



Board of Revision

Guide and Best Practices

Property Assessment Services
Municipal and Northern Relations

Resolving Property Assessment Disputes



A Guide for Municipal Officials

Boards Of Revision

Overview

- What is a Board of Revision and its purpose?
- Who can be a Board of Revision member?
- Who can appeal?
- What can be appealed?
- Practices that ensure fairness
- Procedural rules
- Weighing evidence
- Decisions
- Owner Assessor Agreements

Property Assessment Services - Fast Facts

- 445,200 Properties are Assessed in MB
 - 435,200 Real Property
 - 7,400 Personal Property
 - 2,900 Business Assessments
 - \$118 Billion Market Value
 - \$602 Million in municipal tax revenue



Boards Of Revision

What is a Board of Revision?

- ❑ An appeal body empowered to hear evidence and decide assessment appeals
- ❑ Established by legislation to ensure people have access to impartial procedures that ensure assessments are accurate fair and just in relation to other assessments (Sections 41-55 in the M.A.A.)
- ❑ Appointed by council by resolution annually, but independent of municipal council
- ❑ Usually held in the fall of each year
- ❑ Quasi-judicial
 - Power to subpoena evidence
 - Evidence presented under oath



Boards Of Revision

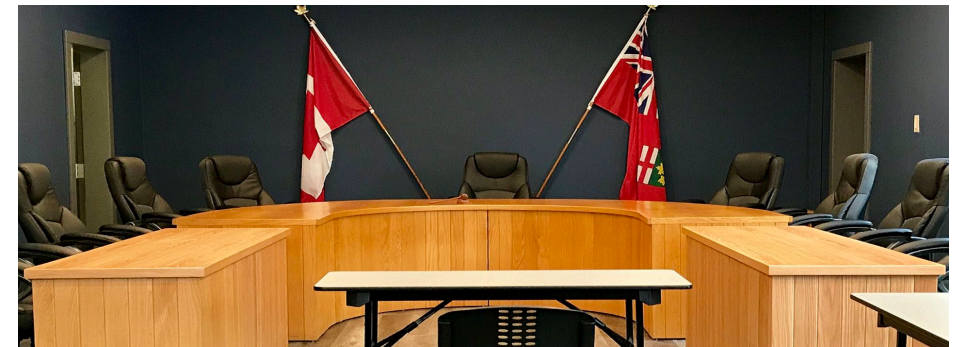
What is the purpose of a Board of Revision?

- Provide a check and balance
- Be an independent review of assessment where the assessor cannot resolve owner's concerns
- Solidify the assessment roll and provide municipalities with a stable base for taxation

Boards Of Revision

Who Can Be A Board of Revision Member?

- Any or all can be councilors or private citizens
- Must have at least 3 members, one of whom is appointed by council as Chairperson
- Must also have a secretary who is not a Board of Revision member



Boards Of Revision



Who Can Appeal?

- A person in whose name property has been assessed
- An authorized agent of the owner
- A mortgagee in possession of property under *The Real Property Act*
- An occupier who under terms of a lease is required to pay the property taxes
- The assessor

Boards Of Revision

What can be appealed?

- Liability to taxation
 - Taxable
 - Exempt
 - School Tax Exempt
 - Grantable
- Amount of assessed value
- Classification of property
- Refusal by the assessor to make a correction under Section 13(2), MAA

Practices That Ensure Fairness

The Board:

- Should be seen as an impartial body that hears evidence and bases decisions on the evidence
- Ensures that all parties to an appeal receive a fair hearing
- Render decisions that are fair and equitable – assessed values should be representative of market value as of the reference date
- Reference date for appeals to 2025 annual Board of Revision is April 1, 2023
- Reference date for appeals of 2023 and 2024 Supplementary Assessment is April 1, 2021

Practices That Ensure Fairness

The Chairperson

- Ensures Board is conducted in orderly and professional manner
- Explains proceedings to each applicant
- Keeps people on topic and proceedings flowing smoothly
- Points out evidence that is not relevant to the case
- Ensures all parties maintain proper decorum
- Ensures all parties given equal opportunity to present case
- Ensures impartiality and appearance of fair hearing



Practices That Ensure Fairness

Board Members

- Listen carefully to all evidence
- Take notes, ask pertinent questions
- Direct questions through the chairperson
- Declare conflicts of interest and step down should conflict of interest arise
- Remain impartial
- Base decisions on evidence submitted and provisions of *The Municipal Assessment Act*

