

Appeals & Tribunals

Led by: City Clerk's Office

Description:

This service provides an impartial process for citizens to challenge property and business assessments, decisions of the development and subdivision authorities, and certain other decisions made by The City of Calgary.

Customers:

- Legal Representatives/Professional Agents
- Appellants and other participants
- Assessment business unit
- Finance business unit (Tax)
- Calgary Approvals Coordination business unit
- Assessment Review Board
- Subdivision and Development Appeal Board
- License and Community Standards Appeal Board

What is delivered to customers:

This service delivers a published decision of one of the administrative tribunals.


Partners:

- Law
- Municipal Government Board
- External Legal Counsel

Service need (value proposition):

The Appeals and Tribunals service provides an impartial process for citizens to challenge certain decisions made by The City of Calgary.

Current state service value

<p>4,353 2017 Total Number of Filings</p> <p>58% 2017 Timeliness Compliance Rate</p>	<p>3,008 2017 Number of Decisions</p> <p>3 Decisions overturned by the court in 2017</p>	<p>2018 Budgeted Gross Operating Expenditures Funding Breakdown (\$ Millions)*</p> <p> ■ Tax-Support \$1 M ■ Revenue \$0 M ■ Internal Recoveries \$5 M </p>  <p>\$1,800 Operating cost per published decision</p> <p><small>* Gross operating budget and the service cost ratio may include internal recoveries that are also included in other services' gross operating budget.</small></p>
<p>Connections to Citizen Priorities</p> <ul style="list-style-type: none"> A Well Run City A Healthy and Green City A City that Moves A City of Safe and Inspiring Neighbourhoods A Prosperous City 		<p>What the service includes (\$000s)</p> <ul style="list-style-type: none"> • Assessment Review Board = \$4,075; • Subdivision and Development Appeal Board = \$1,205; • License and Community Standards Appeal Board = \$85. <p>Key Capital Investments</p> <p>Capital investments were not recommended for this service.</p>



What we've heard and service outlook

What we heard: Research & Engagement Results

While feedback from Board members demonstrates a high degree of trust and confidence in the support received from staff, some parties to Board proceedings have expressed concern with the timeliness of decisions rendered, particularly at the SDAB. Council has, as recently as 2017, expressed an interest in ensuring the effectiveness of the assessment process and the ARB. Changes responsive to these preferences are being brought forward in 2018. External customers have provided feedback on the method of notification of proceedings; most prefer an electronic notification or direct mail as opposed to more traditional and costly methods such as newspaper advertising.

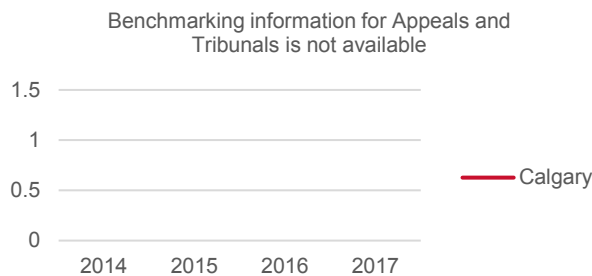
What Council has directed

- W2 – Appeals and Tribunals (A&T) provides the legal means by which certain City decisions may be challenged.
- W3 – A&T allows citizens to participate in hearings that may affect their property assessment or development.
- W4 – A&T embraces appropriate levels of risk, innovation and experimentation so that the right of citizens to appeal certain City decisions is provided on a cost-effective basis and with adjudication that provides stakeholders with confidence in the fairness and finality of appeal decisions.
- The Appeals and Tribunals service does not align with any specific long-term plans.

What are we watching?

Legislative change, including to the Municipal Government Act, and bylaw amendments related to secondary suites and cannabis legalization are driving increases to the volume and complexity of complaints and appeals before the Boards. There has also been an increase in court challenges of the Boards' decisions, particularly at the Assessment Review Board. Changing customer expectations with respect to use of technology increase the risk that Board operations will be unable to keep pace, and will require increasing investments in the future to both upgrade existing systems and adopt or implement new systems. Opportunities to improve the assessment review system, which are being identified through an independent review of The City's non-residential assessment and assessment review systems, are under review.

Benchmarking



The operation of Appeal Boards and Tribunals varies according to governing legislation across the country, and is influenced by local Bylaws, practices, and to some extent, culture. In comparison to Edmonton, Calgary receives nearly double the assessment complaints, but a much lower volume of appeals to the Subdivision and Development Appeal Board (SDAB). Future benchmarking will focus on comparative timeliness, which would provide context as to both the responsiveness and rate of legislative compliance of the service.

