

# Assessment Appeals Guide

In Saskatchewan For Board of Revision Members



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## Introduction

Municipalities must appoint a board of revision each year to hear and decide assessment appeals.

This guide helps board of revision members and secretaries understand their role in the assessment appeal process.

The guide was last updated in May 2017. It refers to sections of *The Municipalities Act (MA)*, *The Cities Act (CA)* and *The Northern Municipalities Act, 2010 (NMA)*. The guide is not meant to replace the legislation. If you have questions, please consult the Act or call a municipal advisor at 306-787-2680.

If you have questions about the NMA call a northern municipal advisor at 1-800-663-1555.

It is important that board of revision members understand the property assessment system in Saskatchewan. Please refer to the basic assessment information in Appendix A of the guide. Detailed resources about assessment are available online at:  
<http://www.sama.sk.ca/html/4/manuals.html>.

## Flow Chart – Board of Revision Activities

### Includes Secretary's Activities

#### Getting started

- Secretary and board members are required to sign the Oath of Office.
- Secretary consults with board members to set date, time and location for meeting.
- Board members meet to:
  - choose a member to be chair;
  - discuss potential hearing dates, along with other particulars (time, location);
  - agree on a hearing process; and
  - discuss training requirements.
- Chair may establish multi- or single person panels.

#### Appeal Process

- Secretary receives appeals.
  - review appeal for completeness;
    - request additional information, if needed
  - ensure fee has been paid to municipality; and
  - identify deadlines – review legislation and manual.
    - note deadlines on calendar
- Secretary sets date, time and location for board hearing.
  - confirm with board members; and
  - provide notice to appellant and assessor.
    - earlier meeting date may be agreed to by all parties

#### Before the Hearing

- Secretary receives evidence, responses from other parties, assessment field sheet and written explanation regarding assessment determination.
  - copy and transmit to all board members; and
  - prepare agenda.
    - appeals may be withdrawn due to successful agreement to adjust

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<b>Potential developments</b> <ul style="list-style-type: none"> <li>• Secretary receives request to issue a subpoena to a person to provide evidence. <ul style="list-style-type: none"> <li>○ secretary may issue summons; service is responsibility of requesting party; and</li> <li>○ secretary may request input from board members.</li> </ul> </li> <li>• Board may summon a person to provide evidence. <ul style="list-style-type: none"> <li>○ secretary may serve summons.</li> </ul> </li> <li>• Ask for an extension of time from Minister of Government Relations if board is unable to meet the deadline. <ul style="list-style-type: none"> <li>○ Form is available online.  <a href="http://www.publications.gov.sk.ca/details.cfm?p=85368">http://www.publications.gov.sk.ca/details.cfm?p=85368</a></li> </ul> </li> <li>• Chair receives request for all or part of hearing to be recorded. <ul style="list-style-type: none"> <li>○ chair orders recording as requested.</li> </ul> </li> </ul>	
<b>Hearing process – full board / panel</b> <ul style="list-style-type: none"> <li>• Chair introduces attendees and outlines process.</li> <li>• Board members listen to evidence and ask questions to clarify matters.</li> <li>• Excuse parties before deciding the appeal.</li> </ul>	
<b>Board Decision</b> <ul style="list-style-type: none"> <li>• Draft a written decision, including reasons.</li> <li>• Finalize and sign the decision.</li> <li>• Secretary serves decision to all parties. <ul style="list-style-type: none"> <li>○ include information regarding appeal to Assessment Appeals Committee (AAC).</li> </ul> </li> </ul>	
<b>End Activities</b> <ul style="list-style-type: none"> <li>• Secretary to store records in accordance with board policies. <ul style="list-style-type: none"> <li>○ use municipal policies when there is no board policy.</li> </ul> </li> <li>• Secretary sends records to AAC upon request.</li> </ul>	

## Grounds for Appeal

A person or party who has an interest in the property (the appellant) may appeal the assessment. The appeal process is used when an appellant feels there is a mistake in:

- the assessed value;
- the property classification; or
- the way that the assessment roll or assessment notice was prepared.<sup>1</sup>

It is not possible to appeal the amount of property tax using this process.

## Board of Revision

A board of revision is a group of people who make decisions about property assessment in a manner that is similar to a court judge. Board of revision members are appointed by municipal council. A board of revision must have at least three people. A member of council or a school board member whose school division collects taxes in the municipality cannot be a member of the board of revision.<sup>2</sup>

Sometimes a group of municipalities create a district board of revision by written agreement. The agreement will describe how the board of revision is organized including:

- how members are appointed;
- how the secretary to the district board is appointed; and
- how much the board members and secretary will be paid.

A board of revision or a district board of revision is separate from council.

- The board of revision sets the date for hearings.
- All written materials from the board of revision process are kept separate from other municipal records.
- Decisions made by the board of revision are not integrated into the minutes of the municipality.

