

# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS



## POLICY AND PROCEDURES

(January 2017)



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# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES

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## STRUCTURE

### 1. *COMPOSITION*

The Boards are appointed by resolution of City Council. Council shall appoint five members. **Appointees of the City Mortgage Appeals Board shall also serve as members of the Access Transit Appeals Board.**

Members are appointed for a two-year term and can be re-appointed up to a six-year maximum. Council may wish to consider extending the six-year term.

### 2. *JURISDICTION*

#### **City Mortgage:**

To hear and make final decisions on all requests for forgiveness of City Mortgage that may arise out of the City's Lot Allocation Policy.

The following appeal criteria for use by the Board were adopted by City Council on April 7, 2008:

Forgiveness of the outstanding indebtedness under the City's Mortgage may be granted where the owner must sell the mortgaged property due to any of the following:

- a) Marriage breakdown;
- b) Job transfer or change of employment involving a move out of Saskatoon;
- c) Death of a signatory;
- d) Any other unanticipated event which, in the Board's view, would make it fair and reasonable to forgive the indebtedness under the mortgage (e.g. serious illness, loss of employment).

All decisions of the Board are final.

#### **Access Transit:**

To provide an appeal process for those who are denied access to Access Transit, as outlined in the report of the General Manager, Utility Services Department, dated August 21, 2001, based on the following criteria:

# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES

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- a) Registration for Access Transit is denied because it would contravene the Eligibility Criteria;
- b) A request for subscription service is denied because it would contravene the requirements under the Subscription Policy;
- c) An individual is suspended from using the service as a result of violation under the No-Show Policy; and/or
- d) An individual is suspended from using the service as a result of violations under the Cancellation Policy.

All decisions of the Board are final.

### **3. CHAIRPERSON**

The duties and responsibilities of the Chair are to:

- ◇ Assume responsibilities January 1 to December 31 of the year appointed.
- ◇ Provide leadership and attend to all matters necessary for the proper operation of the Appeals Board, ensuring that the City's obligations are met in accordance with the criteria listed for each Board.
- ◇ Take responsibility for orientation of Board members regarding hearings, rules of evidence, decision-making and assisting with decision-writing of the Appeals Board.
- ◇ Serve as Chair at the hearings.
- ◇ Ensure Board directives, policies, and appropriate conduct are adhered to at the hearings.
- ◇ Sign decisions of the Board.
- ◇ Carry out the responsibilities of members as set out below.

### **4. MEMBERS**

The duties and responsibilities of the members are to:

- ◇ Attend hearings and advise the Secretary of the Board if unable to attend or anticipate arriving late.

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- ◇ Be familiar with hearing procedures.
- ◇ Review the hearing documents prior to the hearing.
- ◇ Contribute at the hearing by asking questions and participating in discussion/deliberation and decision-making in accordance with established procedures.
- ◇ Declare any conflict of interest with respect to appeals and inform the Secretary of the Board of any potential conflict of interest well in advance of the hearing.
- ◇ Help render a decision, together with reasons, following conclusion of the hearing.

### **5. SECRETARY**

The Secretary is responsible for all administrative and operational matters of the Board to ensure compliance with relevant practice and procedures.

The duties and responsibilities of the Secretary are to:

- ◇ Serve Notice of Hearing on the Appellant; the Respondent (Civic Representative); and the City Solicitor.
- ◇ Schedule hearings and produce hearing documentation for Board members.
- ◇ Draft the decision based on the Board's deliberation of the testimony and evidence for the Chair's review.
- ◇ Sign decisions of the Board.
- ◇ Distribute written decisions to the Appellant, and the Respondent by Registered Mail.

# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES

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## 6. **BOARD MEETINGS**

The Secretary of the Board shall ensure that at the first meeting of the Board each year, members elect a Chair for the year and they may also elect a Vice-Chair.

The Secretary shall schedule hearing dates based on Board members' availability, as required, depending on the number of appeals filed.

Meetings are held In-Camera as an Appellant provides personal health and/or personal financial information to support his/her appeal.

Meetings will be conducted in accordance with Robert's Rules of Order.

