



ALBERTA  
MUNICIPAL AFFAIRS

*Office of the Minister*  
*MLA, Dumvegan - Central Peace*

MINISTERIAL ORDER NO. L:050/10

I, Hector Goudreau, Minister of Municipal Affairs, pursuant to sections 484.1 and 527.1 of the *Municipal Government Act* and section 49 of the *Matters Relating to Assessment Complaints Regulation* (AR 310/2009) make the following order:

1. The content for each course as set out in Schedules 1, 2, 3, and 4 as the respective Assessment Complaints Training Programs in accordance with the *Matters Relating to Assessment Complaints Regulation* (AR 310/2009) is approved.
2. That persons who have completed the Assessment Complaints Training Programs set out in the table below and attained a passing mark on the final examination for each course are hereby certified to be qualified to carry out the associated duties:

Position	Assessment Complaints Training Programs
Clerk of an Assessment Review Board; or administrator of a panel of the Municipal Government Board	Administrative Law I (Schedule 1)
Member of an Assessment Review Board	Administrative Law II (Schedule 2) and Principles of Assessment I (Schedule 3)
Member of the Municipal Government Board	Administrative Law II (Schedule 2) and Principles of Assessment II (Schedule 4)

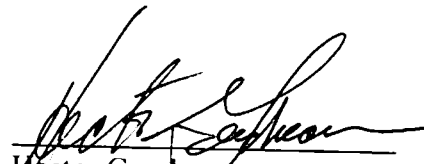
3. That the Executive Director of Assessment Services Branch of Alberta Municipal Affairs be appointed as the administrator of Assessment Complaints Training Programs.

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4. That the Assessment Complaints Training Programs, as set out in Schedule 1, 2, 3 and 4 must be delivered by a provider authorized by the administrator of the Assessment Complaints Training Programs.
5. That, upon request, equivalencies may be granted to persons who meet the conditions set out in Schedule 5 - Equivalencies for Assessment Complaints Training Programs.

Dated at Edmonton, Alberta, this 4<sup>th</sup> day of June, 2010.

  
Hector Goudreau  
Minister of Municipal Affairs

## **SCHEDULE 1**

### **Administrative Law I (For Clerks of Assessment Review Boards and the administrator of a panel of the Municipal Government Board)**

#### ***Introduction to Administrative Law***

##### ***Administrative Law Principles***

- What is administrative law?
- Role of an administrative tribunal
- Who are administrative tribunal members?

##### ***The Concept of Jurisdiction***

##### ***The Concept of the Complaint Process***

##### ***The Concept of Decisions***

- Challenges to decisions
- Court review of decisions

##### ***The Concept of Hearing Style***

- Prosecutorial style
- Adversarial style
- Inquisitorial style
- Assessment review board style

##### ***The Requirement of “Fairness” in Process***

- The right to be heard
- Types of bias
- What creates a perception of bias?
- Exceptions to bias
- What happens when allegations of bias are made?
- Decisions from the person(s) hearing the case
- Natural justice and procedural fairness

##### ***Aspects of the Hearing Process***

- Before, during and after the hearing
- A typical hearing agenda

##### ***Issues in Hearings***

- Objections to jurisdiction or procedure
- Adjournments and postponements
- Fairness or efficiency
- Access to information and disclosure
- Evidence
  - What evidence is
  - Not bound by strict rules of evidence

- Admitting evidence
  - Relevance and weight of evidence
  - How to mark an exhibit
  - Hearsay evidence affidavits
- Witnesses
  - Types of witnesses
  - Questions witnesses can expect
  - Expert witnesses
  - Compelling attendance of witnesses
  - Requiring production of documents
- Working with translators
- Case arguments
- Legal counsel
  - Counsel as advocate
  - Counsel as advisor to the board
- Note taking
- Confidential information
- Representatives and agents

### ***Decision Making***

- Identifying the legislation and framing the issues
- Weighing the evidence and making findings of fact
- Applying the facts to legislation to reach conclusions
- Reaching decisions and formulating directions for implementation
- An Alberta decision making model
- Burdens of proof and the standard of proof

### ***Decision Writing***

- A written decision is ...
- Why do tribunals write decisions?
- What defines a well written decision?
- Basic pieces of a written decision
- Reviewing a decision in draft
- Costs and penalties

### ***Maintaining Independence and Accountability through Ethical Conduct***

- Municipal Government Board
- Labour Relations Board
- Alberta Generic Code of Conduct for a Public Agency

## **SCHEDULE 2**

### **Administrative Law II (For Members of Assessment Review Boards)**

#### ***Introduction to Administrative Law***

#### ***Administrative Law Principles***

- What is administrative law?
- Role of an administrative tribunal
- Who are administrative tribunal members?

#### ***The Concept of Jurisdiction***

#### ***The Concept of the Complaint Process***

#### ***The Concept of Decisions***

- Challenges to decisions
- Court review of decisions

#### ***The Concept of Hearing Style***

- Prosecutorial style
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#### ***The Requirement of “Fairness” in Process***

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  - Types of witnesses
  - Questions witnesses can expect
  - Expert witnesses
  - Compelling attendance of witnesses
  - Requiring production of documents
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  - Counsel as advisor to the board
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### ***Maintaining Independence and Accountability through Ethical Conduct***

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## **SCHEDULE 3**

### **Principles of Assessment I (For Members of Assessment Review Boards)**

#### ***Assessment Complaint System in Alberta***

##### ***Assessment Review Boards in Alberta***

- Local assessment review board
- Composite assessment review board
- Joint jurisdiction
- Joint assessment review boards
- One-member assessment review boards
- Persons ineligible to be assessment review board members
- Quorum
- Assessment review board clerk
- Legal advice