It is important that council members do not get involved in assessment appeals for their municipality. The board of revision must decide on an assessment appeal based solely on the facts presented to it.

All board of revision members and the secretary must complete an official oath before they start any work. The oath is available online at [www.qp.gov.sk.ca](http://www.qp.gov.sk.ca):

- Form B in *The Municipalities Regulations*;
- Form B in *The Northern Municipalities Regulations*; and
- Form A.1 in *The Cities Regulations*.

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<sup>1</sup> 225(1) MA ;197(1) CA; 246(1) NMA

<sup>2</sup> 220-222 MA; 192-194 CA; 241-243 NMA

## Role of the Chair

The chair for a board of revision is appointed by the board of revision members. The chair may choose to appoint:

- panels from among the board of revision members to hear assessment appeals. Each panel must have at least three people;
- a chair for each panel;<sup>3</sup> or
- a single person to hear an appeal when the appellant chooses the simplified appeal process.<sup>4</sup>

The chair makes sure that an appeal hearing is held in a professional, orderly manner. The chair also listens to the evidence and makes an impartial decision based on the facts provided. The following guidelines may be helpful to the chair:

- Do not discuss the application before the hearing.
- Listen patiently to all the information. Ask questions and keep comments focused on the application being discussed.
- Avoid casual conversation. Stick to the business at hand.
- Point out any evidence that is not relevant to the appeal.
- Take notes. You will hear a lot of information, taking notes will help you keep the details straight.
- Remain impartial. The decisions should be made only on the facts presented.
- Maintain order. Use the gavel when necessary. Ask for a recess if members could use a few minutes to gather their thoughts.

## Role of a Board of Revision Member

The board member listens to the evidence and makes an impartial decision based on the facts provided. It is important to be professional and orderly at all times. Remember:

- Do not discuss the application before the hearing.
- Listen to all the information; ask questions.
- Avoid casual chats during board hearings.
- Direct comments or questions through the chairperson.
- Allow the chairperson to direct the hearing.
- Point out any evidence that is not relevant to the appeal.
- Take notes. You will hear a lot of information, taking notes will help you keep the details straight.
- Decisions are based on the evidence presented and the law (the Act) and not on personal feelings.

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<sup>3</sup> 220 MA; 192 CA; 241 NMA

<sup>4</sup> 223 MA; 195 CA; 244 NMA

## Role of the Secretary

The secretary of a board of revision is appointed by council. The assessor (who is often the municipal administrator) cannot be the secretary for the board of revision. The secretary reviews each notice of appeal received. The appeal must include:

- all the information required by the prescribed form;
- details about the assessment error;
- a specific reason why the appeal is being made; and
- a summary of the material facts.

The appeal notice and the appeal fee set by the council must be filed as described on the notice of assessment. The notice of assessment will state:

- the deadline date for appeals;
- the fee required; and
- the address where the appeal must be filed.

The administrator of the municipality forwards the appeals to the board of revision secretary as soon as possible when the municipality is collecting the appeals. The administrator must forward the appeal to the secretary even when the parties are working towards an agreement to adjust. The board of revision secretary must make sure that the fee is made payable to the municipality when the secretary is collecting the appeals.

The secretary of the board of revision should help the appellant to make sure that the appeal is complete. If the appeal application is missing information that is required, the secretary:

- must let the appellant know exactly what is missing from the appeal form; and
- allow 14 days to correct the omissions.

The secretary may refuse to file the notice of appeal if the appellant does not correct the mistakes found in the appeal notice. Legislation deems that the board of revision has refused to hear an appeal when this occurs. Choosing this option may allow the appellant to file a further appeal.<sup>5</sup>

### ***Notice to Parties***

The secretary must give notice to the appellant, all registered owners, the municipality, and the assessment provider (often Saskatchewan Assessment Management Agency[SAMA]) 30 days before the hearing date by:

- personal service;
- registered mail; or
- ordinary mail.<sup>6</sup>

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<sup>5</sup> 226 MA; 198 CA; 247 NMA

<sup>6</sup> 229 MA; 199 CA; 250 NMA

The notice must:

- include the date, time and place of the hearing; and
- inform the appellant that the board of revision may decide on the appeal even when the appellant is not able to be there.
  - The board of revision decision is final when this occurs.
  - There is no opportunity to appeal.

The secretary may also wish to include information in the notice to:

- inform the appellant that they can choose an agent to represent them;
- notify the appellant that written information used in the appeal must be sent to the board and other parties 20 days before the hearing;
- indicate that the hearing may be recorded when a request is received at least two days before the hearing; and
- state where to get more information about the hearing and its proceedings.

### ***Subpoenas or Summons***

The secretary will subpoena or summon a person to appear to give evidence if requested by either:

- a party to the appeal; or
- the board of revision.

