

Appeals & Tribunals

Led by: City Clerk/Director of City Clerk's Office

Description

This service provides an impartial, open, and transparent process for Calgarians and businesses to challenge property and business assessments, decisions of the development and subdivision authorities, and other decisions made by The City of Calgary with respect to licences and community standards.

The Appeals & Tribunals service supports governance, administration and operations of The City's tribunals:

- Calgary Assessment Review Board (www.calgaryarb.ca)
- Calgary Subdivision and Development Appeal Board (www.calgarysdab.ca)
- Calgary Licence and Community Standards Appeal Board (www.calgary.ca/lcsab)

Value and benefits

The Municipal Government Act and other statutes and regulations require The City to establish and support tribunals to hear appeals and complaints from businesses, Calgarians and communities. Tribunals provide the opportunity to obtain relief from decisions they feel may unfairly impact them.

This rights-based process empowers the public to present their concerns and be heard. Procedural fairness and natural justice are ensured by The City's tribunals, which carefully guard the rights of all parties who appear before them, including the right to a fair hearing, the right to be heard, and the right to legal counsel.

The independence of The City's tribunals is important because it supports public trust and confidence in the appeal and complaint process. Tribunal members are subject-matter experts appointed by Council based on merit.

Customers

- Citizen, business, and community appellants
- Legal representatives/professional agents
- Assessment and Taxation business unit
- Community Planning business unit
- Calgary Community Standards business unit
- Calgary Assessment Review Board
- Calgary Subdivision and Development Appeal Board
- Calgary Licence and Community Standards Appeal Board

What we deliver

This service delivers published decisions of tribunals, and provides a process for Calgarians, businesses, and communities to be heard when they disagree with certain decisions made by The City's Administration.

Partners

Law department, Customer Service and Communications business unit, Information Technology business unit, Alberta Land and Property Rights Tribunal, external legal counsel.

2562	Appeals/complaints filed - 2021
570	Virtual Hearings held - 2021
0	In-person Hearings held - 2021
22%	Percent appeals/complaints heard - 2021

Appeals and Tribunals
2022 Budgeted Gross Operating Expenditures Funding Breakdown (\$ Millions)*



* Gross operating budget may include internal recoveries that are also included in other services' gross operating cost.

Note: Internal recoveries is how The City accounts for the costs of goods or services between services

Key assets

N/A

What we have heard & what we are watching

What we have heard

Public engagement and research indicates that tribunals and appeal processes need to be convenient, responsive, legislatively compliant and informative. Access to justice must be impartial, fair and transparent, through the consistent application of rules and availability of information. The process for appeals needs to be as simple as possible, and continue to be affordable. There must be continual improvement of efficiency and transparency.

Complainants want to continue to be able to participate in tribunal hearings virtually. For 2022 Assessment Review Board hearings, for example, videoconference, teleconference, and written hearings were preferred by complainants in 83 per cent of cases.

What Council has directed

Modernizing government Appeals & Tribunals embrace appropriate levels of risk, innovation and experimentation to provide faster and better service for Calgarians, and continually improve transparency, social equity, and public trust. The right of Calgarians to appeal certain City decisions must be provided on a cost-effective basis and with adjudication that provides participants with confidence in the fairness and finality of appeal decisions. Social equity Appeals & Tribunals will continue to examine obstacles and challenges faced by prospective parties when accessing justice. Identifying and removing barriers improves equitable access and opportunities to participate in tribunal processes for all Calgarians.

What we are watching

Complaint settlements – High rates of withdrawn appeals introduce volatility to hearing scheduling and questions about how to best resource tribunals and retain tribunal members.

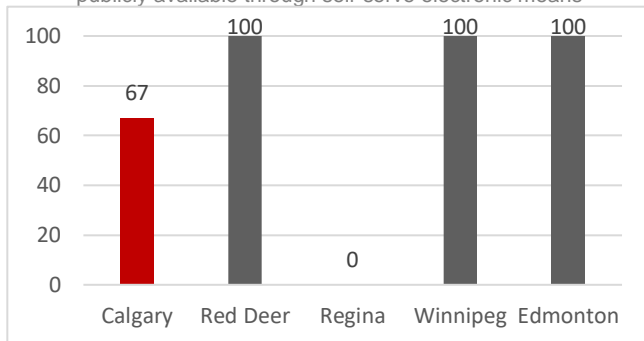
Virtual hearings – Appellants prefer the convenience of virtual hearings, which contributes to efficiency, but also creates challenges to engaging tribunal members, and to ensure fairness for those without access to technology.

