

Assessment Review Board Act

R.S.O. 1990, CHAPTER A.32

Consolidation Period: From December 15, 2009 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 2, s. 7.

Definition

1. In this Act,

“Board” means the Assessment Review Board. R.S.O. 1990, c. A.32, s. 1; 2002, c. 17, Sched. F, Table.

Assessment Review Board continued

2. The Assessment Review Board is continued under the name Assessment Review Board in English and Commission de révision de l'évaluation foncière in French. R.S.O. 1990, c. A.32, s. 2.

Composition

3. The Board shall be composed of a chair and such number of vice-chairs and other members as the Lieutenant Governor in Council considers advisable, all of whom shall be appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. A.32, s. 3.

Public servants

4. (1) REPEALED: 2006, c. 35, Sched. C, s. 6 (1).

Pensions

(2) The Public Service Pension Act applies to the members of the Board who are employed on a full-time basis. R.S.O. 1990, c. A.32, s. 4 (2).

Quorum

5. One member of the Board constitutes a quorum and is sufficient for the exercise of all of the jurisdiction and powers of the Board. R.S.O. 1990, c. A.32, s. 5.

Assignment of members and staff for sittings

6. The chair or a vice-chair shall from time to time assign the members of the Board to its various sittings and may change any such assignments at any time and the chair or a vice-chair may from time to time direct any employee in the Board to attend any of the sittings of the Board and may prescribe his or her duties. R.S.O. 1990, c. A.32, s. 6; 2006, c. 35, Sched. C, s. 6 (2).

Oath of members of Board

7. Every member of the Board before entering upon his or her duties shall take and subscribe the following oath or affirmation:

“I,, do solemnly swear (or affirm) that I will, to the best of my judgment and ability, and without fear, favour or partiality, honestly decide the appeals to the Assessment Review Board that may be brought before me for trial as a member of the Board.”

R.S.O. 1990, c. A.32, s. 7.

8. REPEALED: 1997, c. 23, s. 2 (1).

Board may set, charge fees

8.1 (1) The Board, subject to the approval of the Attorney General, may set and charge fees,

(a) in respect of proceedings brought before the Board;

(b) for furnishing copies of forms, notices or documents filed with or issued by the Board or otherwise in the Board’s possession; or

(c) for other services provided by the Board. 2006, c. 19, Sched. B, s. 2; 2009, c. 33, Sched. 2, s. 7 (1).

Same

(2) The Board may treat different kinds of complaints, applications and appeals differently in setting fees. 2006, c. 19, Sched. B, s. 2.

Make fees public

(3) The Board shall ensure that its fee structure is available to the public. 2006, c. 19, Sched. B, s. 2.

Waiver or refund of fee

(4) In appropriate circumstances, the Board may waive or refund all or part of a fee charged under this section. 2006, c. 19, Sched. B, s. 2.

Dismissal

8.2 (1) The Board, on its own motion or on the motion of any party, may dismiss a complaint or appeal brought before it if,

(a) the Board is of the opinion that the proceeding is frivolous or vexatious, is commenced in bad faith or is commenced only for the purpose of delay;

(b) the Board is of the opinion that the reasons set out in the complaint or appeal do not disclose any apparent statutory ground on which the Board can make a decision; or

(c) the complainant or appellant has not responded to a request by the Board for further information within the time specified by the Board. 2008, c. 7, Sched. A, s. 17 (1).

Opportunity to respond

(2) Before dismissing a complaint or an appeal under clause (1) (a) or (b), the Board shall notify the complainant or appellant and give the complainant or appellant an opportunity to make representations in respect of the proposed dismissal. 2008, c. 7, Sched. A, s. 17 (1).

Same

(3) Before dismissing a complaint or appeal under clause (1) (c), the Board shall notify the complainant or appellant and give the complainant or appellant an opportunity to respond to the request for further information. 2008, c. 7, Sched. A, s. 17 (1).

No hearing required

(4) Despite the Statutory Powers Procedure Act, the Board may dismiss a complaint or appeal in accordance with this section after holding a hearing or without holding a hearing, as the Board considers appropriate. 2008, c. 7, Sched. A, s. 17 (1).

Sittings of the Board

9. The Board shall hold sittings at such place or places in a county or district or a metropolitan, regional or district municipality or in territory without municipal organization as the chair from time to time may designate for the purpose of hearing and deciding all complaints and appeals relating to assessments in municipalities within the county or district or the metropolitan, regional or district municipality or in the territory without municipal organization in respect of which a person may complain or appeal to the Board under the Assessment Act or any other Act. 2008, c. 7, Sched. A, s. 17 (2).

Registrar and other employees

10. A registrar and such other employees as are considered necessary for the conduct of the Board's affairs shall be appointed under Part III of the Public Service of Ontario Act, 2006. 2006, c. 35, Sched. C, s. 6 (3).

Protection from personal liability

11. (1) No action or other proceeding shall be instituted against a member of the Board or a person referred to in section 10 as a result of any act done in good faith in the performance or intended performance of any duty under any Act or in the exercise or intended exercise of any power under any Act, or of any alleged neglect or default in the performance or exercise in good faith of such duty or power. 2009, c. 33, Sched. 2, s. 7 (2).

Exception

(2) Subsection (1) does not apply in the case of an application for judicial review or an action or proceeding that is specifically provided for under an Act with respect to a person referred to in that subsection. 2009, c. 33, Sched. 2, s. 7 (2).

Crown liability

(3) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the Proceedings Against the Crown Act, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject. 2009, c. 33, Sched. 2, s. 7 (2).

Accommodation for Board

12. Where sittings of the Board are to be held in a local municipality, the municipality shall provide a suitable room and other necessary accommodation for holding the Board. R.S.O. 1990, c. A.32, s. 12; 2002, c. 17, Sched. F, Table.