It is the secretary's responsibility to prepare the summons. The party who requested the summons must serve it in person, or by registered mail. The secretary usually serves the summons when it is requested by the board.<sup>7</sup>

People who are not a party to the appeal are entitled to attendance money when they are summoned. Calculate the amount they will be paid using Schedule IV of *The Queen's Bench Rules* when the summons is served. Failure to do so means that the person who has been summoned does not have to attend the hearing as requested.

### ***Board Orders***

Once the board of revision has made a decision and a written order has been made, the secretary will send each party:

- a copy of the decision;
- written reasons for the decision; and
- a statement that lets the party know about the ability to appeal the decision further.<sup>8</sup>

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<sup>7</sup> 235 MA; 205CA; 256 NMA

<sup>8</sup> 240 MA; 210 CA; 259 NMA

## Appellant's Responsibilities

Before filing a notice of appeal, the appellant should:

- find comparable properties in the municipal assessment roll; and
- meet with the assessment service provider to discuss how their assessment differs from the comparable properties.

### ***Filing the Appeal***

An appellant must file the notice of appeal and pay the appeal fee established by the municipal council within 30 days (60 days in a revaluation year) of the assessment roll being advertised and the assessment notice being mailed.<sup>9</sup> The notice of appeal may be filed:

- in person;
- by mail; or
- by registered mail.<sup>10</sup>

The appellant must make sure that the notice of appeal includes:

- the reason for the appeal;
- detailed facts and evidence to support the reason;
- the date and time when the assessment was discussed with the assessment service provider; and
- the mailing address of the appellant.<sup>11</sup>

Sometimes the appellant has not discussed the assessment with the assessment service provider. The appellant must provide a reason why the discussion did not occur.

### ***Simplified Appeals***

A simplified appeal process:

- is less formal;
- does not require filed written materials; and
- can be heard by a single person or multi person panel if the chairperson chooses.

An appellant might choose a simplified appeal process when the appeal is for:

- a single family residential assessment; or
- an assessment where the total assessed value is under \$100,000 in a rural municipality, or \$250,000 in any other type of municipality.<sup>12</sup>

### ***Choosing to Use an Agent***

Agents can advise appellants about property assessment. They may act on behalf of the ratepayer throughout the assessment appeals process. Before contacting an agent, an

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<sup>9</sup> Form F in the MA Regulations; Form C in the CA Regulations; Form I in the NMA Regulations

<sup>10</sup> 226 MA; 198 CA; 247 NMA

<sup>11</sup> 225 MA; 197 CA; 246 NMA

<sup>12</sup> 223 MA; 195 CA; 244 NMA

appellant should contact the person who assessed the property to better understand it. If the explanation does not satisfy the appellant, but they feel they need help in the assessment appeals process, it may be advisable to contact an agent. It is important to name the agent representing the appellant in the notice of appeal if an appellant has chosen this option.<sup>13</sup>

### ***Withdrawing the Appeal***

An assessment error may be fixed before the board of revision hearing. If all parties are able to agree to a new assessed value, they will sign an agreement to adjust the assessment.<sup>14</sup> The appellant must withdraw the appeal in writing when an agreement to adjust has been reached. The fee paid is refunded when this occurs.

### ***Providing Written Materials***

If an appellant wants to use written materials at the hearing, they must provide the documents to the secretary of the board and the other parties to the appeal at least 20 days before the hearing date.<sup>15</sup> Other parties to the appeal must provide their written materials at least 10 days prior to the hearing.<sup>16</sup>

An appellant may want to use written materials in response to the information received from another party to the appeal. The appellant must file their written materials at least five days before the hearing when this occurs.

### ***Attending the Board of Revision Hearing***

Appellants who have received proper notice from the secretary but fail to attend the hearing risk having the matter decided in their absence. The board of revision decision is final when this occurs. There is no opportunity to appeal.

## **Hearings: Suggested Sequence of Events**

1. The chair will declare that the board or panel is open to hear assessment appeals. The opening statement should set the tone of formality at the beginning of the hearing. The chair should:
  - a. Introduce themselves and the rest of the members;
  - b. State the purpose of the hearing;
  - c. Note the names of the parties present; and
  - d. Explain how the hearing will proceed.
2. The board may decide that people who provide evidence will be sworn. If so, the secretary will swear in the assessor, the appellant and any other parties giving evidence to the board.

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<sup>13</sup> 225 MA; 197 CA; 246 NMA

<sup>14</sup> 228 MA; 204 CA; 249 NMA

<sup>15</sup> 230 MA; 200 CA; 251 NMA

<sup>16</sup> 230 MA; 200 CA; 251 NMA

3. The secretary will read the appeal.
4. The appellant will give evidence. The appellant must provide factual evidence to support the position that there is an error in:
  - the assessed value;
  - the property classification; or
  - the way that the assessment roll or assessment notice was prepared.
5. The assessor will give evidence. The assessor must provide factual evidence to support that the assessed value and property classification is fair in relation to the assessed values of other comparable properties.
6. The parties will be given an opportunity to cross-examine each other. This may be an informal discussion between the appellant and the assessor.
7. When presenting evidence and discussion is finished, the chair will thank the appellant for attending the hearing and move onto the next appeal. Normally decisions are made at the end of the meeting when all the parties have left.

