

**ONTARIO CATHOLIC SCHOOL TRUSTEES ASSOCIATION AND
ASSOCIATION FRANCO-ONTARIENNE DES
CONSEILS SCOLAIRES CATHOLIQUES**

**BRIEFING NOTE RE:
MAINTENANCE OF ASSESSMENT BASE**

December 20, 2006

BACKGROUND

Except for unorganized areas, every piece of real property in Ontario is identified on the assessment roll as supporting one of the five publicly funded school systems. Information that appears on each annual assessment roll is maintained by the Municipal Property Assessment Corporation (“MPAC”) in a property database.

Since 1998 when the school support funding model was significantly changed, the school support status of property has not had an impact on a school board’s ability to raise funds. As a result, school boards redirected their efforts away from their previous active monitoring and promoting of accurate school support information. In addition, school support information has not been as forthcoming from property owners and tenants as it once was. For these and other reasons, school support information on the assessment roll is not always current. In addition, the school support portion of the assessment system depends on data collection methods that are expensive to operate and handicap MPAC’s ability to maintain accurate information.

ISSUE

There has been a steady erosion of the assessment base of English and French-language Catholic School Boards since 1998. The recording of new owner and tenant names in the assessment system has a built-in school support “default” mechanism. Under the *Assessment Act*, all directable assessment is automatically assigned to the local English Public board unless the taxpayer takes the specific steps required by the *Education Act* to direct assessment support to the local Roman Catholic School Board, or the French Language School Board, as their constitutional rights may permit.

Why is the assessment information important?

The data collected and recorded by the assessment authority (“MPAC”) is essential to guarantee significant basic rights:

1. The right of Catholics to attend Catholic schools, and French-language Catholic rights holders to attend French-language Catholic schools.
2. The right of Catholic school supporters to vote for trustees of the local Catholic School Board, and of French-language school supporters to vote for trustees of the local French-language school board.

Why is assessment an important issue for Catholic School Boards?

The assessment data is important to English and French-language Catholic School Boards for four reasons related to matters of governance:

1. Tracking demographic trends for educational planning purposes.
2. Determining the number of school trustees to be elected.
3. Maintaining a public record of level of support for the English and French-language Catholic school system.
4. Facilitating the calculation of some grants including Learning Opportunities Grant (“LOG”), and English as a Second Language (“ESL”).

In addition, maintaining an accurate public record for voter registration purposes is a matter of good public policy, consistent with the Provincial Government’s stated commitment to democratic renewal and election reform.

MPAC’S DUTIES

a. Prepare an Assessment Roll

Section 36 of the *Assessment Act* requires MPAC to return an annual assessment roll. Section 14(1) of the *Assessment Act* requires various elements to be included on the assessment roll including whether the person is a French-language rights holder (paragraph 16), their religion if Roman Catholic (paragraph 17), and the type of school board the person supports under the *Education Act* (paragraph 18).

Subsection 14(3) requires a division of a multi-residential building’s assessment according to the support of all residents.

Subsection 14(4) provides that MPAC will be guided by the applications received and approved by the Assessment Corporation under section 16 of the *Assessment Act* and by the notices received under section 237 of the *Education Act*.

b. Prepare a Preliminary Voters’ List

Section 15 of the *Assessment Act* requires MPAC to conduct an enumeration for purposes of the *Municipal Elections Act, 1996*. An accurate and up-to-date voters’ list ensures elections work well.

Section 19 of the *Municipal Elections Act, 1996* requires MPAC to prepare a preliminary voters’ list during the year of a regular election, and section 21 requires MPAC to deliver to the secretary of every school board an extract of the preliminary voters’ list based on the school support of electors in that election. The preliminary list as amended by the municipal clerk constitutes the voters’ list.

c. **Prepare Annual School Support Lists**

Section 16 of the *Assessment Act* requires that MPAC annually deliver to each school board, a list of names of all persons entitled to support a school board and the type of school board each person supports. This section also states that the information should be based on the last enumeration and any subsequent updates thereto, including information received on a form approved by the Minister.

DISCUSSION: THE DEFAULT MECHANISM

Section 16(4) of the *Assessment Act* and section 236 of the *Education Act* work together to establish the built-in “default” mechanism which provides that unless a Catholic school supporter takes positive action to assert his or her support for the Catholic School system, then MPAC must indicate a person is a public school supporter on the assessment roll. Unless a French-language rights holder takes positive action to assert his or her support for the French-language system, then MPAC must indicate a person is an English language school supporter.

French language Catholic school supporters are confronted with a double default because a supporter must attest to French language rights and to Catholic school attendance rights.

