

The Corporation of the Municipality of Brockton



By-Law 2024-042

Being a By-Law to Adopt an Assessment Roll Access and Reproduction Policy for the Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas the *Assessment Act, R.S.O. 1990, c. A.31 Section 39(1)*, as amended, provides that the assessment corporation shall deliver the assessment roll for a municipality and any area attached to the municipality under clause 56 (b) or subsection 58.1 (2) of the Education Act to the clerk of the municipality, the assessment roll for a locality or a local roads area under the Local Roads Boards Act to the secretary of the applicable board and the assessment roll for non-municipal territory to the Minister, and shall do so on or before the date fixed for the return of the roll.

And Whereas the *Assessment Act, R.S.O. 1990, c. A.31 Section 39(2)*, as amended, provides that immediately upon receiving the assessment roll for the municipality, the clerk shall make it available for inspection by the public during office hours;

And Whereas the *Assessment Act, R.S.O. 1990, c. A.31 Section 53(1)*, as amended, provides the requirements for a person employed by the assessment corporation, a municipality or a school board to be guilty of an offence and on conviction is liable to a fine for particular disclosures of information;

And Whereas the Corporation of the Municipality of Brockton acknowledges the personal information and/or data included within the assessment roll and its obligation to comply with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*;

And Whereas the Council of the Corporation of the Municipality of Brockton wishes to adopt an Assessment Roll Access and Reproduction Policy;

Now Therefore the Council of the Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That the Corporation of the Municipality of Brockton Council hereby adopts an Assessment Roll Access and Reproduction Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect upon final passage.
- 3.0 This By-Law may be cited as the "Adopt Assessment Roll Access and Reproduction Policy By-Law".

Read, Enacted, Signed and Sealed this 7th day of May, 2024.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton

Assessment Roll Access and Reproduction Policy

Department:	Municipal Employees	Policy Number:	F22-0500-24
Section:	Finance	Effective Date:	May 7, 2024
Subject:	Assessment Roll Access and Reproduction Policy Revised Date:		
Authority:	Section 39(1) of the Assessment Act; Municipal Act, 2001, S.O. 2001, c. 25; Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56; Information Privacy Commissioner of Ontario; Municipal Property Assessment Corporation Act, 1997, S.O. 1997, c. 43, Sched. G , By-Law 2024-042		

1. Purpose

The purpose of this Assessment Roll Access and Reproduction Policy is to set out the guiding principles and establish a procedure for public access to information found in the Tax Assessment Roll while meeting the statutory requirements under MFIPPA.

2. Definitions

In this policy:

- a) "Assessment Act" shall mean the Assessment Act, R.S.O. 1990, c. A.31, as amended.
- b) "Assessment Roll" shall mean the assessment roll that is delivered per Section 39(1) of the Assessment Act and as defined by the Assessment Act, prepared in accordance with the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
- c) "CAO" means Chief Administrative Officer.
- d) "CFO" means Chief Financial Officer and Treasurer of the Municipality of Brockton
- e) "Clerk" shall mean the Clerk or designate appointed by the Corporation of the Municipality of Brockton
- f) "Council" shall mean the elected Mayor and Council of the Corporation of the Municipality of Brockton.
- g) "Municipality" means the Municipality of Brockton.
- h) "Inspection" shall mean "view only" by those physically at the Municipal administration building.
- i) "IPC" shall mean the Information Privacy Commissioner of Ontario, or their representative as appointed.
- j) "MFFIPA" shall mean the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.

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- k) "MPAC" shall mean the Municipal Property Assessment Corporation as established by the Municipal Property Assessment Corporation Act, 1997, S.O. 1997, c. 43, Sched. G, as amended.
 - l) "Municipality" shall mean the Corporation of the Municipality of Brockton.
 - m) "Reproduction" shall mean copying of the whole, or parts thereof, of the Assessment Roll by means of a scanner, photocopier, filming, and/or photography.
 - n) "Supervisor" means the person to whom any employee directly reports, and where applicable, includes Department Heads and the CAO.

3. Scope

The Assessment Roll Access and Reproduction Policy applies to all annual assessment rolls in the possession of the Municipality.

4. Governing Principles

The municipality shall adhere to the following guiding principles in the providing the public access to the Assessment Roll:

4.1. Adherence to Statutory Requirements

Public access to the Assessment Rolls for inspection shall be in compliance with Section 39(2) of the Assessment Act.

Protection of private information within the Assessment Roll shall be in compliance with MFIPPA.