Obstacles to justice access – Lower service demand means we need to better understand what, if any, barriers Calgarians face in accessing justice, including social equity considerations.

Governance and innovation – Tribunal modernization means respecting independence while ensuring tribunals are structured, empowered and accountable for efficiency and effectiveness, and considering new processes and technologies to better serve Calgarians.

Justice modernization – Pressures on the Canadian justice system have resulted in less serious matters being transferred to tribunals.

Percentage of a jurisdiction's adjudicative bodies' that make their decisions publicly available through self-serve electronic means



Municipal tribunals' websites and CanLii decision database

Comparing our service

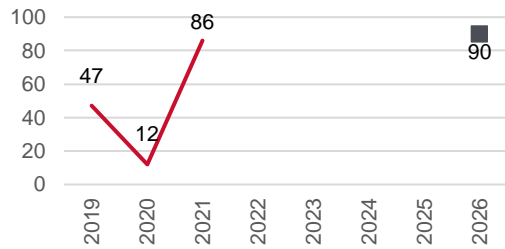
Making an appeal body's decisions more transparent and accessible by publishing them online improves ease-of-access and can help improve public confidence in institutions. Currently, Calgary's two highest volume boards are publishing decisions online. Calgary expects to bring its remaining appeal board online in 2023, which will bring Calgary to 100 per cent and inline with comparable municipalities.

Measuring performance & where we want to go

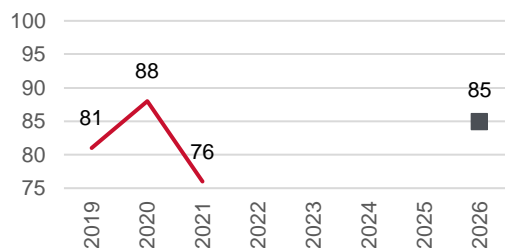
For Council Approval

— Actuals ■ Expected Future Performance

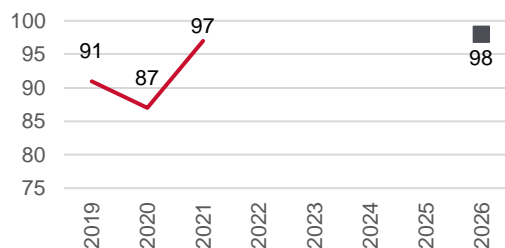
PM1: Decision Timeliness Rate (per cent of decisions rendered on-time)



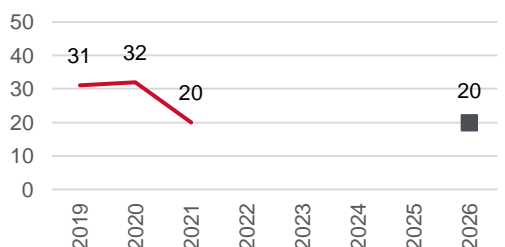
PM2: Hearing Participants' Rate of Satisfaction with process information (per cent)



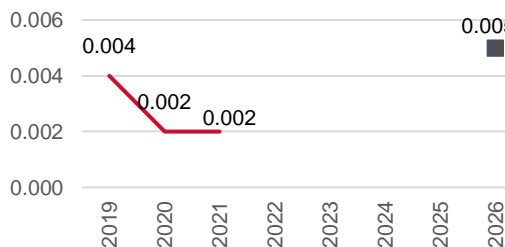
PM3: Assessment Review Board decision publication on-time rate (per cent)



PM4: Cases filed with a tribunal on which a decision is issued (per cent cases filed)



PM5: Tribunal decisions overturned by an appeal body in a calendar year (per cent)



Story behind the curve

Percentage of tribunal decisions published in calendar year that were rendered within the relevant legislated timeline. Subdivision and Development Appeal Board: 15 days; Licence and Community Standards Appeal Board: 60 days; Assessment Review Board: 30 days. In 2021 the General Chair of the Assessment Review Board implemented new processes that improved the timeliness of decision-making. This performance is expected to be sustainable.