## 7. **ISSUES/ROLES**

### **Role of an Appeals Board Member**

**City Mortgage Appeals Board** members are appointed for their ability to assess information and make objective decisions; ability to conduct respectful information-gathering sessions; and ability to provide rational solutions to complex problems.

**Access Transit Appeals Board** members are appointed for their knowledge and understanding of barriers to accessibility for disabled and elderly persons; ability to provide rational solutions to complex problems; and ability to assess information and make objective decisions.

Many Board members hold other positions in the community that should be kept separate from their role as Board members. This does not mean that members cannot rely upon their general knowledge of related matters, but it does mean that if members rely upon any specific knowledge of a matter that they gained outside the hearing, they must disclose the point to the parties so they have an opportunity to respond. If in doubt, the safest course of action is to disclose.

*Independence and impartiality: the rule against bias*

# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES

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City Mortgage/Access Transit Appeals Board members have a responsibility to look at the way they conduct themselves not from their own points of view, but from the perspective of others. Board members must act independently and impartially. A decision maker must hear a complaint with an open mind and without being influenced by external forces. A bias exists when a decision is influenced by a personal interest, or anything else that would influence the decision. Bias can arise from things a board member may have written or said about the appeal or about the parties.

Decision makers must not only avoid bias, but also avoid creating a perception of bias. A perceived bias exists when the circumstances suggest to a reasonable observer that there may be bias, even though the board member is not actually biased.

The perception that persons other than board members have been actively involved in the decision making process is a common source of bias allegations. The “test” is whether a reasonable observer would think that, in the circumstances, a fair hearing is possible.

## *Out-of-Hearing Conduct*

In avoiding a perception of bias, Board members should not be seen talking with individuals from any of the parties inside or outside the hearing room. Any discussion between Board members should take place only in a confidential location. No discussion of the hearing should take place outside the hearing room, except with fellow Board members.

## *In-Hearing Conduct*

All Board members have a responsibility not only to be fair, but also to appear fair. This includes not acting inappropriately (rudeness, overly aggressive conduct, lack of impartiality, indiscretion, or closed-mindedness).

This has two implications:

- Board members have a responsibility to look at the way they conduct themselves, not only from their point of view, but also from the perspective of others.
- Board members should not take criticisms, comments, or advice on the issue of fairness as an affront to their dignity. It may be that a member created an unintended impression.

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Body language and tone of voice can convey a wrong message to a complainant. Lack of eye contact, raised eyebrows, an angry, sympathetic, incredulous, or impatient tone of voice can conflict with the words a Board member uses. All actions and expressions contribute to the appearance of fairness.

Parties are often willing to accept bad news if they feel that they have been heard through a fair process by an open-minded board. But an air of impatience, indifference, or hostility can ruin that impression. Try to look at the proceedings through the eyes of the parties who may be directly and personally affected by your Board's decision.

## PROCESSING APPEALS

### 1. **RECEIPT OF APPEAL APPLICATIONS**

A Notice of Appeal must be received within **30 days** after the date of the request for forgiveness of City Mortgage or Access Transit's denial letter/suspension of service.

An application can be made by filling out the application form provided by Saskatoon Land Division or Access Transit.

The Notice of Appeal must be served on the Secretary of the City Mortgage/Access Transit Appeals Board.

The Notice of Appeal shall contain the following information:

- ◇ name and address of the Appellant
- ◇ reasons in support of appeal and supporting documents
- ◇ date of Notice of Appeal

### 2. **APPEAL FEES**

There is no fee required to appeal to the City Mortgage/Access Transit Appeals Boards.

### 3. **NON-COMPLIANCE WITH APPEAL DEADLINE DATE**

The Secretary of the City Mortgage/Access Transit Appeals Boards shall determine whether the Notice of Appeal has been received from the Appellant within the 30-day appeal deadline outlined on the appeal application form.

# **CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES**

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If the Notice of Appeal regarding an appeal has been received late, it is deemed to be dismissed. There is no provision to extend the 30-day appeal deadline for receipt of a late Notice of Appeal for either Board.

