment service provider perform the work. For example, the cities of Saskatoon, Regina, Prince Albert and Swift Current provide their own assessment services, whereas North Battleford and Meadow Lake contracts an independent assessment service provider.

Who can explain my assessment?

You should start with your municipality's assessor or administrator. Your municipal administrator will be able to provide contact information. If SAMA prepared your assessment, a SAMA assessment appraiser can answer your questions. You may call the agency toll-free at 1-800-667-SAMA (7262).

For regulated property assessments, related information which may help to explain your assessment can be found in the Saskatchewan Assessment Manual – 2011 Base Date. Non-copyrighted portions of the manual may be accessed at no cost on the SAMA website (**www.sama.sk.ca**) or the manual may be purchased from SAMA.

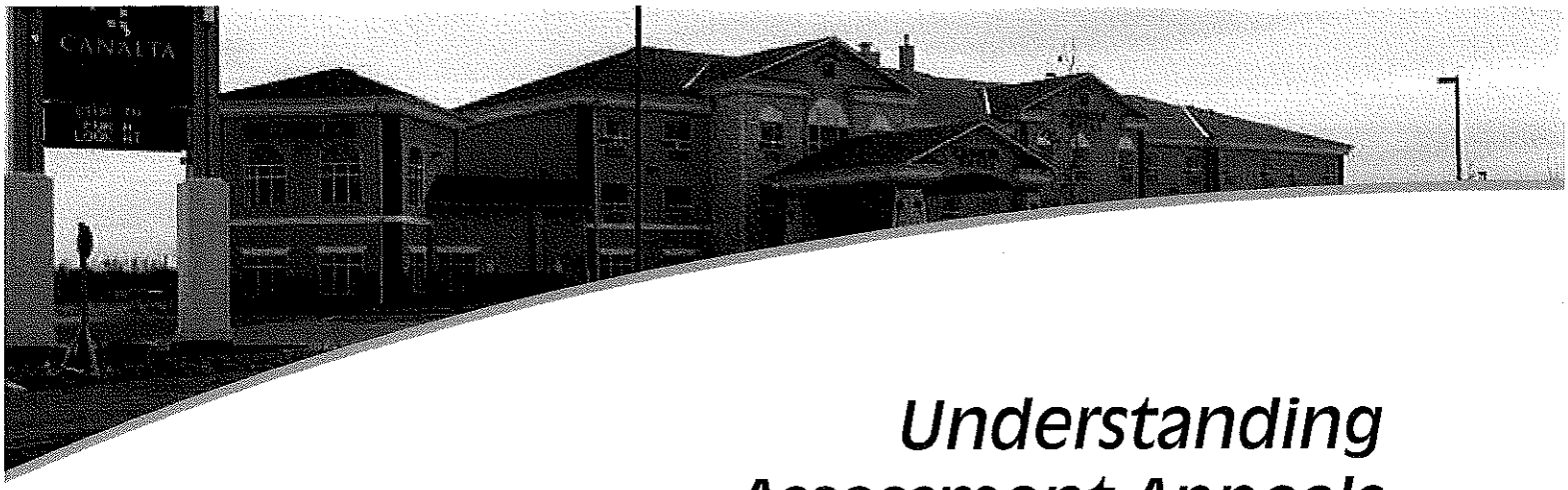
Regulated property assessments include those for: agricultural land, railway roadway, resource production equipment, heavy industrial properties, pipelines and the like.

For non-regulated property assessments, refer to the Market Value Assessment in Saskatchewan Handbook and SAMA's 2011 Cost Guide which contain information related to non-regulated property assessments. This entire handbook and non-copyrighted portions of the cost guide are available, free of charge, on the SAMA website (**www.sama.sk.ca**).

Non-regulated properties include: residential, commercial and the like.

Where do I get specific information about how the value of my property was calculated?

Property specific information is normally obtained from the municipal assessor through the assessment service provider, which for many municipalities is SAMA. Your municipal administrator will have the contact information required.



Understanding Assessment Appeals

Who can appeal an assessment?

Appeals may be initiated by any person with an interest in, or that is affected by, the assessed value or classification of any property.

You can appeal if you believe there has been an error in:

- The valuation,
- The classification,
- The contents of the assessment roll, or
- The assessment notice.