Percentage of hearing participants who report that they were adequately informed as to the tribunal's process and expectations of them as a participant. Research and investigation of the needs of prospective hearing participants will be completed in 2023 and will ensure support resources are well-targeted.

Percentage of time that the Assessment Review Board's administrators publish a decision within the legislated timeline, after having received it from the decision-making board.

Percentage of complaints/appeals filed with a tribunal that result in a decision being issued. Files may not proceed to a hearing due to a withdrawal, or mutual agreement between the parties. This performance measure is not influenced by tribunal or administrator performance. Withdrawals and agreements are negotiated between the parties. The 2026 expected future performance represents a trend estimate, as opposed to a performance-based target. A file that is withdrawn/mutually agreed to entails approximately 65% of the administrative effort of a file for which a decision is issued.

A very small number of decisions across all three tribunals are overturned, quashed, reversed, sent back, or varied by a court or appeal body. This measure helps to represent the reliability and finality of the tribunals' decisions. 2021 example: 1 decision was overturned by an appeal body out of 512 decisions rendered by Calgary's tribunals. The expected future performance of this measure is to maintain a rate of below 0.005.

What we plan to do

Result for 2023-2026

We will continue to support the administration of justice and provide participants with fair, affordable and accessible options to challenge specific City of Calgary decisions.

How we are going to get there

Increase efficiency and adjust to varying volumes of appeals across all boards by training all tribunal clerks to support all three tribunals, rather than the specific-to-a-tribunal training approach that has been used historically.

Reduce barriers to participation and improve access to justice by investigating, planning and potentially expanding communication and outreach activities.

Adhere to legislative requirements and provide timely service to Calgarians by continuing to render and publish adjudicative decisions within the specified timeframes.

Provide an improved public user experience by upgrading the Assessment Review Board's file management software.

Ensure accessible processes by providing multiple channels for parties to file complaints and/or appeals, including in-person, online, mail, email and secure physical drop box.

Ensure accessible processes for participants by expanding support for various tribunal hearing formats, including virtual, in-person and written.

Identify opportunities for continuous improvement by seeking out feedback from hearing participants and input from members of the public.

Increase transparency and accountability by continuing to publish hearing decisions, statistics, and information online including via the City of Calgary Open Data Portal, and the CanLii database.

Operating budget needed to achieve results

For Council Approval

Breakdown of net operating budget (\$000s)

	2023		2024		2025		2026	
	Base	One-time	Base	One-time	Base	One-time	Base	One-time
Previous Year's Net Budget	3,782	-	3,782	-	3,782	-	3,782	-
Previously approved One-time budget	-	-	-	-	-	-	-	-
2022 One-time carry forward	-	-	-	-	-	-	-	-
Revenue Changes	-	-	-	-	-	-	-	-
Internal Recoveries Changes	-	-	-	-	-	-	-	-
Inflation	-	-	-	-	-	-	-	-
Operating Impact of Previously Approved Capital	-	-	-	-	-	-	-	-
Operating Impact of New Capital (Incremental)	-	-	-	-	-	-	-	-
Service Reductions	-	-	-	-	-	-	-	-
Service Increases	-	-	-	-	-	-	-	-
Total net budget*	3,782	-	3,782	-	3,782	-	3,782	-

Total Operating Budget (\$000s) for Approval

	2022 Budget	2023			2024			2025			2026		
	At April 30	Base	One-Time	Total	Base	One-Time	Total	Base	One-Time	Total	Base	One-Time	Total
Expenditures	4,455	4,455	-	4,455	4,455	-	4,455	4,455	-	4,455	4,455	-	4,455
Recoveries	(5)	(5)	-	(5)	(5)	-	(5)	(5)	-	(5)	(5)	-	(5)
Revenue	(667)	(667)	-	(667)	(667)	-	(667)	(667)	-	(667)	(667)	-	(667)
Net	3,782	3,782	-	3,782	3,782	-	3,782	3,782	-	3,782	3,782	-	3,782

Note: Figures may not add up due to rounding.