Additional factors that, in conjunction with the legislated default, lead to deficiencies in MPAC’s school support information, include:

1. MPAC reports that up to 80 per cent of the Application for Direction of School Support forms received from school boards as completed by parents do not have assessment roll numbers on them and, therefore, cannot always be processed on a timely basis or not at all, in some cases. Moreover, only 30 per cent of tenants and 70% of owners return occupancy questionnaires to MPAC.
2. The separate school supporter is required to provide notice in respect of each property for which they are a tenant or owner. There is no legislative authority for automatically assigning all of an individual’s property in the school board’s jurisdiction to the same school support. This can result in situations where a person is an owner or tenant of properties in more than one municipality but that are all within single school board jurisdictions, voting for trustees of more than one school board.
3. When a taxpayer moves from one property to another in the same jurisdiction, their school support designation defaults to English Public unless, or until, that person applies to change it. This is because the applications under section 236 of the *Education Act* are site-specific.

4. The assessment support for a particular property can only be directed in its entirety to one board or the others, even if it is held jointly or as tenants in common. Assessment from a property owned by a public school supporter cannot be directed to a Catholic school board unless a separate school lease is in effect.
5. The “separate school lease” solution is a cumbersome process and not well understood by the public.
6. The preliminary voters list prepared by MPAC and as amended by the municipal clerk, constitutes the final voters list for municipal and school board elections. It can be amended at the voting station, but recent experience in Ottawa shows that approximately 35 per cent of the applications to amend cannot be processed subsequently to correct MPAC’s database, because of insufficient information on the applications. However, according to MPAC, 97% of all voter list amendment forms submitted by Ontario municipalities after the 2003 elections (with the exception of Toronto) were processed.

The Ontario Catholic School Trustees Association (“OCSTA”) has for many years recommended to the government of the day amendments to the *Assessment Act* and *Education Act* that would directly eliminate the default mechanism. It is our hope that the less complex regulatory and legislative changes that we now propose can be more quickly enacted, resulting in significant improvements in the accuracy of the assessment roll and voters’ list.

SINGLE FAMILY RESIDENCES

Over the years, efforts have been made to find an easier way for Catholics to direct school support to the Catholic school system when they move from one residence to another. The Land Transfer Tax Statement, in both paper and electronic form, permits the school support status of new purchasers to be identified. Regrettably, few lawyers make use of this mechanism, if they are even aware of it. MPAC reports that only about 10 per cent of the Land Transfer Tax Statements contain school support information.

Once MPAC receives the Affidavit of Value registered with the Transfer/Deed in the Land Registry Office, it sends out an Occupancy Questionnaire. MPAC believes that its Occupancy Questionnaire is sufficient for the purposes of the Application for the Direction of School Support form referred to or referenced in section 16 of the *Assessment Act*, since it asks for the same information. The Occupancy Questionnaire, however, is returned by only 70% of owners.

MULTIPLE RESIDENTIAL UNIT BUILDINGS

Section 17.2 of the *Assessment Act* permits an apportionment of the value of assessment of an entire building that is occupied by more than one person in a multi-occupancy situation. However, nothing under section 16.1 requires the landlord to accurately record

school support. School boards have reported many situations in which an entire building has been directed to the support of the public system.

The primary method for obtaining information relating to multi-residential tenancies is the Tenant Information Program ("TIP") undertaken by MPAC. Under section 16.1 of the *Assessment Act*, every owner of a multi-unit (seven or more units) residential property must supply a list of all names of all tenants by July 31st in each year. MPAC advises there are over 15,000 such properties in Ontario, mostly in urban areas, housing nearly 1 million people. MPAC enters the name in the database for a particular unit and sends out the Occupancy Questionnaires to the tenant asking for additional information. MPAC receives only approximately 30 per cent of occupancy questionnaires from tenants and does not follow up. Moreover, since there is about a 20 per cent turnover on tenancies each year, the majority of school support in multi-residential buildings inevitably migrates towards English Public.

PROPOSED SOLUTIONS:

1. An amendment to Ontario Regulation 19/99 made under the *Land Registration Reform Act* requiring inclusion of the transferees' school support designation and birth date on the Affidavit of Value which is registered in the Land Registry system and given to MPAC. Where such information is missing, MPAC should be allowed to transfer the same school support from the owner's previous property to the new property, where applicable.
2. An amendment to section 16.1 of the *Assessment Act* to require owners of multi-residential properties to collect tenant school support information and birth date and provide same to MPAC.
3. An amendment to section 16.1 of the *Assessment Act* to expand the requirement for tenant information to owners of buildings with 3 or more residential units ('plexes').
4. Unless and until directed otherwise by the occupant, school support should automatically follow a person when they move from one property to another, where applicable.