

# MOOSE JAW BOARD OF REVISION RULES

## Contents

Foundational Rules .....	2
Copy of Rules Available .....	2
Filing of Documents.....	3
Requirements for Documents .....	3
Changes in Representation .....	4
Amending a Notice of Appeal.....	4
Preliminary Applications .....	4
Booking of Hearings .....	5
Grouping of Related Appeals .....	5
Rules of Order for Hearings.....	6
Appearance at Hearings .....	6
Forms.....	7

## Foundational Rules

1. These rules may be cited as the Moose Jaw Board of Revision Rules (within this document after this called the "Rules").
2. The Rules were adopted by the Board pursuant to Section 203 of *The Cities Act, Chapter C-11.1 of the Statutes of Saskatchewan*.
3. The Rules and any amended Rules shall be effective on the date declared by the Board.
4. These Rules govern the practice and procedure in the Board of Revision in Moose Jaw, Saskatchewan (after this called the "Board").
5. These Rules govern all persons who come to the Board for resolution of an appeal of a property assessment determined pursuant to the Cities Act where the subject property is located in the City of Moose Jaw (after this called an "Appeal"), whether the person is a self-represented party or is represented by an agent.
6. The purpose of these Rules is to provide a means by which Appeals can be justly resolved in or by a board process in a timely and effective way.
7. In particular, these Rules are intended to be used:
  - (a) to identify the issues in dispute,
  - (b) to facilitate the quickest means of resolving an Appeal, and
  - (c) to oblige the parties to communicate honestly, openly and in a timely way.
8. The Board reserves the right at any time to issue subpoenas and summons to order evidence as contemplated by sections 205 (2) and (3) of the Cities Act, or pursuant to any other legislation or rule of law that may govern the Board.
9. Nothing in these rules prevents or is to be interpreted as preventing the Board from exercising its jurisdiction.
10. If there is a conflict or inconsistency between these rules and an enactment, the enactment prevails to the extent of the conflict or inconsistency.

## Copy of Rules Available

11. The Board Secretary will make available each year, at no cost, to all parties to an Appeal a digital or printed copy of:
  - (a) the most current version of these Rules,

The Board declares these Rules shall be effective on May 6, 2020.

- (b) an outline of a Board hearing as approved by the Board, and
  - (c) other written information about Board proceedings as approved by the Board, if any.
12. If a party or agent appears multiple times in a year before the Board, the Board Secretary is not required to provide them copies of the Rules or other approved Board documents more than once. Additional printed copies may be requested but are subject to a copying charge.

## Filing of Documents

13. All documents filed with the Board will be filed with the Board Secretary.
14. Any party filing any document with the Board must, at the time of filing, either:
- (a) provide four (4) copies of the document, or
  - (b) request the Board Secretary to make copies and pay a per-page copying charge determined by the Board.
15. If a Notice of Appeal indicates an agent's name with the agent's address for service on it, no other form regarding the agent or agency is required by the Board.

## Requirements for Documents

16. The pages of each document filed with the Board must be numbered sequentially. The Board may not proceed or continue with a hearing until this requirement is met. If at the time of filing this requirement is lacking, the filing party may:
- (a) immediately add page numbers in handwriting as long as such handwriting is clearly legible, or
  - (b) withdraw the copies, revise them by adding the page numbers electronically or by some other method, and file new copies with numbered pages before any filing deadline, or
  - (c) request the Board Secretary to add the page numbers and pay a per-page numbering charge determined by the Board.

[rev.2020/05/04]

17. The Board Secretary shall write the appeal number on the Notice of Appeal.
18. Each copy of any document filed with the Board subsequently to the Notice of Appeal must contain the appeal number in the top right hand corner of its first page, unless these Rules otherwise direct.

19. Each party to an Appeal is responsible for ensuring that their name and contact information on documents filed with the Board are correct.
20. The minimum font size for all written materials filed with the Board, except the Notice of Appeal, is Times New Roman 12 or its visual equivalent.
21. All exhibits, illustrations, or photographs submitted to the Board must be clear and readable.
22. Amendments or corrections to written submissions must be presented in writing, prior to or at the hearing. Copies must be provided for every member of the Board Panel, the Board Secretary, and all other parties appearing at the hearing.

### **Changes in Representation**

23. If an appellant is represented by an agent, the agent whose name appears on the Notice of Appeal is the agent of record for the Appellant, unless the Board and the other parties receive written notice of a change.
24. If the respondent is represented by an agent, the agent whose name appears on the first document filed with the Board by the Respondent is the agent of record for the Respondent, unless the Board and the other parties receive written notice of a change.
25. A self-represented party who later names an agent must give written notice of such change to the Board and to the other parties.
26. Any written notice of a change in representation must also show the notifying party's new address of record.

