

**BYLAW NO. 3968**

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**CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT** to establish a local assessment review board and a composite assessment review board.

**WHEREAS** pursuant to the provisions of section 454 of the Municipal Government Act R.S.A. 2000 c.M-26, as amended, the Council of a municipality may by bylaw establish one or more local assessment review boards, and one or more composite assessment review boards to hear and deal with complaints against assessment;

**NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:**

1. This Bylaw may be cited as the Assessment Review Board Bylaw.
2. In this Bylaw, unless the context otherwise requires:
  - (a) "Boards" means the Local Board, the One Member Local Board, the Composite Board and the One Member Composite Board collectively;
  - (b) "City" means the municipal corporation of the City of Medicine Hat, or the geographic area contained within the boundary thereof, according to the context in which the term is used;
  - (c) "City Member" means a member of the Composite Board appointed to that Board by City Council pursuant to section 8 of this Bylaw;
  - (d) "Composite Board" means the composite assessment review board established pursuant to the provisions of section 6 of this Bylaw;
  - (e) "Local Board" means the local assessment review board established pursuant to the provisions of section 3 of this Bylaw;
  - (f) "One Member Local Board" means the local assessment review board established pursuant to the provisions of section 4 of this Bylaw;
  - (g) "One Member Composite Board" means the composite assessment review board established pursuant to the provisions of section 7 of this Bylaw;
  - (h) "Provincial Member" means the member of the Composite Board appointed by the Minister as provided for in the Municipal Government Act.
3. There is hereby established a local assessment review board for the City consisting of three members, inclusive of the presiding officer.
4. There is hereby established a local assessment review board for the City consisting of one member.
5.
  - (1) Council shall by resolution appoint three members to the Local Board. Any member of the Local Board may act as a member of the One Member Local Board as determined from time to time by the presiding officer of the Local

Board.

- (2) After the Local Board members have been appointed under subsection (1), if one or more new members are required to fill a vacancy or vacancies on the Local Board, City Council shall by resolution appoint one or more persons to fill the vacancy or vacancies.
  - (3) Council shall by resolution specify the dates of the beginning and end of the term of office of a Local Board member appointed under subsections (1) and (2).
  - (4) The members of the Local Board shall choose and appoint from among themselves a presiding officer, and shall from time to time as occasion demands appoint a person from among themselves to fill any vacancy in the position of presiding officer of the Local Board.
6. There is hereby established a composite assessment review board for the City consisting of two City Members, and one Provincial Member.
  7. There is hereby established a composite assessment review board consisting of only the Provincial Member.
  8.
    - (1) Council shall by resolution appoint two members to the Composite Board.
    - (2) After the City Members have been appointed under subsection (1), if one or more new members are required to fill a vacancy or vacancies on the Composite Board, Council shall by resolution appoint one or more persons to fill the vacancy or vacancies.
    - (3) Council shall by resolution specify the dates of the beginning and end of the term of office of a City Member appointed under subsections (1) and (2).
  9.
    - (1) The presiding officer of the Local Board shall decide which matters are to be heard by the One Member Local Board and the Local Board.
    - (2) The presiding officer of the Composite Board shall decide which matters are to be heard by the One Member Composite Board and the Composite Board.
  10. The City Clerk is hereby appointed as a designated officer, without any additional remuneration, to perform the duties of clerk of the Boards as specified in the Municipal Government Act and to provide other administrative support as may be required for the efficient functioning of the Boards. The City Clerk may delegate any of the City Clerk's duties under this Bylaw to an employee of the City.
  11. Council shall by resolution set the level of remuneration and expenses, if any, to be paid to members of the Local Board and the City Members.
  12.
    - (1) A person wishing to make a complaint, or to be added as a party or intervener, in respect of any matter falling within the jurisdiction of any of

Amended by: 12.  
Bylaw 4640  
Nov. 17, 2020

the Boards, or wishing to obtain copies of a decision or other documents from any of the Boards, (in each case, a “Complainant”) shall pay to the City Clerk a fee (“Complaint Fee”) in accordance with Schedule “A” attached hereto using such payment method as the City Clerk may, from time to time, prescribe.

- (2) A Complaint Fee shall not be refunded to a Complainant except where:
  - (a) the Board decides in favour of the Complainant;
  - (b) the Board does not decide in favour of the Complainant, but such decision is appealed and, on appeal, the decision of the Board is overturned in favour of the Complainant;
  - (c) the Complainant withdraws their complaint not less than seven (7) days before the date on which the Board is scheduled to hear the complaint; or
  - (d) the Complainant withdraws their complaint upon reaching an agreement with the assessor whereby the assessor has agreed to correct one or more matters that are the subject of, or are associated with, the complaint.