Appeals may also be filed by the municipality, another taxing authority (e.g. school division) or SAMA.

Can I base my appeal on the fact that I feel my taxes are too high?

No. Legislation outlines the valid grounds of appeal. The board of revision has no jurisdiction with respect to the level of taxation.

Who handles assessment appeals?

The first level of appeal is to the local board of revision. The next level is to bring the appeal before the Saskatchewan Municipal Board's Assessment Appeals Committee.

The **Board of Revision** manages the local municipal level of appeals. Members of a board of revision are appointed by your municipal council. Council members cannot be appointed to the board of revision for the municipality they serve. Likewise, a school division board of education member cannot be appointed to the board of revision of a municipality that is located in the school division. Board members come from a variety of backgrounds and, like you, they are taxpayers.

The **Assessment Appeals Committee (AAC)** is a committee of the Saskatchewan Municipal Board. This committee was created to handle appeals at the provincial level. This is the next level of appeal if your assessment remains in dispute after the decision of the board of revision. Any party to a board of revision appeal may advance an appeal to the AAC.

First level of appeal – the local board of revision.

Second level of appeal – the Assessment Appeals Committee.

Can I appeal directly to the AAC?

In most circumstances, you cannot appeal directly to the AAC. An appeal to the AAC is based upon the record of the board of revision. If you did not appeal to and appear before the board of revision, then the AAC has no authority to hear your appeal.

However, there are three exceptions:

- The omission, neglect or refusal of the board of revision or its secretary to hear your appeal;
- Where the property being appealed is classified as commercial or industrial, the total assessed value of that property exceeds $1,000,000, and all parties to the appeal agree to proceed directly to the AAC; or
- On application for leave to consolidate multiple similar appeals.

In the above circumstances, contact the AAC for further information and application forms.

If I have several properties located in different municipalities, and the basis of my appeal is the same for all properties, do I have to file appeals in each municipality?

Yes, you must still file an appeal with each applicable municipality. If you choose to consolidate your appeals to be heard by the AAC as one appeal, you must also file an application with the AAC to do so.

Is there a situation where I could lose the right to appeal my assessment?

A property owner who refuses to provide legitimate assessment information that was required or requested by the assessment appraiser will be denied the right to appeal their property's assessment for as long as they continue to refuse to provide the information. The provision of the necessary information to accurately assess property is a legislative requirement and is not optional.

Rights of property owners/appellants are still protected, if the information requested was not relevant to an assessment, if the request for information was not reasonable, or if the information was received late but in time for the assessor to include it in analysis, a board of revision or the AAC has the authority to reinstate an appeal.

A property owner has the right to present evidence to the board of revision or AAC to prove why the information requested by the assessor is not legitimate. The board will then decide if the property owner has lost the right to appeal.

In some cases, before providing information to the assessor or to any other party, the property owner may wish to declare the information confidential and seek an undertaking from the other party that no use may be made of the material except to prepare an assessment or to consider the appeal. If the other party will not make such an undertaking, the material does not need to be provided.

What procedures are used to decide the legitimacy of my appeal?

Appeals of regulated property assessments are reviewed against the regulated property assessment valuation standard. The focus would be on whether the process used to determine values was correctly followed by the assessment service provider.

The regulated property assessment valuation standard is achieved when the assessed value is determined according to formulae, rules and principles set out in the relevant municipal Act, its regulations, the Saskatchewan Assessment Manual or any other guideline established by SAMA.

Regulated properties include: agricultural land, railway roadway, resource production equipment, heavy industrial properties, pipelines and the like.

Non-regulated properties include: residential, commercial and the like.

Appeals of non-regulated property assessments are judged using the market valuation standard. The focus is on whether established assessment industry standards are met. In this case, a property's assessment in an appeal will be compared to how accurately it reflects average market conditions for similar properties using mass appraisal techniques, as of the assessment base date.

The market valuation standard is achieved when the assessed value of a property is:

- Prepared using mass appraisal;
- An estimate of the market value of the estate in fee simple interest in the property;
- Reflects typical market conditions for similar properties; and
- Meets any quality assurance standards established by order of the agency.

Legislation ensures that a board of revision or the AAC cannot change non-regulated property assessments on appeal using single property appraisal techniques.