Practices That Ensure Fairness

The Secretary

- Advertises hearing 30 days in advance
 - Public notice includes inclusion in at least two editions of newspaper with circulation in municipality. It is recommended that the advertisement include the final date on which applications will be received by your office.
- Accepts applications for revision up to 15 days before the hearing
 - Applications must include the reason for the application, state the grounds on which the application is based, provide roll number and legal description. A contact number is also essential.
 - Board of Revision may exercise discretion in allowing late appeals.
 - Secretary may act on behalf of, or in consultation with Board members where discretion applies.
- Prepares a schedule and agenda for the board



Practices That Ensure Fairness

The Secretary

- Notifies all parties to the appeal hearing of the date and time of the sitting of the board
 - At least 10 days before the scheduled date
- Records decision of the Board (Board Order)
 - Preferred format
- Mails decisions (by registered mail to owner)
 - Includes statement informing party of right of appeal available and procedure to be followed on appeal

Practices That Ensure Fairness

The Applicant

- Submits application in writing to Secretary at least 15 days prior to sitting of the Board
- Properly describes property under appeal and states grounds on which application is based
- May cross examine assessor
- Burden of proof rests with the applicant with respect to liability and classification
- Allows assessor re-inspection of property to verify characteristics if necessary
 - Failure to provide entry to property places burden of proof on applicant



Practices That Ensure Fairness

The Assessor

- Contacts applicant to discuss concerns
- Re-inspects property to verify characteristics
- Presents facts at the hearing to assist Board in making decisions
- May cross examine applicant
- Burden of proof rests with the assessor with respect to value
 - Unless denied entry to property for inspection

Procedural Rules

Sequence of Events:

- Resolution passed to sit as Board of Revision
- Chairperson declares Board open
- Secretary swears or affirms parties giving evidence
- Chairperson explains procedures to applicant
- Secretary reads application
- Chairperson asks applicant if any information to add
- Assessor gives evidence first on appeals on value
- Parties allowed to cross-examine evidence provided by other party
- Board members ask questions
- Parties allowed to summarize positions
- Board deliberates and renders decision

Weighing Evidence

Evidence may consist of:

- Documents such as sales comparisons, market reports, appraisals, assessment notices, maps, photographs
- Income and expense information (rents, operating expenses, capitalization rates)
- Expert opinion of assessors, appraisers, and other consultants
- Owner's knowledge and opinions



Weighing Evidence

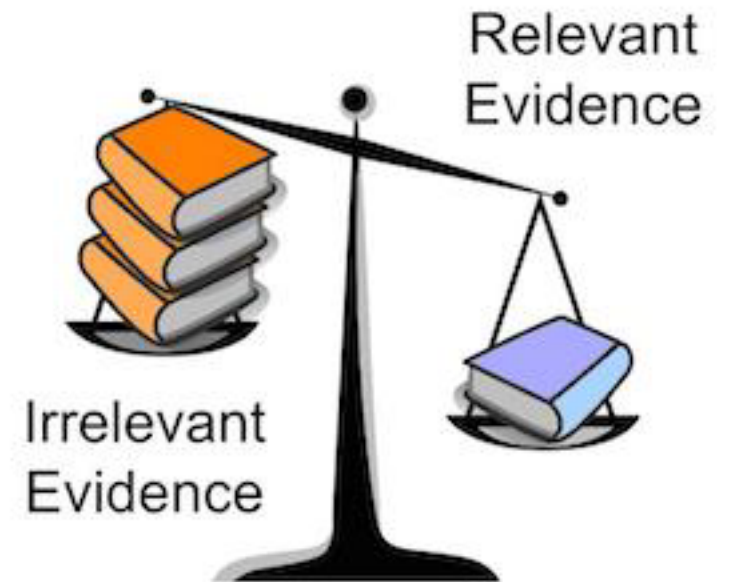
Relevance:

- Source of witness' knowledge of subject (firsthand information or supplied)
- Qualifications of expert witness
- Knowledge and expertise of author of a document and date of document
- Reasonable inferences versus speculation or hearsay
 - Speculation of no legal value as not substantiated by evidence
 - Inference a reasonable conclusion derived from proven facts and experience
 - Consider the source

Weighing Evidence

Relevance:

- ❑ Hearsay: written or oral statements made by persons other than at the hearing. Generally given less weight
 - Person making statement not under oath and not subject to cross – examination



Weighing Evidence

Perception of Fair Hearing:

- ❑ Following giving of evidence (and applicant's departure) assessor should not be engaged in further discussion over appeal
- ❑ If Board members have knowledge that should be taken into account, get it on record – rather than discuss after applicant has left, ask appropriate questions to draw out evidence



Three Approaches to Value

☐ Sales Comparison

- Residential – houses and condominiums
- Farm land
- Small commercial and industrial



Approaches cont'd

☐ Cost

- Unique / special purpose properties – limited sales, no income
- Large manufacturing, unique government buildings