The chair or board members may wish to ask questions of the parties throughout the process.

## Recording the Hearing

Sometimes the hearing or part of the hearing is recorded.<sup>17</sup> The board may choose to record the hearing. Any party to an appeal may also request that the hearing be recorded at least two days before the hearing. The board:

- must appoint a person to record the hearing as requested; and
- may decide that the cost for recording must be paid by the requesting party.

The board of revision secretary will retain the recording and any transcripts made. The secretary may forward the recording or transcript to:

- the requesting party, once any cost established by the board has been paid; or
- the AAC when a further appeal has been filed.

## Basic Principles

Basic principles help boards to carry out their decision-making duties. Appellants expect a board of revision to be fair and impartial when making decisions about assessment. A board of revision provides a faster, less formal, flexible decision-making process than the court system and is based on the following principles.

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<sup>17</sup> 238 MA; 208 CA; 259 NMA

## ***Duty of Fairness***

Hearings allow all parties to present their case. At a minimum, acting fairly means:

- providing adequate notice of a hearing;
- providing an opportunity for all interests to be heard;
- decision-makers are unbiased and act in good faith;
- decisions are only made by those who heard all the evidence and arguments in the case;
- treating all parties fairly and providing an opportunity for each party to ask questions of the other; and
- making decisions based on relevant facts, evidence and extenuating circumstances.

Each board member must have knowledge in person of all evidence presented at the hearing in order to participate and vote on the decision. Participation by an absentee member in a vote will invalidate the decision.

Decisions of a board of revision involve interpreting the issues, facts and law presented during a hearing. The board must provide a written explanation for making its decisions. Every party who appears before the board must know why they were successful or unsuccessful in the appeal.

## ***Rules of Evidence***

Rules of evidence were developed in part to ensure fairness. If you stray from basic principles of evidence, you will likely run into issues of fairness. Evidence deals with proof – it is the information used by parties to prove or disprove a case. Opinions or unsupported facts are not considered evidence.

As a general guide, evidence should be:

- adequate to support the appeal;
- relevant to the grounds of the appeal;
- reliable; and
- admissible and not subject to any rules of exclusion.

## **Decisions of the Board**

A decision should be written as soon as possible after the hearing is completed. Parties expect to know the result of the appeal as soon as possible. Decisions must be provided:

- within 90 days (120 days in a revaluation year) of the date the notice was published in the Saskatchewan Gazette; or
- within 180 days after the date the notice was published in a newspaper (for cities only).

If an extension of time is required, the secretary must complete and submit a form to the Minister of Government Relations. The form is available online at <http://www.publications.gov.sk.ca/details.cfm?p=85368> .

After the hearing, the board may decide to:

- confirm the assessment; or
- change the assessment.<sup>18</sup>

The decision cannot:

- vary a non-regulated property assessment using single property appraisal techniques; or
- change the assessment when the original assessment was comparable to similar properties.

Board of revision decisions should be concise and clear. The reader should understand the board of revision's point of view. A written decision should:

- define the issue;
- explain any rules, statutes or precedents that informed the decision;
- provide reasons why the decision was made; and
- inform parties about the ability to appeal the decision made.

The assessment roll will reflect the written decision made by the board of revision.<sup>19</sup> The fee is refunded when the appellant is successful in the appeal.

## Further Levels of Appeal

### *The Assessment Appeals Committee*

The AAC is established by the Saskatchewan Municipal Board (SMB). A party may file an appeal with the AAC when they are not satisfied with the decision made by the board of revision. An appellant may also choose to appeal to the AAC if the board of revision refuses to hear or decide on an appeal.

Appellants may appeal directly to the AAC when:

- they want to appeal several assessments on the same grounds; or
  - If the AAC declines to combine the assessments and hear the appeal, the board of revision will hear the appeal.
- the assessed value of a commercial or industrial property exceeds the amount set in the regulations (currently set at \$1 million).
  - The appellant, the board of revision, and the municipality must all agree that the AAC should hear the appeal.

When an appeal is filed with the AAC, a copy of the notice of appeal is sent to the secretary of the board of revision. The secretary of the board of revision will forward documents relating to

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<sup>18</sup> 240 MA; 210 CA; 261 NMA

<sup>19</sup> 241 MA; 211 CA; 262 NMA

the appeal to the AAC.

It is important to include:

- the notice of appeal to the board of revision;
- materials filed to the board before the hearing;
- evidence provided at the hearing;
- minutes of the board of revision;
- a copy of the written decision made by the board of revision; and
- a transcript, if available, of the board of revision hearing.