13. Bylaw 2989 and Bylaw 3670 are hereby repealed.

14. Bylaw 3857 is hereby amended by inserting the following at the end of section 37:

Section	Powers Duties and Functions*	Applicable Act
455(1)	Functions of a clerk of assessment review board	Municipal Government Act

15. This Bylaw shall come into force at the beginning of the day it is passed.

**READ A FIRST TIME** in open Council on April 19, 2010.

**READ A SECOND TIME** in open Council on May 3, 2010.

**READ A THIRD TIME** in open Council on May 3, 2010.

**SIGNED AND PASSED** on May 3, 2010.

I CERTIFY that this is a true and correct copy of Bylaw No. 3968 consolidated pursuant to Section 69 of the *Municipal Government* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
 ANGELA CRUICKSHANK  
 CITY CLERK  
 CITY OF MEDICINE HAT

**SCHEDULE "A" TO BYLAW NO. 3968  
AS AMENDED BY BYLAW 4640  
NOVEMBER 17, 2020**

**COMPLAINT FEES**

1. A Complainant shall pay to the City Clerk the appropriate Complaint Fee, as set out in the table below. A Board may refuse to hear, decide or grant any complaint if any Complaint Fee in respect thereof has not been paid in full. A separate Complaint Fee shall be payable by the Complainant in respect of each separate tax roll number that is the subject of, or is associated with, the complaint.

<b>PROPERTY TYPE</b>	<b>ASSESSED VALUE OF THE PROPERTY</b>	<b>BOARD HAVING JURISDICTION</b>	<b>COMPLAINT FEE</b> (effective January 1, 2021)
Residential (3 or fewer units), Vacant Residential Property, or Farm Land	Any assessed value	Local Board or One Member Local Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$40</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$50</li> </ul>
Business Improvement Area (BIA)	Any assessed value	Local Board or One Member Local Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$40</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$50</li> </ul>
All Other Properties	Assessed value is not greater than \$500,000	Composite Board or One Member Composite Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$520</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$650</li> </ul>
	Assessed value is greater than \$500,000 but not greater than \$1,000,000	Composite Board or One Member Composite Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$520</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$650</li> </ul>
	Assessed value is greater than \$1,000,000 but not greater than \$5,000,000	Composite Board or One Member Composite Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$520</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$650</li> </ul>
	Assessed value is greater than \$5,000,000 but not greater than \$10,000,000	Composite Board or One Member Composite Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$520</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$650</li> </ul>
	Assessed value is greater than \$10,000,000	Composite Board or One Member Composite Board	<ul style="list-style-type: none"> <li>• If the complaint is filed within 30 days after the Notice of Assessment Date: \$520</li> <li>• If the complaint is not filed within 30 days after the Notice of Assessment Date: \$650</li> </ul>

2. In the above table:
  - a. “Business Improvement Area” has the meaning ascribed thereto in the *Business Improvement Area Regulation*, Alta Reg 93/2016, as amended or replaced from time to time, and includes, without limitation, the “City Centre Development Area” as defined under the 2020 CCDA Business Tax Rate Bylaw, as amended or replaced from time to time;
  - b. “Farm Land”, “Residential” and “Vacant Residential Property” have the meanings respectively ascribed thereto in the 2020 Property Tax Bylaw, as amended or replaced from time to time; and
  - c. “Notice of Assessment Date” means the notice of assessment date set in accordance with Section 308.1 or 324(2)(a.1) of the *Municipal Government Act* (Alberta), as amended or replaced from time to time.
3. If a property is used or designated for multiple purposes in circumstances where both a Local Board and a Composite Board have jurisdiction to hear a complaint with respect to the property, the complaint must be heard by the Composite Board.
4. If a property is used or designated for multiple purposes in circumstances where both a One Member Local Board and a One Member Composite Board have jurisdiction to hear a complaint with respect to the property, the complaint must be heard by the One Member Composite Board.
5. The Finance Department of the City shall review the Complaint Fees set out in the table above at least once annually and, following such review, may, but shall not be obligated to, recommend that the Complaint Fees set out in the table above be amended where such Complaint Fees are greater than or less than the average of the Complaint Fees set out in comparable bylaws then in force in the cities of Lethbridge, Red Deer, Calgary and Edmonton.