Approaches cont'd

□ Income

- Investment properties
- Apartments, strip malls, office buildings, medium sized industrial, hotels



Income and Confidentiality

- ❑ Appealed property
 - Board of Revision is a public forum
 - Income information is public

- ❑ Comparable properties
 - Subject to FIPPA
 - Information is provided on a confidential basis
 - Appellant has a right to know the information used to determine the assessment
 - Identification of comparable protected by courts

**PRIVATE &
CONFIDENTIAL**

Decisions

Terminology:

- ❑ Grounds for Application- the reason for the appeal.
 - E.g. “assessment too high” ; “property incorrectly classified as *Other*”
- ❑ Applicant – party filing the appeal
- ❑ Assessment Confirmed – No change in value, class or liability to taxation made.
- ❑ Appeal Withdrawn - Applicant withdraws appeal, preferably in writing. Appeal is not heard by the Board. No changes made.

Decisions

Terminology:

- ❑ Appeal Dismissed - If after receiving proper notice applicant fails to attend Board of Revision, Board may dismiss application without a hearing (*Section 46(2)*)
 - Exercised with appropriate discretion - not a requirement
 - Appeal is not heard by the Board. No change made. Since application not heard, there is no decision and applicant cannot appeal to Municipal Board or Court of King's Bench
 - Cautionary Note – if discussed at all before or following dismissal, application is deemed to have been heard

Decisions

- ❑ No order on matters not put at issue:

- ❑ Board may not change assessment with respect to any matter not put at issue by:
 - Application for revision
 - Notice of request to increase value filed by assessor under subsection 43(3)
 - Board may increase value only if assessor filed application putting assessed value at issue or gave notice under subsection 43(3) of intention to seek increase in value

Owner-Assessor Agreements

□ Introduced in 2009

- Streamline assessment appeal process
- Reduce administrative burden on the Board of Revision
- Greater accessibility to property owners
- Replaced recommendations of assessor to the Board of Revision



Owner-Assessor Agreements

□ Process

- Owner requests review or has appealed
- Assessor inspects property and reviews issues
- If warranted, assessor recommends change and discusses with District Supervisor
- If Supervisor agrees, recommendation is proposed to owner for Owner-Assessor Agreement
- If agreement is signed, a copy is provided to Municipality

Owner-Assessor Agreements

□ Basis for change

- Inspection reveals information to assessor
 - Several years since last inspection or an interior inspection not previously available
 - Building neglect or deferred maintenance
 - Removal of buildings / improvements
 - Characteristic changes
 - Further information is provided
 - Obsolescence
 - Income and/or expenses
 - Vacancy



Deferral

- When an applicant has failed to comply with a request for information under 16(1)(c), a board shall specify in its order that any reduction in the assessed value of the property is not to take effect until the following year.
 - Income information – apartments, hotels, leases
 - Section 54(3.2)



Further Recourse

Applicant may appeal Board of Revision decision to:

The Municipal Board

- On value
- On classification

The Court of King's Bench

- On liability to taxation

The Court of Appeal

- On matters of law respecting outcome of Municipal Board or Court of King's Bench decisions

Classification

<u>Property Classes</u>	<u>Portion Percentage</u>
Residential 1 (<5 Dwellings)	45%
Residential 2 (Multi-Family)	45%
Residential 3 (Condos)	45%
Farm	26%
Pipeline	50%
Railway	25%
Institutional	65%
Designated Higher Education	0%
Designated Recreational Property	10%
Other (includes Commercial/Industrial)	65%

Liability

Exempt - Exempt from taxation except for local improvement levies

- Churches
- Schools
- Hospitals

School Tax Exempt - Taxable but exempt from school taxes

- Legions
- Community halls

Grantable - Exempt from taxation but pay grant-in-lieu of taxes

- Provincial / Crown (e.g. Manitoba Hydro)
- Federal – PILT (e.g. RCMP detachments, jails)

Taxable - Taxable properties

Historical Summary

- Average # of Appeals since 2010
 - 2,107 (Reassessment) / 871 (non-reassessment)
 - 2023 – 1,144 or 0.3% of all properties
- 2023 Board of Revision Decisions
 - 42% Owner Assessor Agreements
 - 30% Withdrawn
 - 18% Confirmed
 - 6% Allowed
 - 4% Dismissed
 - 99.9% of Assessment rolls maintained



Need More Information?

- Contact the district Property Assessment Services office in your region to schedule a board of revision presentation for your municipality.
- A detailed guide on Board of Revision procedures is available through the department's web portal for municipalities - [Manitoba Municipalities Online \(MMO\) – Documents](#)
- Access our website for additional property assessment information - [Manitoba Assessment Online](#)



QUESTIONS?

