

# ASSESSMENT *Facts*

*Answering your questions about assessment*

## Owner - Assessor Agreements

- Changes to *The Municipal Assessment Act* that came into effect January 1, 2009 simplify and streamline the assessment appeal process.
- All property owners have the ability to appeal their property assessment to the municipality's Board of Revision if they believe that their assessment is not correct. Property owners can appeal their assessed value, their liability to pay property taxes, and/or their property classification.
- With the changes to the *Act*, if a property owner (or agent etc. as described in s. 42(1) of *The Municipal Assessment Act*) and assessor agree that an assessment change is necessary (for example, if there was an error made, or there is new information about the property), they may enter into an Owner-Assessor Agreement to change the assessment rather than submit an appeal to the Board of Revision.
- The Agreement will describe the change to the assessment and the reasons for the change. Once the Agreement is signed, the assessor will automatically revise the municipality's assessment roll to reflect the changes.
- If the property owner has already filed an appeal with the Board of Revision, the Agreement must be signed before the Board begins hearing the appeal. Once signed, the property owner's appeal is automatically withdrawn from the Board. In the case where an appeal has not been made to the Board of Revision, an Agreement may be signed up to the municipality's appeal deadline.
- The Agreement applies to a single year's assessment. For that year, the property owner may not file an appeal with the Board of Revision about the matter dealt with in the Agreement. Property owners can, however, appeal other matters not dealt with in the Agreement. For example, there may be agreement on value but not on classification.
- Owner-Assessor Agreements are public information. Both the municipality and the assessor will have a copy of the agreement. Any person has the right to ask the municipality and/or the assessor to see a copy of it.
- If you would like more information or have questions about Owner-Assessor Agreements, please contact your local District Supervisor, Assessment Services.
- Relevant sections of *The Municipal Assessment Act* are on the reverse side of this sheet.

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## **Section 15.1 of The Municipal Assessment Act**

### **Revisions by agreement**

15.1(1) At any time before the board of revision begins hearing an application respecting the assessment of a property under subsection 42(1), the assessor and a person described in that subsection, or the agent of such a person, may agree to change the following:

- (a) the assessed value of the property;
- (b) the liability to taxation of the property;
- (c) the classification of the property.

### **Form and content of agreement**

15.1(2) An agreement under subsection (1) must be in writing and must contain a description of the changes and the reasons for them.

### **Effect of agreement**

15.1(3) When an agreement has been made under subsection (1),

- (a) the assessor must revise the applicable assessment roll accordingly;
- (b) no application may be made to the board of revision in respect of the matter or matters agreed to; and
- (c) any application to the board of revision that was filed in respect of the property before the agreement was entered into is deemed to have been withdrawn.

### **Supplementary taxes not affected by agreement**

15.1(4) Unless supplementary taxes are dealt with in an agreement under subsection (1), a person who entered into such an agreement may make application to the board of revision in respect of a supplementary tax notice that the person receives under

- (a) section 329 of *The City of Winnipeg Charter*, if the property is in the City of Winnipeg; or
- (b) section 328 of *The Municipal Act*, if the property is in another municipality.

### **Public registries of agreements**

15.1(5) The Provincial Municipal Assessor or, where applicable, the City Assessor must maintain a public registry containing a copy of each agreement entered into under this section that affects the current general assessment. The registry may be in electronic form.

### **Copy to municipality**

15.1(6) If an agreement under this section affects a property in a municipality other than The City of Winnipeg, the Provincial Municipal Assessor must send a copy of the agreement to the municipality.

### **Amendment and correction process saved**

15.1(7) Nothing in this section affects an assessor's powers to amend or correct an assessment roll under section 13 or 14.

### **Application for revision**

42(1) A person in whose name property has been assessed, a mortgagee in possession of property under subsection 114(1) of *The Real Property Act*, an occupier of premises who is required under the terms of a lease to pay the taxes on the property, the authorized agent of the person, mortgagee or occupier, or the assessor may make application for the revision of an assessment roll with respect to the following matters:

- (a) liability to taxation;
- (b) amount of an assessed value;
- (c) classification of property;
- (d) a refusal by an assessor to amend the assessment roll under subsection 13(2).