This means for these assessments based on the market valuation standard, appraisers are required to collect information and data on properties that are analyzed using mass appraisal techniques. Mass appraisal is the process of assigning value to a group of properties with similar characteristics or a similar market using common data and allowing for statistical testing. A board of revision and the AAC also cannot change property assessments on appeal if equity has been achieved with similar properties.

In 2012, SAMA established quality assurance standards for non-regulated property assessments, ensuring the agency now fully meets the market valuation standard as required in legislation. These quality assurance standards will be applied as a test against property assessments of two property groups (e.g. residential and commercial) in Saskatchewan for the years 2013-2016.

Implementation of the quality assurance standards will demonstrate equity among municipalities regarding property valued under the market valuation standard. The results of each quality assurance standard calculation for all municipalities will be posted on SAMA's website for access by the public.

Local Appeals to the Board of Revision

Is there a fee to appeal to the board of revision?

An appeal fee may be set by a municipality and must be paid to the municipality before the time for appealing is over. Failing to do so will result in the appeal being dismissed. The fee is refunded where the appeal is successful in whole or in part, where an appeal is withdrawn, or if the appeal is deemed insufficient by the board of revision or its secretary.

Who is the secretary of the board of revision?

Your municipal council appoints the secretary to the board of revision. The secretary cannot be the assessor for the municipality. Your municipality will be able to provide you with the name and address of the secretary.

Am I eligible to apply for a simplified appeal process?

You may decide to opt for a simplified appeal process in the following instances:

- For all (single family) residential properties regardless of assessed value; and
- For any other property valued under $100,000 within rural municipalities or under $250,000 for properties within other municipalities.

The simplified assessment appeal process exempts the appellant from disclosure of evidence requirements. The same notice of appeal form is used for both simplified and regular appeals.

The board of revision chairperson may establish panels consisting of one or more persons to hear simplified appeals. This panel has the full powers of a board of revision to hear and decide appeals.

Appeals to the Board of Revision must be filed within 30 days of the assessment roll being advertised or of the mailing of the assessment notice (60 days in the year of revaluation).

When do I appeal to the board of revision?

Each municipality annually prepares an assessment roll and provides notice of its completion. All municipalities must give notice by advertising in a local newspaper. Municipalities other than cities must also advertise completion of the assessment roll in the Saskatchewan Gazette. Additionally, notices may be mailed to all property owners or just to owners whose assessment changed from the previous year.

Within 30 days (60 days in the year of revaluation) of the assessment roll being advertised or of the mailing of the assessment notice, you must file your appeal at the address shown on the assessment notice. This may be done in person, or by ordinary or registered mail.

Can I withdraw my appeal with the board of revision?

You may voluntarily withdraw your appeal by notifying the secretary of the board of revision at least 15 days before the appeal is scheduled to be heard. Where an appeal is withdrawn in this way, the appeal fee is refunded. If the parties to an appeal reach an agreement to adjust, you must provide written notice of your withdrawal to the secretary to the board of revision.

Where do I get a notice of appeal form?

A notice of appeal form may be obtained from any municipal office. Its content requirements are set out in legislation. An appeal form accompanies the assessment notice that you may receive from the municipality. Forms are also found in assessment regulations accompanying the municipal Acts. You may access these forms on the Queen's Printer website at: **www.qp.gov.sk.ca**.

How do I prepare the notice of appeal form?

Appellants may wish to meet with the respondent, which will either be the municipality or the assessment appraiser, to discuss the appeal prior to completing the notice of appeal form. The meeting may enable you and the respondent to agree on specific facts or issues surrounding your appeal.

Certain details regarding this meeting, specifically the date and any outcomes, are to be included within your notice of appeal. If the meeting does not take place, you must indicate why this did not happen.

When making an assessment appeal, the notice of appeal form must be fully completed. You must provide specific facts and evidence that support an error has been made in the:

- Valuation of the property;
- Classification of the property;
- Preparation of the relevant assessment roll or assessment notice; and/or
- Content of the relevant assessment roll or assessment notice.

The grounds for the appeal must be specific. Phrases such as "assessment too high" and "assessment too low" are **not** sufficient.

