

BY-LAW NUMBER 48-2017
OF
THE REGIONAL MUNICIPALITY OF DURHAM

being a by-law to authorize the Commissioner of Finance/Regional Treasurer or his/her designate, to file requests for reconsideration of assessment with the assessment corporation; to file and be a party to assessment appeals at the Assessment Review Board (ARB); and to settle requests for reconsideration of assessment and assessment appeals, where appropriate.

WHEREAS Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*"), provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS Section 1 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "*Municipal Act, 2001*"), provides that a reference to a municipality is a reference to its geographical area or to the municipal corporation as the context requires;

AND WHEREAS Section 227 of the *Municipal Act, 2001*, provides that it is the role of the officers and employees of the municipality to: implement Council's decisions; establish administrative practices and procedures to carry out Council's decisions; carry out other duties required under the *Municipal Act, 2001* or any other Act, and other duties assigned by the municipality;

AND WHEREAS Section 39.1 (1) of the *Assessment Act*, R.S.O. 1990, A31, as amended (the "*Assessment Act*"), provides that the owner of a property may file a request with the assessment corporation to reconsider any matter that could form the basis of an appeal under Subsection 40 (1) of the *Assessment Act* or an application under Section 46. 2015, c 38, Schedule 1,s. 3 (1) of the *Assessment Act*,

AND WHEREAS Section 40 (1) of the *Assessment Act*, R.S.O. 1990, A31, as amended (the "*Assessment Act*"), provides that where a person wishes to object to a property assessment an appeal may be requested in writing to the Assessment Review Board;

AND WHEREAS Rule 57 of the Rules of Practice and Procedure of the Assessment Review Board (effective April 1, 2017) states that parties, or a person with authority to settle on a parties' behalf, and their representatives must appear at a settlement conference unless a) the party is deemed not to oppose any settlement pursuant to Rule 39; or b) the Board directs otherwise;

AND WHEREAS it is expedient that the Regional Municipality of Durham delegate to the Commissioner of Finance/Regional Treasurer or his/her designate, the authority to file requests for reconsideration of assessment with the assessment corporation; and to file complaints to the Assessment Review Board relating to requests for reconsideration of assessment on behalf of the Regional Municipality of Durham, where it is appropriate to do so, in order to safeguard the Municipality's appeal/complaint rights pursuant to Section 39.1 and Section 40 of the *Assessment Act*;

AND WHEREAS it is expedient that the Regional Municipality of Durham delegate to the Commissioner of Finance/Regional Treasurer or his/her designate, the authority to settle all outstanding assessment appeals and requests for reconsideration of assessment, and to execute minutes of settlement in respect of same, where, in the opinion of the Commissioner of Finance/Regional Treasurer or his/her designate, it is appropriate to do so;

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Regional Municipality of Durham by the Council thereof as follows:

1. That the Regional Municipality of Durham hereby authorizes and delegates to the Commissioner of Finance/Regional Treasurer or his/her designate, the authority to file requests for reconsideration of assessment with the assessment corporation pursuant to Section 39.1 of the *Assessment Act*, and to file and be a party to complaints at the Assessment Review Board pursuant to Section 40 (1) of the *Assessment Act*.
2. That the Regional Municipality of Durham authorizes and delegates to the Commissioner of Finance/Regional Treasurer or his/her designate, the authority to settle all outstanding assessment appeals and requests for reconsideration of assessment, and is further authorized to execute minutes of settlement in respect of same, where, in the opinion of the Commissioner of Finance/Regional Treasurer or his/her designate, it is appropriate to do so.
3. This by-law comes into force on the date that it is passed.

BY-LAW read and passed this 13th day of September 2017.

R. Anderson, Regional Chair and CEO

R. Walton, Regional Clerk