When the AAC reaches a decision, a copy of the decision is sent to the board of revision for review. This allows the members of the board of revision to learn from the AAC decision.

### ***Court of Queen's Bench***

A party may choose to appeal a decision made in the appeal process to the courts. A judge may review a decision when there are allegations that:

- the board of revision breached the basic principles;
- the assessment manual is inconsistent with another Act; or
- *The Assessment Management Agency Act* conflicts with another Act.

### ***Court of Appeal***

Decisions of the AAC can be appealed to the Court of Appeal when there is a question of law or jurisdiction. Court of Appeal decisions are final.

## Additional Resources

### ***Information about Property Assessment in Saskatchewan***

- *The Saskatchewan Assessment Manual 2015 Base Year*
  - applies to property assessment for regulated properties; and
  - has the force of law.
- *Market Value Assessment in Saskatchewan Handbook ver. 3.0*
  - describes the three approaches used to determine market value for non-regulated properties; and
  - does not have the force of law,
- *SAMA's 2015 Cost Guide*
  - shows how to apply the cost approach to determine market value for non-regulated properties; and
  - does not have the force of law.

Available online at: <http://www.sama.sk.ca/html/4/manuals.html>.

### ***Legislation***

- *The Assessment Management Agency Act*
- *The Municipalities Act*
- *The Municipalities Regulations*
- *The Cities Act*
- *The Cities Regulations*
- *The Northern Municipalities Act, 2010*
- *The Northern Municipalities Regulations*

Available online at: <http://www.qp.gov.sk.ca/>.

### ***Contact***

Ministry of Government Relations

Advisory Services and Municipal Relations

1010-1855 Victoria Avenue

REGINA SK S4P 3T2

Phone: (306) 787-2680

Email: [muninfo@gov.sk.ca](mailto:muninfo@gov.sk.ca)

Northern Municipal Services:

1328 La Ronge Avenue

LA RONGE SK S0J 1L0

Phone: (306) 425-4320

Toll-free: 1-800-663-1555

## Appendix A: Assessment

### *Assessment Basics*

Some general concepts and approaches about assessing property are listed below.

#### **Assessment**

Assessment is the process of valuing **all properties** in an area using mass appraisal techniques.

#### **Base Date**

The date used by SAMA for determining the value of land and improvements for a municipality's assessment roll.

Property assessments link the value of a property to market conditions. The property being assessed should reflect local market conditions and be similar to other properties in similar neighborhoods. Since property values change over time, all assessments are calculated according to a "base date" to ensure fairness.

This base date must move forward to reflect changes in the market. A revaluation of all properties using a new base date happens every four years. This ensures that property values are relatively up to date.

**In Saskatchewan, the base date for property assessment valuations for the 2017 revaluation will be January 1, 2015.**

#### **Mass Appraisal**

Assessment service providers use mass appraisal methods to value property. Mass appraisal is preparing assessments for a group of properties as of the base date using:

- standard appraisal methods;
- common data; and
- statistical testing.

Mass appraisal ensures fair and equitable valuation of all properties in a municipality. Mass appraisal is not influenced by short-term fluctuations in supply and demand.

#### **Market Value**

Market value is the amount that a property could sell for if the property is sold in an open market by a willing seller to a willing buyer. Market value assumes that both the seller and buyer act prudently because they know the market.

### **Regulated Property Assessment**

This assessment approach is used for agricultural land, resource production equipment, railway roadway, heavy industrial or pipelines.

- **Regulated property assessment valuation standard** means the standard achieved when the assessed value of the property is determined in accordance with the formulas, rules and principles. The assessment provider uses the relevant municipal Act, its Regulations, the Assessment Manual and any other guideline established by SAMA to determine the assessed value of a property.

### **Non-Regulated Property Assessment**

The assessment approach is used for residential and commercial property other than a regulated property assessment.

- **Market valuation standard** means the standard achieved when the assessed value of property:
  - (i) is prepared using mass appraisal;
  - (ii) is an estimate of the market value of the property;
  - (iii) reflects typical market conditions for similar properties; and
  - (vi) meets quality assurance standards established by order of the agency.

There are three appraisal techniques used to value property using the market valuation standard.

1. The **cost approach** estimates the replacement cost of a building, less depreciation plus land value (estimated on sales). This approach is used when there are few comparable sales.
2. The **sales comparison approach** values property based on what similar property in the same market area is selling for. This approach is used in areas with active sales markets.
3. The **property income (rental) approach** values property in relation to the rental income it will generate. This approach is used for commercial properties and rental apartments in areas where there are active lease and rental markets.

### ***Current Property Assessment System***

SAMA is an agency that operates independently from government. It manages the province's property assessment system. SAMA also provides assessment valuation services and other related services to most cities, towns, villages and rural municipalities in the province.

