



CALGARY ASSESSMENT REVIEW BOARD

POLICIES FOR BOARD MEMBERS

These policies apply to all appointed members of the Calgary Assessment Review Board. They stipulate obligations and duties of Board members and have been developed in recognition of the fundamental and over-riding responsibility to maintain the integrity, independence, competence and effectiveness of the Calgary Assessment Review Board.

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DEFINITIONS

- 1) In these rules:
 - (a) “Board” means the Calgary Assessment Review Board and includes a Calgary Composite Assessment Review Board and a Calgary Local Assessment Review Board;
 - (b) “Clerk” means the clerk of the Board;
 - (c) “General Chair” means the General Chair of the Board;¹
 - (d) “Member” means a provincial member appointed to the Board by the Minister or a member appointed to the Board by council of The City of Calgary;
 - (e) “MGA” means the *Municipal Government Act*, Revised Statutes of Alberta 2000, c M-26;
 - (f) “Panel” means the members convened to hear a complaint as a Local or Composite Assessment Review Board;²
 - (g) “Policies” means any policy, procedure, or rule herein;
 - (h) “Procedural Rules” means the Calgary Assessment Review Board Procedural Rules.

ADMINISTRATIVE

- 2) A Board member reports to the General Chair concerning matters of Board administration.
- 3) Obtaining a legal opinion respecting any matter, issue, or subject related to a hearing before the Board, and any further correspondences, must be approved by the General Chair.
- 4) Board records or exhibits may not be removed from the office of the Board without the express authorization of the General Chair.
- 5) The Board may adopt specific procedures or vary existing procedures or rules for a given circumstance, subject to the requirements of the MGA, the regulations, and procedural fairness.

¹ City of Calgary Bylaw Number 15M2018

² MGA, s. 454.11 and 454.21

CONDUCT OF MEMBERS

- 6) A member is responsible for a thorough understanding and compliance with the Policies and the Procedural Rules.
- 7) A member shall complete an undertaking acknowledging that he / she has studied and will comply with the Policies for Board Members and the Procedural Rules.
- 8) A member shall be available at the offices of the Board no less than 30 minutes prior to the scheduled commencement of a hearing.
- 9) The working hours for members of the Board are from 8:30 a.m. to 4:30 p.m.

KNOWLEDGE OF LAW AND PROCEDURAL FAIRNESS

- 10) A member shall know and apply all legislation respecting the procedures, authority and obligations of the Board.
- 11) A member shall, in all instances, apply the rules of natural justice and procedural fairness concerning matters which come before the Board.
- 12) Members of a Panel shall attempt to ensure that parties who are unrepresented by an agent or counsel are not unduly disadvantaged at the hearing by briefly explaining in clear and simple language the procedures to be followed during the hearing, and the relevant evidentiary procedures.

BIAS AND CONFLICT OF INTEREST

- 13) A member will inform the General Chair, at the earliest opportunity of any basis on which an allegation of bias or conflict of interest might be raised with respect to any activity, interest or relationship of the member.
- 14) A member must not participate as a Panel member on any hearings in which
 - (a) the complainant is a family member or extended family member of the member, or of the member's spouse or children;
 - (b) the property or Business Improvement Area that is the subject of the complaint is located in the same community in which the member owns property; or
 - (c) the complainant is a business associate, employee or close acquaintance of the member.

- 15) A member must not participate as a Panel member on any hearing that relates to a matter in respect of which the member has a pecuniary interest.³
- 16) A member has a pecuniary interest in a matter to the same extent that a councilor would have a pecuniary interest in the matter as determined in accordance with section 170 of the MGA.⁴
- 17) A member shall study and apply section 170 of the MGA.
- 18) A member shall not act as a professional or legal consultant in the preparation of a matter to be heard by the Board.

TEST FOR BIAS

- 19) In deciding a matter of reasonable apprehension of bias the test to be applied is whether or not an informed person, viewing the matter realistically and practically and having thought the matter through, would have a reasonable apprehension of bias.
- 20) If at the conclusion of a hearing a member realizes that a reasonable apprehension of bias arose that was not known to the member during the hearing, the member will advise the other Panel members of the apprehension of bias and will recuse him or herself from the Panel's deliberations and decision.
- 21) In those instances where an objection has been raised by the parties to the hearing, or when a member has raised the potential for an apprehension of bias after the hearing has been closed, the written decision with reasons will describe the objection and note the selected course of action.

WITHDRAWAL OF PANEL MEMBER

- 22) Where a Panel member becomes aware of circumstances that raise a reasonable apprehension of bias or conflict of interest, that member will
 - (a) declare that an apprehension of bias or conflict of interest exists and withdraw from the Panel, or
 - (b) disclose the circumstances to the parties to the complaint before the Panel and offer to withdraw from the Panel.

³ See MGA, s. 480(1)

⁴ See MGA, s. 480(2)

- 23) A member may remain on the Panel if he or she has disclosed to the parties the circumstances described in section 22 and the parties have waived any objection to the member remaining on the Panel.
- 24) A party to the complaint may request a Panel member to withdraw because of a reasonable apprehension of bias or conflict of interest.
- 25) A Panel from which one member has withdrawn may
- (a) proceed to hear the matters before it, subject to the existence of a quorum as defined in section 458 of the MGA,
 - (b) the General Chair may assign a new member to the panel, or
 - (c) adjourn to make arrangements to reschedule the matter.

COMMUNICATIONS

- 26) A member must not use or divulge information obtained as a result of his or her appointment to the Board for personal benefit or for the benefit of any other person.
- 27) A member shall not engage in conduct that exploits his or her position on the Board.
- 28) A member of a Panel shall not communicate directly or indirectly with any party, witness or representative of a party in respect of a Board proceeding except in the presence of all parties and their representatives.
- 29) Correspondence, email, or other communication to a member of a Panel from a party in respect of a Board proceeding will be remitted to the attention of the General Chair (email: arb@calgaryarb.ca).
- 30) A member shall not make public statements, orally or in writing, on any aspect of a matter before the Board.
- 31) A member shall not communicate with the media regarding any Board matter and shall direct all media inquiries to the Clerk of the Board.

TRANSITIONAL

32) The Calgary Assessment Review Board Policies and Procedural Rules issued on 20 April 2018 are repealed.

ISSUED at Calgary, Alberta
this 25th day of April, 2019.



J. Mathias
General Chair
Calgary Assessment Review Board

City of Calgary BYLAW NUMBER 15M2018, s. 4(3)