It is your responsibility to make a case to the board of revision. It may be as simple as proving that dimensions or measurements are wrong or that a classification is not correct, or as complex as proving that the value of a property is not fairly assessed compared to another property that is similar in nature.

The secretary of a board of revision is responsible to review your notice of appeal, and in situations where the appeal does not meet minimum content requirements, the secretary will provide you up to 14 days to make clarifications or to fix any errors.

If you do not correct the notice of appeal within that timeframe, the secretary of the board of revision may refuse to file the notice of appeal. This is deemed to be a refusal of the board of revision to hear the appeal.

Acceptable subjects of an appeal include:

- *Valuation of the property;*
- *Classification of the property;*
- *Preparation of the relevant assessment roll or assessment notice; and/or*
- *Content of the relevant assessment roll or assessment notice.*

The grounds for the appeal must be specific. Phrases such as "assessment too high" and "assessment too low" are not sufficient.

When will my appeal be scheduled for a board of revision hearing?

You will be notified at least 30 days prior; however after receiving the notification the parties may agree to an earlier date. Should this occur, all parties must also agree to a date for disclosure of written materials.

What happens at a board of revision hearing?

The specific process is established by, and may vary between, each board of revision; however, hearings may generally be conducted as follows:

- Both parties will be given the opportunity to make opening statements;
- You present your case first, followed by the respondent (in most cases, the municipality or SAMA);
- Both parties typically have an opportunity for a cross-examination after each case is presented;
- Where appropriate, both you and the respondent may present a summary argument; and
- The board may ask questions at any time throughout the hearing.

Am I required to attend the board of revision hearing?

You must appear in person or be represented by an agent. Failure to appear may result in the board making a decision in your absence, or dismissing your appeal leaving no further right to appeal.

You must appear in person or be represented by an agent at your Board of Revision hearing.

An exception occurs when you are scheduled to appear at more than one board of revision hearing on the same day, and you apply to one of the boards for an adjournment. The board of revision shall grant the application when given this reason.

What evidence may I present at the board of revision hearing?

All written materials that you intend to rely on to support your appeal must be filed with the secretary of the board of revision and given to all other parties to the appeal at least 20 days before the hearing. It is important to introduce all available evidence at this time as it may not be admissible later. Any other party to the appeal who plans to use written materials must follow this same process.

The municipal assessor is required to provide you and all other parties, at least 10 days before the hearing, an assessment field sheet and a written explanation of how the assessment was determined. All other parties to an appeal must also file copies of any written materials to the board of revision and to the appellant at least 10 days before the date of the hearing.

Any party that plans to file written material in response to any previously submitted written materials must do so at least 5 days prior to the appeal. In addition, before providing information to the assessor or to any other party, you may declare the information confidential and seek an undertaking from the other party that no use may be made of the materials except to prepare an assessment or to consider the appeal.

Boards of revision and the AAC have the authority to issue an order declaring certain information confidential. If the other party will not make such an undertaking, the material does not need to be provided.

Will information presented at a hearing be confidential?

The boards of revision and the AAC have the authority to issue an order declaring certain information confidential on application of a party to an appeal, and may undertake various actions to safeguard the confidential nature of the information both during and subsequent to an appeal.

On the request of any party, boards of revision or the AAC may declare information confidential if the AAC believes that the disclosure would result in financial loss or gain to the party or to any other person, prejudice the competitive position of any person or interfere with any contractual negotiations.

The boards of revision or the AAC may also order that the information must be heard in the absence of the public, that it must be masked in any material released to the public, or that other procedures be followed to keep the information confidential.