Some larger municipalities such as the cities of Saskatoon, Regina and Swift Current provide their own assessment valuation services. Still others contract assessment appraisal services from private assessment service providers.

## ***Concept of Equity***

### **Equity continues to be the dominant and controlling factor for assessment.**

For regulated property assessments, equity means the assessments have been determined in accordance with the formulas, rules and principles. Assessed value is determined using the relevant Act, its Regulations, the Assessment Manual and/or any SAMA Board Orders.

For non-regulated property assessments, equity means applying the market valuation standard so that the assessments of similar properties are similar.

Sometimes the market value assessment of a property is confused with the sale price of an individual property. However, the sale price is not necessarily the market value assessment on a property. The sale price of a property is a historical fact. It is the amount the purchaser agreed to pay and the seller agreed to accept for the sale of a property. A sale price might not equal the market value assessment of a property for a variety of reasons, including but not limited to:

- the sale may not have occurred in the assessment year, on the base date, or the date on which the property was valued;
- the purchaser or seller may not have been aware that similar properties were selling for more or less than the price for which the property was purchased;
- the buyer or seller may have been unduly motivated (for example, urgency due to being transferred to another city, need to sell property as part of a division of matrimonial assets, etc.); or
- the sale may have involved a trade, partial interest, special financing, personal property or assumed leases.

Assessment appraisers gather information on properties that have sold to determine the range of sale prices. This statistical data is used as part of the process for calculating market value assessments.

## ***Property Assessment Valuation***

In 2017 the assessments for ALL properties will:

- be as of the base date of January 1, 2015;
- be determined using mass appraisal; and
- reflect the facts, conditions and circumstances affecting the property as of January 1 of the year of the assessment (as if those facts, conditions and circumstances existed on the base date).

## ***Regulated Property Assessment Valuation Standard***

The assessor is required to use legislation and the Saskatchewan Assessment Manual (2015 Base Year) or other agency Board Orders. SAMA assigns rates for each of the various components that make up each type of property to arrive at assessed values. These rates are reviewed on a regular basis with industry and stakeholders.

Under this standard, regulated property assessments are determined for:

- agricultural land;
- railway roadway;
- resource production equipment;
- heavy industrial property; and
- pipelines.

### **Agricultural Land**

Agricultural land assessment is based on its ability to produce income from growing crops and/or raising livestock. This system has been used to determine assessed value in Saskatchewan for over 50 years.

Appraisers trained in soil classification conduct agricultural land inspections. They identify factors that limit productivity such as eroded areas, hardpan soils, gravel pockets and land subject to flooding. Nearly 200 soil types are rated and classified by SAMA appraisers.

- **Refer to Chapter 2 of the Saskatchewan Assessment Manual (2015 Base Year).**

### **Railway Roadway**

Railway roadway is defined in the municipal Acts as the “continuous strip of land not exceeding 31 metres in width owned or occupied by a railway company, and includes any railway superstructure on the land”.

- **Refer to Chapter 1 of the Saskatchewan Assessment Manual (2015 Base Year).**

### **Resource Production Equipment**

According to the municipal Acts, “resource production equipment” includes the “fixtures, machinery, tools, railroad spur tracks and other appliances by which a mine or petroleum oil or gas well is operated but does not include tipples, general offices, general stores, rooming houses, public halls or yards”.

- **Refer to Chapter 4 of the Saskatchewan Assessment Manual (2015 Base Year).**

## Heavy Industrial Property

Heavy industrial property refers to buildings and structures exceeding minimum sizes that are used for, or reasonably capable of being used for:

- extracting, producing, processing or refining a mineral resource;
  - producing, upgrading, refining or transmitting petroleum;
  - producing ethanol;
  - manufacturing of plywood, particle board, wafer board, fertilizer, malt, paper, pulp, steel or steel pipe;
  - generating power; and
  - manufacturing lumber and other wood products from raw logs in a sawmill.
- **Refer to Chapter 3 of the Saskatchewan Assessment Manual (2015 Base Year).**

## Pipelines

Pipelines are used to transport petroleum, petroleum products, gas or any substance prescribed in the Regulations of the municipal Acts.

- **Refer to Chapter 5 of the Saskatchewan Assessment Manual (2015 Base Year).**

## *Non-Regulated Property Valuation Standard*

Under the market valuation standard, assessment appraisers must determine which of the three accepted approaches to value is most appropriate to measure the real estate market. The three appraisal approaches used to value property in a market value assessment (MVA) are shown in the following table.