## **4. *FILING OF WRITTEN MATERIAL***

Materials received from either party will be stamped “For Identification Only” and carry the appropriate designation (i.e. the Notice of Appeal will be marked A.1; Material submitted by the Respondent, will be marked as R.1; and the Notice of Hearing will be marked as a Board item, B.1). Copies of all materials received in advance of the hearing will be provided to the parties and the Board members prior to the hearing date. Consideration will be given at the hearing to formalizing all documents as “Exhibits” and identifying them accordingly.

Any material received by the Secretary and rejected as an Exhibit at the hearing, will be identified as “information only” and become part of the file, but not included as evidence or marked as an Exhibit.

In the event that the Appellant and/or the Respondent has supplemental material to be presented at the hearing, the material will be received by the Secretary and submitted as additional documentation to the Board at the time of the hearing. If the Board agrees to accept the material and there is no objection from either party to the appeal, the material will be marked as an “Exhibit”.

## **5. *SCHEDULING OF APPEALS***

The Secretary shall schedule all appeals with due consideration for the Board members, the Civic Administration (Respondent), and the Appellant.

There is no timeline for the Board to hear an appeal; however, the Board will hold hearings in a timely fashion following receipt of an appeal. A Notice of Hearing must, therefore, be served in advance of the date fixed for hearing the appeal.

As a matter of practice, for the Appellant only, the Notice of Hearing will be forwarded by Registered Mail. This will be done in order to prove service of notice, if necessary.

The Notice of Hearing forwarded to the Appellant by Registered Mail is deemed to have been received on the 5<sup>th</sup> day following mailing.

Notices to Appellants outline the date, time, and location regarding the scheduled appeal.

# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES

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As a standard practice, it is expected that the Appellant will attend on the scheduled hearing date. There may be some instances where the Appellant does not wish to attend and provides the Board with the authority to proceed in the Appellant's absence. The Secretary will be required to relay this message to the Board, either in writing prior to the hearing or verbally at the hearing.

In cases where the Appellant does not show up at the hearing without prior notice, the Board will wait 15 minutes and then proceed in the absence of the Appellant. The Board will proceed with the appeal by adopting the written evidence and then hearing the rebuttal of the Respondent.

In the event the Board determines that it should not hear the appeal on the scheduled date, the appeal will be postponed to an alternative date in order to ensure that the Appellant or a representative is in attendance to present evidence and answer questions of the Board. Once a hearing has been postponed and rescheduled to a later date, the Board will proceed with the hearing on the rescheduled date whether the Appellant is in attendance or not, unless special circumstances arise.

Requests for postponements may be considered and will be at the discretion of the Secretary. Such requests may be granted unless they are recurrent and deemed by the Secretary to be unreasonable and/or stalling the process. Requests for postponements must be placed before the Secretary for consideration and determination of a suitable date.

Hearings will be scheduled on a demand basis. The Secretary will determine the order of hearings based on their complexity. The Notice of Hearing will indicate the time allotted for each appeal. Depending on the complexity of the appeal, an effort will be made to keep each hearing to approximately 45 minutes.

Deliberations for the Board's decision will take place following completion of all hearings on the docket.

## **6. WITHDRAWAL OF APPEALS**

Written requests to the Secretary of the Board to withdraw an appeal can be accommodated at any time prior to the hearing.

Where the withdrawal notification has been received after the documents have been distributed to the Respondent and Board members, the Secretary will undertake to notify those parties of the withdrawal.

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## CONFLICT OF INTEREST

The onus is on each Board member to make immediate disclosure to the Secretary of the Board, upon becoming aware that he/she is or may be in a conflict of interest in connection with an appeal. Where the possibility of a conflict exists, a member must not sit in on that hearing. If the member becomes aware of a conflict during a hearing, the member must immediately advise the Chair, excuse himself/herself from the remainder of the hearing, and take no part in deliberations on the Decision.

Where there is merely a possibility of a conflict, the best course of action is always to withdraw from the hearing. It is costly for all concerned if Board decisions are challenged on the basis of perceived bias, and a reasonable perception of bias (rather than actual proof of bias) is all that need be shown to invalidate a Board decision.