4.2. Consultation with MPAC on Assessment Roll Access

As supported by the IPC's decision in Order MO-2668, it is appropriate for municipalities to consult with MPAC on the matter of access to the Assessment Roll. Therefore, the policy shall be guided by any and all consultation with MPAC on the matter.

5. Access to the Assessment Roll

5.1. Information Contained within the Roll

As per the Assessment Act, the Assessment Roll will include information about all properties within the Municipality including the following:

Public Information

- Physical characteristics of the property such as frontage and total area
- Location of the property (legal and local if 911 addressing available)
- Classification (such as residential, commercial, industrial, etc.)
- Assessed value

Personal Information

- Owner name
- Owner's mailing address
- Tenant information
- Religious information (if Roman Catholic)

- French language education rights

5.2. Inspection Availability

As per Section 39(2) of the Assessment Act, the most current assessment roll shall be made available to the public during regular office hours of the Municipal Administration building. As this is viewed by MPAC as being intended to facilitate access by taxpayers to assessment roll information to ensure their assessments are equitable with other taxpayers in the Municipality, the following limitations will be placed to ensure appropriate and equitable inspection access all taxpayers:

- a. A time limit of twenty (20) minutes shall apply to all individuals accessing the assessment roll.
- b. Inspection shall take place at the front counter, in full view of municipal employees at all times, or in the front map room, in full view of municipal employees at all times.
- c. Care shall be taken by everyone handling the Assessment Roll to avoid damage to the document.
- d. At no time shall any individual, whom is not an employee of the Municipality, write, mark-up, alter or amend the Assessment Roll.
- e. Notes may be taken on a sheet no larger than eleven (11) centimeters by fourteen (14) centimeters.
- f. The individual must disclose their intent or purpose for inspection of the assessment roll to any employee of the Municipality, if requested.
- g. All individuals accessing the assessment roll must sign the waiver attached as Appendix 'A' to this policy.

6. Prohibitions

In order for the Municipality to meet Section 53(4) of the Assessment Act, the following prohibitions are established to ensure that use of the Assessment Roll is only for the original purpose as provided to the Municipality.

6.1. Reproduction

Any and all reproduction of the Assessment Roll by the public shall be prohibited.

6.2. Data Mining

The Assessment Roll shall not be used for data mining for mass mailings or data matching of personal information (as noted as personal information Section 5.1 of this policy). This shall ensure the protection of personal information as per MFIPPA.

6.3. Access to Previous Assessment Rolls

Access to all previous assessment rolls shall be prohibited, except by approval of the Clerk or CFO.

7. Agencies Requiring Notification Mailings

The Municipality acknowledges that from time to time, legislation requires notifications to all property

owners within a set area. In order to meet agencies and companies needs for notifications, access to large data from the Assessment Roll is to be directed to MPAC's Business Development Group by e-mailing products@mpac.ca or visiting www.propertyline.ca.

In order to ensure MFIPPA is adhered to, the Municipality shall not provide any mass data provisions that MPAC's Business Development Group can service.

8. Violations of the Policy

8.1 Initial Offences

If in the opinion of the CFO or Clerk of the Municipality, an individual has violated this policy, inspection access will be immediately ended for the remainder of the day.

8.2 Repeated Offences

If in the opinion of the CFO or Clerk of the Municipality, an individual who has already violated the policy and had Section 8.1 applied twice in a 14-calendar day period, inspection access will be immediately ended for the remainder of the week.

If after the week period is completed and the violator returns and continues to violate the policy again within 30 calendar days of being granted re-access, inspection access will be immediately ended for the remainder of the month.

If the violator continues to violate the policy within 30 calendar days of being granted re-access again, then the CFO or Clerk shall seek direction from Council and may seek guidance from the Municipality's lawyer as to the next steps.

8.3 Appeals

The individual shall have the ability to appeal directly to the Municipality, regarding the decision to end inspection access by addressing the concerns in writing to the CAO.

Any individual who wishes to appeal the inspection access restriction must submit a written request to the CAO within fourteen (14) days of the incident. The CAO shall review the appeal and may confirm, rescind, or amend the restrictions.

Appendix 'A'

Date: _____

Name: _____

Address: _____

Phone Number: _____

Purpose of inspection of Assessment Roll: _____

By signing below, I acknowledge that the Assessment Roll access is limited to the most recent Assessment Roll and that I confirm that I am not using the Assessment Roll for any prohibited purpose, as set out in the Assessment Roll Access and Reproduction Policy.

Signature