Three Approaches to Value		
	How Market Value is Estimated	Property Type
Cost approach	Market value of land + (cost of improvements – depreciation) = value of property	<ul style="list-style-type: none"><li>• unique</li><li>• special use (limited market data)</li></ul>
Sales comparison approach	Compare sales prices of similar property being assessed	<ul style="list-style-type: none"><li>• residential</li><li>• commercial</li></ul>
Income approach	Analyze future anticipated benefits (i.e. income-producing potential of the property)	<ul style="list-style-type: none"><li>• income-producing (rental properties)</li></ul>

Source: Saskatchewan Assessment Management Agency, MVA in Saskatchewan Handbook

Assessment appraisers look at available cost, market and property income (rental) information. The approach that provides the best estimates of value for property based on available information is used.

➤ **Refer to Market Value Assessment in Saskatchewan Handbook.**

## Appendix B: Definitions

1. **Agent:** An individual who represents an appellant in an assessment appeal.
2. **Agreement to adjust:** If all parties to an appeal agree to a new valuation or classification of property, or to change the taxable or exempt status of property, a written agreement may be entered into to adjust the assessment.
3. **Appeal:** A process in which a property owner contests an assessment either informally or formally.
4. **Appellant:** A person who has an interest in any property. An appellant may include a municipality, school division, SAMA or other taxing authority.
5. **Assess:** To value property officially for the purpose of taxation.
6. **Assessment:** Value of property determined in accordance with legislation.
7. **Assessment service provider:** The person or agency providing assessed values of properties for a municipality.
8. **Assessor:** The person appointed to maintain a municipal assessment roll; often the municipal administrator of the municipality.
9. **Mass appraisal:** A way to prepare assessments for a group of properties as of the base date using standard appraisal methods, common data and statistical testing.
10. **Respondent:** The party defending an appeal.

## Appendix C: Sample Notice of Hearing

### (Municipality) Board of Revision NOTICE OF HEARING

IN THE MATTER OF Appeal No. \_\_\_\_\_,  
\_\_\_\_\_ (civic address or legal description)

A notice of appeal has been filed under section 226 of *The Municipalities Act* (section 198 of *The Cities Act* or section 247 of *the Northern Municipalities Act, 2010*).

TAKE NOTICE that pursuant to subsection 229(2) of *The Municipalities Act* (subsection 199(2) of *The Cities Act* or subsection 250(2) of *The Northern Municipalities Act, 2010*) the Board of Revision will hold a hearing at

Date:	Time:	Location:
_____	_____	_____

The hearing will determine if an error exists in the:<sup>20</sup>

- assessed value;
- classification of the property;
- preparation or the content of the assessment roll; and
- content of the notice of assessment.

#### TAKE NOTE THAT:

You may appoint an agent in writing to represent you and present your evidence at the hearing.

If you or your agent fails to appear before the Board of Revision at the date and time noted above, the Board may still proceed with the hearing. The Board's decision will be final and you will not be entitled to further appeal the decision if a representative is not present.

Where you are required to attend more than one Board of Revision hearing in more than one municipality on the same day, the Board will reschedule your hearing if asked to do so.

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<sup>20</sup> Use only those statement(s) that correspond to the matter that the person is appealing.

Any written materials that will be presented at the hearing must be filed with the Board of Revision secretary at least **20 days** before the hearing date. A copy of the material filed must also be served on every other party to the appeal.

Evidence submitted by any other party to an appeal will be forwarded to you. When you have received the written materials from the other parties to the appeal, you may file a written response. This response must be filed with the Board of Revision secretary at least **five days** prior to the hearing date. A copy of the material filed with the board must also be served on every other party to the appeal.

In the event the Board requires further information, you will be notified in writing.

If you have requested a simplified appeal, the submission of written materials is not a requirement; however, you may wish to submit them either ahead of time or at the appeal.

Any party to the appeal may ask to record the hearing or a part of the hearing. This request must be made to the Board of Revision secretary at least **two days** before the hearing date. The costs of providing the recording or producing transcripts of the recording may be charged against the party making the request.

After considering all evidence submitted by all parties, the Board will issue its decision with reasons in writing. A copy of the decision will be mailed to all parties.

More information concerning the hearing and its procedures may be obtained from:

The Secretary, Board of Revision

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated at the \_\_\_\_\_ of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
(City/Municipality)

\_\_\_\_\_  
Board of Revision Secretary

## Appendix D: Sample Summons

### SUMMONS<sup>21</sup>

SUMMONS TO A WITNESS BEFORE *(name of Board of Revision)*

TO: *(name and address of witness)*

You are hereby required to appear before the \_\_\_\_\_  
*(name of Board of Revision)*

at \_\_\_\_\_ on \_\_\_\_\_  
*(location of hearing) (date)*

to serve as a witness regarding the notice of appeal filed by \_\_\_\_\_  
*(name of appellant)*

about \_\_\_\_\_.  
*(description of property on which the appeal is lodged)*

Any person who fails to attend at the time and place mentioned or refuses to be sworn if required to give evidence is guilty of an offence against:

- *The Municipalities Act;*
- *The Cities Act or*
- *The Northern Municipalities Act, 2010*

Date: \_\_\_\_\_  
*(Name of Board of Revision)*

\_\_\_\_\_  
*(Secretary to the Board)*

NOTE: You are entitled to compensation for your attendance in accordance with Schedule IV of *The Queen's Bench Rules*.