A suggestion by a party to an appeal that a member may be in a conflict of interest, or that there is reason to believe that the member is biased or will not be impartial, must never be dismissed out of hand. The Board should always take the time to consider whether there is a reasonable apprehension of bias. The Board Chair may wish to consult with counsel to the Board if need be. Where the allegation of conflict or bias is clearly unfounded, then after deliberation, the Board may proceed as originally constituted. If there is real doubt, the simple and sensible solution is to, as the member, to remove herself/himself from participating in that particular hearing in order to avoid future challenges.

Bear in mind that the Board must consider not only actual bias, but the perception of bias.

## HEARINGS

Hearings of the City Mortgage/Access Transit Appeals Boards are closed to the public due to the nature of the material presented, which deals with financial information and personal health.

### **1. SCOPE OF THE APPEAL**

The scope of the appeal will be the issues outlined in the appeal application.

### **2. HEARING DOCUMENTS**

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Hearing documents will be prepared for each Board member and forwarded by courier or regular mail prior to the hearing date. The documents will include the Notice of Appeal from the Appellant, the Notice of Hearing, Notice of Exhibits as well as any additional evidence submitted by the Appellant and/or the Respondent.

The hearing documents will be provided to the Board members, the Appellant, the Respondent, and City Solicitor. The Secretary will keep the original copies of all documents on file.

All documents will be stamped "For Identification Only" followed by an A (Appellant), R (Respondent) or B (Board) designation and a consecutive number. Materials received from the Appellant will be marked "A"; materials from the Respondent will be marked "R" and materials provided by the Board's Secretary, such as the Notice of Hearing, will be marked "B". For example the Notice of Appeal will be marked A.1.

The Notice of Hearing will outline the time set aside for the hearing.

### **3. QUORUM**

A majority of the members of the Board constitutes a quorum for the purpose of a hearing. This would mean that three out of the five Board members must be present.

### **4. CONDUCTING THE HEARING**

- The Chair of the Board will read the opening statement to commence the session.
- The Chair will introduce the Board members and the Board's Secretary.
- The Chair will ask the City's representative(s) to introduce him/herself and any other representatives of the City present.
- The Chair will ask the Appellant to state his/her name for the record and introduce any other representatives present on his/her behalf.
- The Chair will review the documents received to date, and if there are no objections from either party, the documents will be marked as official Exhibits.
- Following presentation of evidence, the Chair will ask both parties if they have any questions of each other.

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- Board members will ask any questions they might have.
- The Chair will close the hearing and indicate that a written decision will be rendered by the Board and forwarded by Registered Mail.

## 5. ***FAILURE TO APPEAR***

If the Appellant is not present at the scheduled hearing time, the appeal will be moved to the end of the docket, if there is more than one appeal scheduled. If the Appellant is still not present at the end of the session, the appeal may be considered in the Appellant's absence. If the Board decides to consider the appeal in the absence of the Appellant, then any written materials filed by the Appellant will be reviewed and the Respondent will be given an opportunity to respond and/or make a recommendation.

## 6. ***DECISIONS***

The Chair will assist in the preparation of a written decision, providing reasons for each decision, in accordance with an established decision outline (Appendices B and E).

Members of the Board should take notes during the hearing process. The Secretary will be available to assist the Board during the decision-making process by providing a summary of the proceedings, if necessary, and to document any additional information as well as the Board's decision. The Secretary will provide administrative/secretarial support.

Decisions on appeals shall be signed by the Chair or Acting Chair and the Secretary.

The Board must **render its decision in writing** and forward same by Registered Mail to the Appellant and the Respondent.

The parties to an appeal should be informed of the Board's decision before anyone else. A courtesy copy may be faxed to the two parties involved, while at the same time carry out the requirements of Registered Mail service.

# CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES

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## PROCEDURES FOR CHAIRING A HEARING

This is a meeting of the City Mortgage or Access Transit Appeals Board. The Board consists of members of this community who have been appointed by City Council to serve a neutral position on the Board. The Board will hear the Appellant and then the Respondent (City's Representative). The Board will make a determination based on the evidence presented at the hearing and in accordance with its jurisdiction.

The Chair will be in charge of procedural rulings and any rulings will be final for the purpose of the hearing. All comments and questions should be addressed through the Chair.