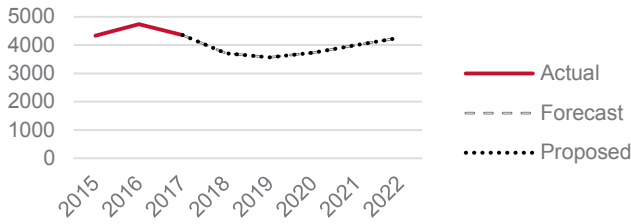
What matters to Calgarians

VALUE DIMENSION	DESCRIPTION
Responsiveness	Tribunals' decisions are rendered and published in timely fashion.
Convenience	Prospective complainants/appellants can file an appeal easily, when they want, and through the channel most convenient for them.
Legislative Compliance	Hearing processes comply with statutory requirements and the principles of natural justice and procedural fairness.
Informs	Information about tribunals' processes, procedures and decisions are readily available.



How is the Service performing? Where we are headed and where do we want to go?

Filing volume (Number of cases filed across all tribunals (annual))

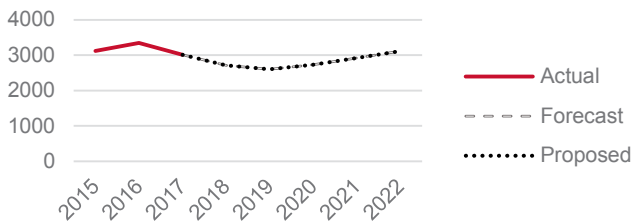


Story behind the curve

Number of cases filed:

The number of cases filed across all tribunals is driven by factors such as real estate market and development trends, the introduction of new business types (such as retail cannabis sales), legislative reform (e.g. changes to the regulation of secondary suites) and other factors outside the control of the service. The numbers shown here demonstrate volume only.

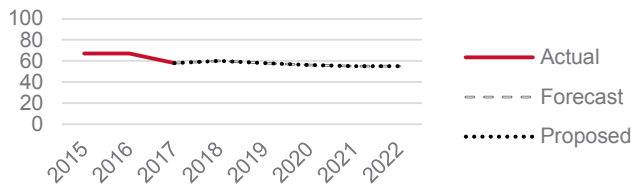
Decision volume (Number of cases filed across all tribunals (annual) upon which a decision was issued.)



Volume of decisions:

The volume of decisions is closely related to the volume of filings (see above). In addition to the factors that drive filing volumes, the volume of decisions is also influenced by the rate at which complaints or appeals are withdrawn by the filer in any given year.

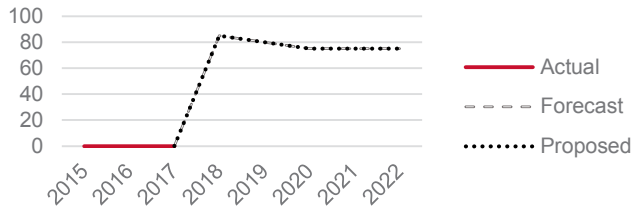
Timeliness Compliance rate (Percentage of cases for which the decisions issued by the tribunals in the last 12 months were published within the relevant legislated timeline.)



Timeliness Compliance rate:

Across all tribunals, significant efforts are made to ensure an effectively-administered hearing process, including distribution of notices, scheduling of hearings, and hearing of evidence. Board members are generally responsible for writing decisions, and are subject to internal procedures for quality assurance review. Complexity and volume of cases may result in delays. Continued investments in technology and analysis work to identify opportunities for improvements to the Boards' procedures is expected to result in greater on-time compliance.

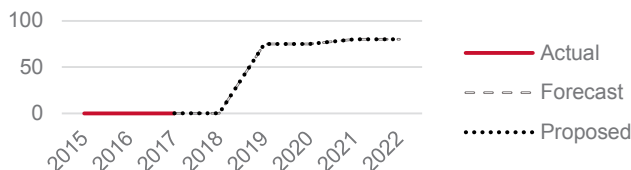
Board member satisfaction rate (Percentage of board members who indicated that they support the receive from the administrative staff was "very good" or better)



Board member satisfaction rate:

This is a new measure for which no data is currently available. As key customers for this service, member satisfaction is an important measure of performance.