### **Amending a Notice of Appeal**

27. If the Board grants an application to amend a Notice of Appeal, the Board will issue an Order in Form A as attached to these rules.
28. Any appellant may apply to amend a Notice of Appeal in advance of the hearing of the appeal by way of a preliminary application.

[rev.2020/05/04]

### **Preliminary Applications**

29. A preliminary application must be in writing.

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30. A preliminary application may be processed, at the discretion of the Board, through a review by the Board of written materials only or by a preliminary hearing where the parties appear in person before a Board panel.
31. Only the subject matter of the preliminary application, and no other matter, will be dealt with in a preliminary hearing or preliminary review.
32. The Board may elect not to decide a preliminary application in advance of the appeal's hearing but instead defer the matter to be dealt with at the appeal's hearing.
33. No fee will be charged for a preliminary application.

[rev.2020/05/04]

## Booking of Hearings

34. The Board Secretary, in consultation with the Board Chair, shall determine hearing dates.
35. Every year the Board will determine a deadline before which all hearings are to be heard.
36. Requests to alter a hearing date must be submitted to the Board Secretary in writing, with justification.
37. Any alteration of a hearing date must be approved by the Board Chair.

## Grouping of Related Appeals

38. Any party or agent that wishes to group a number of appeals to be heard together must obtain the written consent of the opposing parties or their agent before hearing dates are set by the Board Secretary.
39. Such consent to grouping may be obtained by completing and filing with the Board Secretary a Consent to Grouping in Form B as attached to these Rules.
40. The Board may set in any year a deadline before which all duly completed Consent to Grouping forms must be filed.
41. The Board retains at all times its discretion to grant, alter or deny any grouping request.

## Rules of Order for Hearings

- 42. The Board will appoint a panel of a minimum of three Board members to preside over a hearing. In the case of simplified appeals, the Board may appoint as few as a single Board member to preside.
- 43. All parties and their witnesses will affirm or swear that their statements are true before testimony begins.
- 44. Appellants will be restricted to raising issues and facts covered in their Notice of Appeal. The Board will not hear evidence or argument that does not fall within the Notice of Appeal.
- 45. The Panel Chair will be in charge of all procedural rulings. Any procedural rulings made will be final for the purpose of this hearing, although parties are entitled to appeal them to the Assessment Appeals Committee.
- 46. There will be only one person speaking at a time, so individuals must direct their questions or responses through the Chair.
- 47. No person other than the Board or a court reporter present pursuant to an order of the Chair will be permitted to take, or attempt to take, a photograph, motion picture, audio recording or other record capable of producing an oral or visual reproduction by electronic or other means, at a Board hearing.
- 48. In all cases, the Board will reserve its decision; meaning that it will deliver its decision at a later date. All decisions will be in writing.
- 49. The parties are responsible for making their case at the hearing. In particular, during the hearing, the parties will be expected to identify how items presented in their written materials are relevant.

[rev.2020/05/06]

## Appearance at Hearings

- 50. If a party fails to appear before the Board at the date and time specified, the Board may proceed with the hearing in their absence. The Board's decision will be final and the party failing to appear will not be entitled to further appeal the decision.

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FORMS – see following pages

The Board declares these Rules shall be effective on May 6, 2020.

**Forms**

Form A

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**BOARD ORDER**

**MOOSE JAW BOARD OF REVISION**

Appeal Number: \_\_\_\_\_

Parties: Appellant: \_\_\_\_\_

Respondent: \_\_\_\_\_

Regarding property address or description:

\_\_\_\_\_

**ORDER**

Before a panel of the Board of Revision chaired by \_\_\_\_\_

on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

On application by the Appellant, the Board orders that the Appellant is granted leave to amend their Notice of Appeal as filed in this proceeding, and that said Notice of Appeal is hereby revised by adding the following ground(s) on which it is alleged that an error exists:

*Additional ground(s) to be entered below:*

Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Board Panel Chair

Form B

CONSENT TO GROUPING

MOOSE JAW BOARD OF REVISION

The undersigned hereby consent to having the appeals identified below heard together.

Lead Appeal Appeal Number	Property address or description

Sub-Appeals Appeal Number	Property address or description

Additional sheets may be completed as necessary

SO AGREED on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SIGNATURES OF PARTIES

X  
\_\_\_\_\_  
Signature of Appellant / Agent

X  
\_\_\_\_\_  
Signature of Respondent / Agent

\_\_\_\_\_  
Name of Appellant / Agent (print)

\_\_\_\_\_  
Name of Respondent / Agent (print)

The Board declares these Rules shall be effective on May 6, 2020.