In all cases the Board will reserve its decision, meaning that it will deliver its decision at a later date. A verbal decision is usually available the day following the hearing from the Secretary of the Board; however, a detailed written decision will be provided by Registered Mail within 30 days of the conclusion of the hearing.

My name is << >>, I am the Chair of the Board. The other Board members are << >>. The Secretary of the Board is *Debby Sackmann* of the City Clerk's Office.

I would ask that the City's representative(s) introduce him/herself (and anyone else representing the City).

**(To the Appellant)** Would you please state your name for the record of the Board?

Also, if anyone else is present for this hearing, would you please identify yourself and state your name and interest in the appeal for the record.

I will now review the documents on file which have been identified as follows: <<A.1, being...etc.; R.1 being...etc.; B.1...etc. >>. (Read these from the Documents Sheet).

Does either the Appellant or the Respondent have any objection to any one of these documents being formalized as Exhibits?

Hearing no objections, the documents will now be formalized as Exhibits.

**(To the Appellant)** Would you please proceed with your statement with respect to this appeal.

**(To the Respondent-City's Representative)** Does the Respondent have any questions of the Appellant at this time?

## **CITY MORTGAGE & ACCESS TRANSIT APPEALS BOARDS POLICY AND PROCEDURES**

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**(To Board Members)** Do Board Members have any questions of the Appellant at this time?

**(To the Respondent-City's Representative)** Please proceed with your statement on this appeal.

**(To the Appellant)** Do you have any questions of the Respondent at this time?

**(To Board Members)** Do members of the Board have any questions they wish to ask the Respondent at this time?

**(To the Appellant)** Do you have any additional comments to make or any rebuttal comments, based upon the evidence presented by the Respondent?

**(To the Board)** Do Board members have any final questions?

This will close the hearing. The Board will review the evidence and make its decision. The Board will render its written decision with reasons and you will receive it by Registered Mail. The Board's written decision cannot be appealed to any further body, the decision of the Board is final.

## **CITY MORTGAGE APPEALS BOARD – APPEAL CRITERIA AND PROCESS**

The City Mortgage Appeals Board was established by City Council at its meeting on June 25, 2007, to hear and make final decisions on all requests for forgiveness of City Mortgage that may arise out of the City's current Lot Allocation Policy.

The following appeal criteria for use by the City Mortgage Appeals Board were adopted by City Council on April 7, 2008:

Forgiveness of the outstanding indebtedness under the City's mortgage may be granted where the owner must sell the mortgaged property due to any of the following:

- (a) Marriage breakdown;
- (b) Job transfer or change of employment involving a move out of Saskatoon;
- (c) Death of a signatory;
- (d) Any other unanticipated event which, in the Board's view, would make it fair and reasonable to forgive the indebtedness under the mortgage (e.g. serious illness, loss of employment).

### **City Mortgage Appeals Process**

1. Lot Purchaser approaches Saskatoon Land Division requesting forgiveness of City Mortgage.
2. Saskatoon Land Division provides an Application Form to Lot Purchaser to appeal to the City Mortgage Appeals Board.
3. Lot Purchaser submits Application Form to the Secretary of the City Mortgage Appeals Board, City Clerk's Office, within 30 days of the date of the request for forgiveness of City Mortgage.
4. The Secretary of the City Mortgage Appeals Board establishes a hearing date suitable to all parties and sends out a Notice of Hearing to the Lot Purchaser and the City's Administration.
5. Saskatoon Land Division and Lot Purchaser submit any additional material/documents that would assist the Board during the appeal process, (e.g. letter from employer confirming job transfer date to location outside of Saskatoon) at least five days prior to the date of the appeal hearing.
6. Hearing is held with Lot Purchaser/or designate and Representatives from the Saskatoon Land Division.
7. The Board shall issue its decision, in writing, within 30 days after the conclusion of the hearing.
8. The Board's decision is final.
9. Saskatoon Land Division/Solicitor takes appropriate action to comply with the Decision.