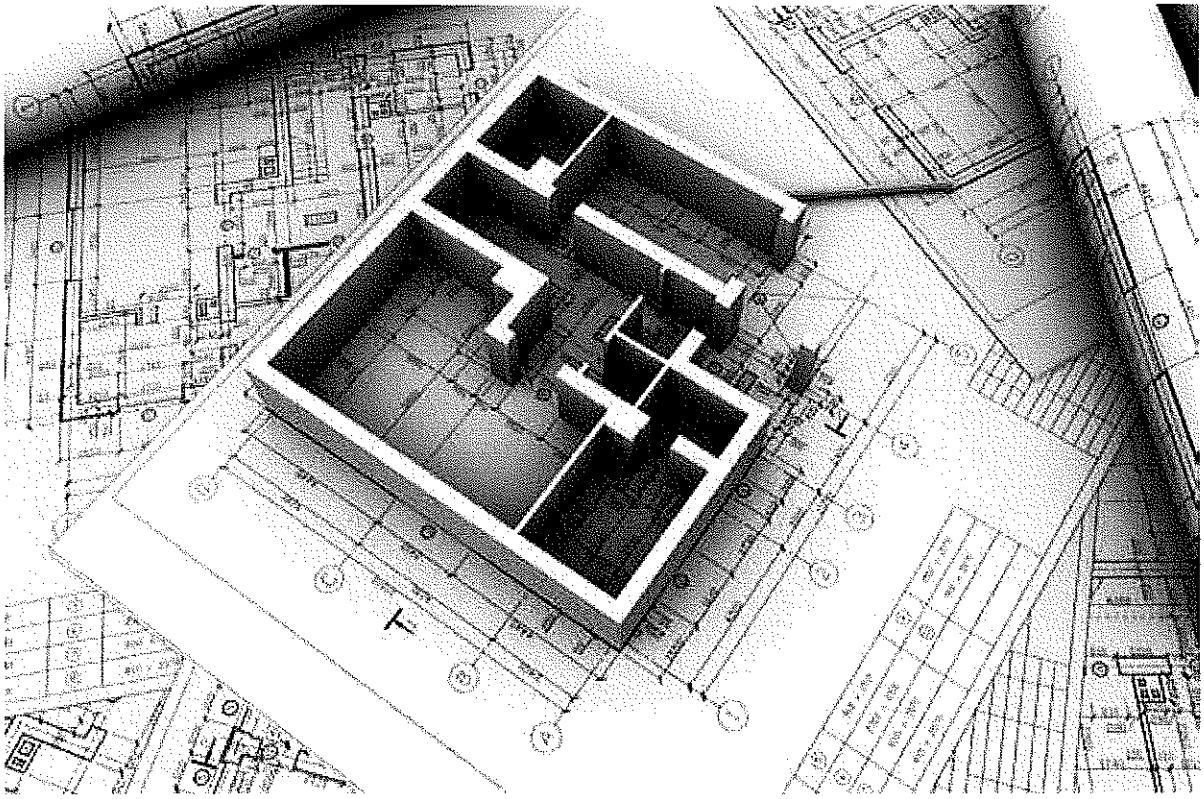
How long does the board of revision have to make a decision?

Hearings of the board of revision must be concluded and its decisions made within a specified amount of time which begins on the date a municipality publishes the notice for completion of the assessment roll. Activities are to be concluded:

- In cities, within 180 days of publishing the notice respecting the mailing of assessment notices;
- In all other municipalities, within 90 days (120 days in year of revaluation) of publishing the notice respecting the mailing of assessment notices.

What if I am not satisfied with the decision of the board of revision?

You and any party to the appeal are entitled to appeal the decision of a board of revision to the Assessment Appeals Committee (AAC).



Provincial Appeals to the Assessment Appeals Committee

How much time do I have to appeal to the AAC?

An appeal to the Saskatchewan Municipal Board's Assessment Appeals Committee (AAC) must be made within 30 days of being served with a decision of the board of revision. In the case of the omission, neglect or refusal of the board of revision to hear or decide an appeal, the request must be made within the calendar year for which the assessment was prepared.

What can be appealed to the AAC?

You may appeal a decision of the board of revision to the AAC. At this level, the record of the board of revision hearing will be examined for any errors made by the board. New evidence cannot be filed at this level, except in limited circumstances.

Where do I file an appeal to the AAC?

When appealing to the AAC, you are required to file notice of appeal with:

The Secretary – Assessment Appeals Committee
Saskatchewan Municipal Board
4th Floor 2151 Scarth Street
Regina, Saskatchewan S4P 2H8

Sources from which to obtain appeal forms include:

- From the AAC;
- From the "Assessment Appeals Manual" found on the Government Relations' website at **www.gr.gov.sk.ca**; and,
- In related regulations under the applicable Act.

You may have a legal counsel, tax/assessment consultant or anyone you wish to designate represent you at your AAC hearing.