##### ***The Complaint Process***

- Prior to filing a complaint
- Filing a complaint
- The provincial complaint form
- Invalid complaints
- Disclosure of information
- Abridging or expanding timelines
- Postponements and adjournments
- Reaching an agreement prior to the hearing
- Hearing the matters of complaint
- Decisions of assessment review boards
- Making decisions
- Obligations and accountabilities
- Appeals to the Court of Queen's Bench

##### ***Complaints About Matters Other Than Property Assessment***

- Matters contained on an assessment notice
- Matters contained on a tax notice, other than a property tax notice
- Non-assessable property
- Property exempt from taxation

##### ***Complaints About Property Assessment***

- Preparation of property assessments
- Assessment classes
- Valuation date and characteristics and physical condition date
- Supplementary assessments

### ***Assessment of Property Based on Market Value***

- Fundamentals of market value assessment
- Differences between assessment and appraisal of property
- Sale price versus market value
- Fee simple estate
- Interests in property other than fee simple
- Highest and best use versus actual use
- Traditional approaches to market value

### ***Sales Comparison Approach to Value***

- Overview
- Units of comparison
- Elements of comparison

### ***Income Approach to Value***

- Income and expense estimates
- Property tax
- Excess land
- Rent
- Gross rent and net rent
- Effective rent
- Market rent
- Contract rent
- Capitalization methods

### ***Cost Approach to Value***

- Overview
- Replacement cost versus reproduction cost
- Depreciation

### ***Mass Appraisal***

- Mass appraisal and single-property appraisal
- Principles of mass appraisal
- Cost approach model
- Income approach model
- Sales comparison approach model
- Multiple regression analysis equations
- Feedback equations
- Sales data and mass appraisal performance evaluation
- Data collection
- Sales verification
- Ratio studies
- Matching assessment data and market data
- Stratification
- Sampling
- Performance evaluation with limited sales



### ***Assessment of Regulated Property***

- Overview
- The Minister's Guidelines for regulated property

### ***Farm land***

- Legislation relating to farm land
- Assessment of farm land

### ***Machinery and Equipment***

- Legislation relating to machinery and equipment
- Assessment of machinery and equipment
- Construction cost reporting guide

### ***Railway***

- Legislation relating to railway
- Assessment of railway

## **SCHEDULE 4**

### **Principles of Assessment II (For Members of the Municipal Government Board)**

#### ***Assessment Complaint System in Alberta***

##### ***Municipal Government Board***

- Administrator of the Municipal Government Board
- Panels of the Municipal Government Board
- One-member panel of the Municipal Government Board
- Persons ineligible to be a member of the Municipal Government Board
- Quorum
- Legal advice

##### ***The Complaint Process***

- Prior to filing a complaint
- Filing a complaint
- The form of complaint
- Invalid complaints
- Disclosure of information
- Abridging or expanding timelines
- Postponements and adjournments
- Reaching an agreement prior to the hearing
- Hearing the matters of complaint
- Decisions of the Municipal Government Board
- Obligations and accountabilities
- Appeals to the Court of Queen's Bench

##### ***Complaints About Matters Other Than Linear Property Assessment***

- Matters contained on an assessment notice
- Non-assessable linear property
- Linear property exempt from taxation

##### ***Assessment of Linear Property***

- Legislative framework
- Valuation standard for linear property
- Valuation date and specifications and characteristics date
- The Minister's Guidelines
- Assessment of linear property - electric power systems
- Assessment of linear property - telecommunication systems
- Assessment of linear property - pipelines

### ***Equalized Assessment***

- Overview of equalized assessment
- Legislative framework
- Information provided by the municipality
- Calculation of assessment levels
- Preparing equalized assessments
- Limit on Municipal Government Board jurisdiction

## SCHEDULE 5

### Equivalencies for Assessment Complaints Training Programs

<b>Position</b>	<b>Administrative Law I Equivalencies</b>	<b>Principles of Assessment</b>
Clerk of an Assessment Review Board; <b>or</b> administrator of a panel of the Municipal Government Board	<ol style="list-style-type: none"> <li>1. Successful completion of the Foundation for Administrative Justice's Introduction to Administrative Law. <b>AND</b> Successfully challenge the examination for the provincially approved training program "Administrative Law I."</li> <li><b>OR</b> 2. A person eligible for membership in the Law Society of Alberta. <b>AND</b> Successfully challenge the examination for the provincially approved training program "Administrative Law I."</li> </ol>	<b>NOT APPLICABLE</b>
<b>Position</b>	<b>Administrative Law II Equivalencies</b>	<b>Principles of Assessment I or II Equivalencies</b>
Member of an Assessment Review Board; <b>or</b> Member of the Municipal Government Board	<ol style="list-style-type: none"> <li>1. Successful completion of the Foundation for Administrative Justice's Introduction to Administrative Law. <b>AND</b> Successfully challenge the examination for the provincially approved training program "Administrative Law II."</li> <li><b>OR</b> 2. A person eligible for membership in the Law Society of Alberta. <b>AND</b> Successfully challenges the examination for the provincially approved training program "Administrative Law II."</li> </ol>	<ol style="list-style-type: none"> <li>1. A person eligible to be an assessor in accordance with section 2 of the Qualifications of Assessor Regulation. <b>AND</b> Successfully challenge the respective examination for the provincially approved training program "Principles of Assessment I" (for Members of Assessment Review Boards) or "Principles of Assessment II" (for Members of the Municipal Government Board), as the case may be.</li> </ol>