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**RECORD OF DECISION**

**CITY MORTGAGE APPEALS BOARD**

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**APPEAL NO.:** -20

**RESPONDENT:** City of Saskatoon

In the matter of an appeal to the City Mortgage Appeals Board made by:

respecting the request for forgiveness of the City Mortgage on the property at:

**BEFORE** Ms. Leslee Harden, Chair  
Ms. Pat Redl, Vice-Chair  
Ms. Gloria Jorgenson, Member  
Mr. Noah Kelleher, Member  
Mr. James D. Leach, Member

**Appeared for  
the Appellant**

**Appeared for  
the Respondent**

, Finance and Sales Manager, Saskatoon Land,  
Asset & Financial Management Department  
, Saskatoon Land,  
Asset & Financial Management Department

The appeal was heard in Committee Room B, 2<sup>nd</sup> Floor, North Wing, City Hall, Saskatoon,  
Saskatchewan, on , 20 .

**PRELIMINARY ISSUES:****GROUNDINGS AND ISSUES:**

The Appellant, \_\_\_\_\_, filed an appeal in requesting forgiveness of the City Mortgage on the property at \_\_\_\_\_ due to \_\_\_\_\_.

**EXHIBITS:**

Exhibit A.1: City Mortgage Appeal Application from \_\_\_\_\_, received in City Clerk's Office on \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit A.2: \_\_\_\_\_ from \_\_\_\_\_ forwarding additional information in support of the appeal, received in City Clerk's Office on \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit B.1: Notice of Hearing dated \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit B.2: Letter dated \_\_\_\_\_, 20\_\_\_\_\_, to \_\_\_\_\_ from City Clerk's Office distributing hearing documents (A.1, B.1, and R.1).

Exhibit R.1: Memo dated \_\_\_\_\_, 20\_\_\_\_\_, from Saskatoon Land, Asset & Financial Management Department forwarding additional information on the Lot Purchase and Mortgage for the property at \_\_\_\_\_, received in City Clerk's Office on \_\_\_\_\_, 20\_\_\_\_\_. The documents are as follows:

- 

**EVIDENCE AND ARGUMENT OF THE APPELLANT:**

The Appellant, \_\_\_\_\_, was in attendance at the hearing. The following is a summary of evidence and argument.

- 

**EVIDENCE AND ARGUMENT OF THE RESPONDENT:**

The City of Saskatoon, being the Respondent, was represented by \_\_\_\_\_, Finance and Sales Manager, Saskatoon Land, Asset & Financial Management Department. The following is a summary of \_\_\_\_\_ evidence and argument.

-

**CRITERIA TO BE APPLIED:**

The Board’s jurisdiction encompasses the following criteria established by City Council with an “X” marked on the one(s) relevant to this appeal:

“Forgiveness of the outstanding indebtedness under the City’s Mortgage can be the subject of appeal to the City Mortgage Appeals Board where the owner must sell the mortgaged property due to any of the following:

- Job Transfer involving a move out of the city
- Change of Employment involving a move out of the city
- Any Other Unanticipated Event, which would, in the Board’s view, make it fair and reasonable to forgive the indebtedness under the mortgage (e.g. serious illness, loss of employment).”
- Death of a Signatory
- Marriage Breakdown

**APPLICATION/ANALYSIS:**

- 1) **Is the reason for requesting forgiveness of the City Mortgage consistent with the criteria?**
  
- 2) **Has the Appellant demonstrated they have met the criteria for forgiveness under which they launched the appeal?**
  
- 3) **From the evidence presented, has the Appellant demonstrated that the circumstances of this appeal make it fair and reasonable to forgive the indebtedness under the City Mortgage?**

**DECISION:** THAT this appeal be .

TAKE NOTICE that in accordance with *Clause 1, Report No. 10-2007, of the Executive Committee* which was adopted by City Council at its meeting held on June 25, 2007, **this Decision of the City Mortgage Appeals Board shall be final.**

DATED AT SASKATOON, SASKATCHEWAN, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20 .