Participants' information satisfaction rate (Percentage of hearing participants that reported they were adequately informed as to board process and expectations of them as a participant)



Participants' information satisfaction rate:

This is a new measure for which no data is currently available. As key customers for this service, participant satisfaction is an important measure of performance.



What do we propose to do?

What we propose to continue doing

STRATEGY
Provide impartial process for residents to challenge specific City decisions.
Implement the recommendations of the 2018 business process review.

Why?

This service would continue to provide an impartial process for residents to challenge property and business assessments, decisions of the development and subdivision authorities, and certain other decisions made by The City of Calgary. Implementation of the outcomes of the 2018 Business Process Review will continue, ensuring that resources are aligned to priorities and well-designed processes are in place.

What we propose to do less of

STRATEGY
Newspaper advertising and courier use (reduce).
Board Chair involvement in scheduling and external training for tribunal members (reduce).
Summer student positions (eliminate).

Why?

Absorbing inflation costs will necessitate reductions to courier service and newspaper advertising. City staff will assist in scheduling hearings.

What we propose to do more of or include as a new offering

STRATEGY
Allow members to write decisions from remote locations using secure access.
Increase board member hours and resulting remuneration.
Increase legal costs.

Why?

This service would continue to provide an impartial process for residents to challenge property and business assessments, decisions of the development and subdivision authorities, and certain other decisions made by The City of Calgary. Implementation of the outcomes of the 2018 Business Process Review will continue, ensuring that resources are aligned to priorities and well-designed processes are in place.



What Operating Budget do we need to achieve these results and strategies?

For Council Approval

SERVICE PERFORMANCE RESULTS FOR 2019-2022	CURRENT	TREND
Filing volume (Number of cases filed across all tribunals (annual))	3,713	↑
Decision volume (Number of cases filed across all tribunals (annual) upon which a decision was issued.)	2710	↑
Timeliness Compliance rate (Percentage of cases for which the decisions issued by the tribunals in the last 12 months were published within the relevant legislated timeline.)	60	↓
Board member satisfaction rate (Percentage of board members who indicated that the support they receive from the administrative staff was “very good” or better.)	TBD	↓
Participants’ information satisfaction rate (Percentage of hearing participants that reported they were adequately informed as to board process and expectations of them as a participant.)	TBD	↑

Breakdown of net operating budget (\$000s)

	2019	2020	2021	2022
Previous Year's Budget	4,608	4,476	4,476	4,476
Less Previous Year one Time	-	-	-	-
Base	4,608	4,476	4,476	4,476
Revenue Changes	-	-	-	-
Internal Recovery Changes	-	-	-	-
Inflation	311	61	61	61
Operating Impact of Previously Approved Capital	-	-	-	-
Operating Impact of New Capital (Incremental)	-	-	-	-
Efficiencies	-	-	-	-
Service Reductions	(483)	(61)	(61)	(61)
Service Increases	40	-	-	-
One Time	-	-	-	-
Realignments	-	-	-	-
Total	4,476	4,476	4,476	4,476

Total Operating Budget (\$000s) for Approval

	2018 Budget	2019			2020			2021			2022		
	At Mar 31	Base	One-Time	Total	Base	One-Time	Total	Base	One-Time	Total	Base	One-Time	Total
Expenditure	5,366	5,234	-	5,234	5,234	-	5,234	5,234	-	5,234	5,234	-	5,234
Recoveries	-	-	-	-	-	-	-	-	-	-	-	-	-
Revenue	(758)	(758)	-	(758)	(758)	-	(758)	(758)	-	(758)	(758)	-	(758)
Net	4,608	4,476	-	4,476	4,476	-	4,476	4,476	-	4,476	4,476	-	4,476



Recommended Capital Investment to Support Service Delivery

For Council Approval

Capital Budget for Council Approval

ACTIVITY	DESCRIPTION	2019 REQUEST (\$000s)	2020 REQUEST (\$000s)	2021 REQUEST (\$000s)	2022 REQUEST (\$000s)	2023+ REQUEST (\$000s)	Total REQUEST (\$000s)
Annual Investment Program(s)		-	-	-	-	-	-
Project(s)		-	-	-	-	-	-
Program(s)		-	-	-	-	-	-
Sub-Total (New Budget Requests)		-	-	-	-	-	-
Previously Approved Budget Remaining		316	-	-	-	-	316
Total Capital Investment		316	-	-	-	-	316

Explanation of Capital Budget Requests

No new Capital Budget for approval.