



Legislative Amendments

As you are aware, amendments relating to property assessment in *The Municipalities Act and The Cities Act in 2006 by Chapters 7 and 4 respectively* will come into effect **January 1, 2009**. A summary of the changes has been prepared to remind municipalities and cities of the upcoming changes in their applicable legislation.

The Municipalities Act

Subsection 2(m) is repealed removing the definition "fair value assessment"

Section 193 has been expanded to include definitions fundamental to the implementation of a market value based property assessment system.

New section 194.1 has been added to ensure that regulated and non-regulated property assessments are determined using the appropriate valuation standard.

Subsections 195 (1) and (2) are repealed and replaced to clarify each property is to be assessed using mass appraisal as of the applicable base date.

Subsections 195(6) through (10) are repealed and replaced to ensure that equity in assessment is achieved in regulated and non-regulated properties by using the appropriate valuation method

Subsection 195(14) has been repealed and replaced using the term "property" in place of "land and removing reference to "fair value"

Section 197 has been amended by removing all references to "fair value"

Clauses 198(8)(a) and (b) are amended ensuring that farm land in urban municipalities is assessed using the market valuation standard for the first two hectares, the remainder of the land will continue to be assessed in accordance with the SAMA assessment manual.

Section 200 is repealed.

Sections 223 and 244 are amended by striking out the words "fair value"

wherever they appear.

New subsection 240(1.1) and subsection 256(3) clarifies boards of revision and the assessment appeals committee cannot change assessments for non-regulated or market value properties on the basis of single property appraisals.

Subsections 240(3) and 256(3.1) are amended to clarify boards of revision and the assessment appeal committee cannot vary assessments on appeal if equity has been achieved with similar properties.

New Subsection 240 (4.1) has been added to provide a 120 day period for the board of revision to render decisions.

Subsection 267(6) is amended by removing reference to "fair value" as it has no context with the implementation of the market value assessment system.

The Cities Act

Clause 2(1)(n) is repealed removing the definition of "fair value assessment"

Section 163 has been expanded to include definitions fundamental to the implementation of market value based property assessment system.

New section 164.1 has been added ensuring that regulated and non-regulated property assessments are determined using the appropriate valuation standard.

Subsections 165 (1) and (2) are repealed and replaced to clarify each property is to be assessed using mass appraisal and to remove reference to "fair value".

Subsections 165(4) through (8) are repealed and replaced to ensure that equity in assessment is achieved in regulated and non-regulated properties by using the appropriate valuation method

Subsection 165(12) has been repealed and replaced using the term "property" in place of "land and removing reference to "fair value"

Section 167 has been amended by removing all references to "fair value"

Clauses 168(9)(a) and (b) are amended ensuring that farm land in urban municipalities is assessed using the market valuation standard for the first two hectares, the remainder of the land will continue to be assessed in accordance with the SAMA assessment manual.

Section 170 is repealed.

Section 195 is amended by removing all references to "fair value"

New subsection 210(1.1) and subsection 226(3) clarifies boards of revision and the assessment appeals committee cannot change assessments for non-regulated or market value properties on the basis of single property appraisals

Subsections 210(3) and 226(3.1) are amended to clarify boards of revision and the assessment appeal committee cannot vary assessments on appeal if equity has been achieved with similar properties.

Subsection 237(6) is amended by removing reference to "fair value" as it has no context with the implementation of the market value assessment system.

A consolidated version of the Acts will be available from the Queen's Printer website in early January 2009.

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