<sup>21</sup> Section 235, *The Municipalities Act*; section 205, *The Cities Act*; section 231, *The Northern Municipalities Act, 2010*

## Appendix E: Sample Decision Template

Name of the Board of Revision:

Date and Time of Hearing:

Appeal Number:

Roll Number:

Appellant:

Name of appellant:

Other Parties:

Name of other parties:

Respecting the assessment of:

Legal Description:

Civic Address (where applicable):

Before:

Names of Board of Revision members in attendance:

Appeared for the Appellant:

Appeared for the Respondent:

**ISSUE(S):**

**MATERIALS PRESENTED:**

**FACTS:**

**RULES, STATUES, PRECEDENTS:**

**CASE LAW:**

## **ANALYSIS AND CONCLUSIONS:**

### **General Points to Consider**

1. Do you understand all the terms and processes used by the appellant or the respondent? (If not - ask questions to ensure that you understand).
2. Was all the information requested by the assessor provided?
3. What information is admissible?

### **Market Valuation Assessment Points to Consider**

1. Does the assessed value conform to the market valuation standard?
  - a. *Was the assessed value of the property prepared using mass appraisal versus single property appraisal?*
  - b. *Does the assessed value meet quality assurance standards set by SAMA?*
  - c. *Does the assessed value reflect typical conditions for similar properties?*
  - d. *Have sales for properties with unusual or atypical conditions been adjusted or removed from the analysis?*
2. Does the assessed value reflect the property's market value as of the current base date?
  - a. *Were the sales used to determine the market value time adjusted to the base date?*
  - b. *Does the evidence used to determine the assessed value fall within the time period determined by SAMA Board Orders?*
3. Was the assessed value calculated using only mass appraisal?
  - a. *Was the assessed value determined through a process for preparing assessments for groups of properties?*
  - b. *Was one of the three approaches to value used to determine the assessed value?*
  - c. *Was common data used to determine the assessment?*
  - d. *Were all available comparable sales, rent and expense information used in determining the assessment of the group of properties being valued?*

### **(Rental) Income Approach Methodology Related Points of Consideration**

1. Did the owner of the property under appeal provide all relevant income and expense information for the property as requested by the Assessor for the years prior to the revaluation?
  - a. *The Board of Revision or the SMB will dismiss that person's assessment appeal for the first year of the assessment cycle when relevant information is not provided to the Assessor.<sup>22</sup>*
  - b. *The appeal respecting that property will continue to be dismissed by the Board of Revision or the SMB until such time as the information is provided.*

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<sup>22</sup> 202 MA; 172 CA; 223 NMA

**DECISION:**

DATED AT \_\_\_\_\_, SASKATCHEWAN, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_.

CITY \_\_\_\_\_ BOARD OF REVISION

\_\_\_\_\_  
*Chair*

\_\_\_\_\_  
*Member*

\_\_\_\_\_  
*Member*

Filing Fee refunded when:

1. A portion of this appeal has been successful at the Board of Revision level or the SMB level.
2. The appellant's appeal is not filed by the secretary due to insufficient information.
3. The appeal is withdrawn.

## FURTHER LEVEL OF APPEAL

In accordance with legislation,<sup>23</sup> any party to an appeal before a board of revision has a right of appeal to the AAC. A party may file an appeal with the AAC when:

- they are not satisfied with the decision made by the board of revision; or
- a board of revision refuses to hear or decide an appeal.

A notice of appeal form for submission to the AAC has been included.<sup>24</sup> The notice of appeal must be filed personally, by registered mail, or by ordinary mail, within 30 days after being served with this Record of Decision, to:

Secretary, Assessment Appeals Committee  
Saskatchewan Municipal Board  
480- 2151 Scarth Street  
REGINA SK S4P 2H8

The notice of appeal to the AAC may be filed at any time within the calendar year for which the assessment was prepared when a board of revision does not hear the appeal.

An appeal fee must be filed within the same 30-day appeal period or the appeal is deemed to be dismissed. AAC fees are based on a scale related to the assessment of the property under appeal. Contact the AAC directly at 306-787-2644 for more information regarding the fee schedule, application and hearing process.

Note: Where an appellant failed to appear at the hearing, either personally or through an agent, the decision of the board of revision is final. No further appeal may be taken.

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<sup>23</sup> Section 216 *The Cities Act*; section 246 *The Municipalities Act*; section 267 *The Northern Municipalities Act, 2010*

<sup>24</sup> Form D in *The Cities Regulations*; Form G in *The Municipalities Regulations*; Form J in *The Northern Municipalities Regulations*