Is there a fee to appeal to the AAC?

Fees are required and must be filed within the 30 day appeal period or the appeal is deemed dismissed. These fees are in addition to any paid to a board of revision. The AAC fees are based on a scale related to the assessment of the property under appeal: $50 for each $100,000 in taxable assessment value, or portion thereof, to a maximum of $600.

Appeal fees are refundable where the appeal is successful, or when the appeal is withdrawn at least 30 days prior to the scheduled hearing date. For applications to consolidate appeals, or for commercial/industrial appeals intended to be filed directly with the AAC, please contact the AAC directly for further information.

What happens at an AAC hearing?

Hearings before the AAC are conducted as follows:

- The record of the board of revision is identified;
- Any issues of jurisdiction which may prevent the AAC from hearing the appeal are addressed;
- Both parties will be given the opportunity to make opening statements;
- You will present your case first, followed by the respondent;
- Where new evidence has been allowed, both you and the respondent may cross examine the person(s) providing new evidence and either party may call rebuttal evidence, as needed;
- Where appropriate, both you and the respondent may present summary arguments; and
- The AAC may ask questions at any time throughout the hearing.

Can I have someone else represent me at my AAC hearing?

Yes. You may have legal counsel, a tax/assessment consultant, or anyone else you feel will adequately present your case before the AAC.

Do I have to present evidence to the AAC?

You should have previously presented to the board of revision all the evidence relating to your appeal. This evidence will be forwarded to the AAC by the secretary of the board of revision. AAC hearings are based on the record of the board of revision hearing.

The AAC is restricted to reviewing this record for errors and cannot accept new evidence, except for the limited circumstances noted below.

You should attend the hearing to support your argument or to introduce new evidence. The AAC may, however, make a decision in your absence. The AAC has the authority to issue an order declaring certain information confidential on application of a party to an appeal.

When is new evidence allowed at the AAC hearing?

The AAC may only allow new evidence, in very limited circumstances, where it is satisfied that:

- Through no fault of the person seeking to call the new evidence, the written materials and transcript (sent to the AAC by the secretary of the board of revision) are incomplete, unclear, or do not exist;
- The board of revision has omitted, neglected, or refused to make a decision; or
- You have established that relevant information has come to your attention that was not obtainable or discoverable through the exercise of due diligence at the time of the board of revision hearing.

How long does the AAC have to make a decision?

AAC decisions are provided in writing, generally, three to six months following the hearing.

What if I am not satisfied with the decision of the AAC?

The final level of appeal for property assessments is to the Provincial Court of Appeal, but an appeal to it may only be made on a question of law or jurisdiction and with leave of the Court. Otherwise the decision of the AAC is final.

For More Information

Where can I find further information?

For specific information regarding your appeal, contact:

Your local municipal office or board of revision secretary or, for appeals to the AAC, the Secretary of the Committee: (306) 787-2658.

For legislative information please refer to the following:

Legislation governing assessment appeals is provided in *The Cities Act*, *The Municipalities Act* and *The Northern Municipalities Act, 2010*. Regulations under these Acts include forms for filing assessment appeals for each type of municipality. These are *The Cities Regulations*, *The Municipalities Regulations*, and *The Northern Municipalities Regulations*.

The Acts and Regulations may be purchased in paper format from:

Office of the Queen's Printer
B 19-3085 Albert Street
Regina, Saskatchewan S4S 0B1
Phone: (306) 787-6894
Toll-free: 1-800-226-7302

Electronic versions are also available at the Queen's Printers' website: **www.qp.gov.sk.ca**.

For general information about assessments, contact:

Saskatchewan Assessment Management Agency
200 – 2201 – 11th Avenue
Regina, SK S4P 0J8

For general information about the appeal process, contact:

Ministry of Government Relations – Advisory Services and Municipal Relations

Regina Office:
1010 – 1855 Victoria Avenue
Regina, SK S4P 3T2
Phone: (306) 787-2680
Fax: (306) 798-2568
www.gr.gov.sk.ca

Northern Municipal Services Branch:
Box 5000
1328 La Ronge Avenue
La Ronge, SK S0J 1L0
Phone: (306) 425-4320
Fax: (306) 425-2401
Toll-free: 1-800-663-1555

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