**CITY OF SASKATOON CITY MORTGAGE APPEALS BOARD**

\_\_\_\_\_  
**Ms. Leslee Harden, Chair**

\_\_\_\_\_  
**Ms. Debby Sackmann, Secretary**



**TERMS OF SALES AGREEMENT  
RESIDENTIAL LOTS SOLD TO INDIVIDUALS  
EFFECTIVE APRIL 18, 2010**

**ELIGIBILITY RESTRICTIONS:**

- Lot draw application fee is \$3,000
- Other Eligibility Restrictions Remain Unchanged and Include:
  - Signing a legal declaration stating that the lot purchased is to be used to construct their own personal residence and will not be used for speculation or resale;
  - Purchase of one lot every three years;
  - Must be 18 year of age and a Canadian citizen;

**AGREEMENT FOR SALE:**

- The individual would enter into an Agreement for Sale for purchase of the Lot.
- Normal payment terms would apply as follows:
  - Deposit of 13% of the lot price plus GST less \$3,000 submitted with the lot draw application;
  - Eight months to pay in full with interest, at prime, on any outstanding balance.
- All lots to be sold shall at a minimum have water and sewer and shallow buried services installed. Purchaser shall acknowledge that the City or its agents will complete sidewalks, curbs, and road construction which may prohibit or restrict site access during installation of these services;
- Individuals sign a legal declaration stating that they are constructing their own personal residence and that there is both a three-year time requirement in which to build and a residency requirement of four years associated with the purchase.

**FORGIVABLE MORTGAGE:**

- A \$50,000 forgivable mortgage held by the City of Saskatoon, and related to the three-year to build time and the four-year residency requirements, will be registered against each lot sold to an individual purchaser;
- The three-year time requirement to build commences from the date the Agreement for Sale is signed and possession of the lot is granted. If the three-year build requirement to a clear final inspection is not met, the \$50,000 forgivable mortgage will not be forgiven.
- The four-year residency requirement commences upon the time of Title transfer. This mortgage will be forgiven in equal monthly instalments over the final thirty-six months of the four year term.
- An Appeals Board will be appointed to consider requests for forgiveness of any outstanding mortgage balance due to special circumstances. The decision of this Board will be final.



## **ACCESS TRANSIT APPEALS BOARD – APPEAL CRITERIA AND PROCESS**

An individual has the right to appeal to the Access Transit Appeals Board when:

- Registration for Access Transit service is denied because it would contravene the Eligibility Criteria;
- A request for subscription is denied because it would contravene the requirements under the Subscription Policy;
- An individual is suspended from using the service as a result of violations under the No-Show Policy;
- An individual is suspended from using the service as a result of violations under the Late Cancellation Policy; and/or
- An individual is suspended from using the service as a result of violations under the Attendant Policy.

### **Filing an Appeal**

In order to file an appeal an applicant may:

- Complete the application form or make a written request and submit it to the Secretary of the Access Transit Appeals Board, City Clerk's Office, within 30 days of the date of Access Transit's notice of denial or suspension of service.
- Submit all supporting written material to the Secretary of the Access Transit Appeals Board at least five days prior to the date of the appeal hearing.

### **Appeal Process**

The Secretary of the Access Transit Appeals Board establishes a hearing date suitable to all parties and sends out a Notice of Hearing to the applicant and the City's Administration.

### **Decision of the Board**

The Board shall issue its decision, in writing, within 30 days after the conclusion of the hearing. The Board's decision is final, according to a motion adopted by City Council on July 18, 2012 under Clause 3, Report No. 12-2012 of the Executive Committee.

### **More Information**

Please contact the Secretary of the Access Transit Appeals Board, City Clerk's Office, for inquiries regarding the appeal process.

Phone: 306-975-3240

Fax: 306-975-2784

Note: Service will not be suspended or withdrawn while an appeal is in process.

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**RECORD OF DECISION**

**ACCESS TRANSIT APPEALS BOARD**

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**APPEAL NO.:** -20

**RESPONDENT:** City of Saskatoon

In the matter of an appeal to the Access Transit Appeals Board made by:

respecting Access Transit’s denial of the application for Access Transit Service.

**BEFORE** Ms. Leslee Harden, Chair  
Ms. Pat Redl, Vice-Chair  
Ms. Gloria Jorgenson, Member  
Mr. Noah Kelleher, Member  
Mr. James D. Leach, Member

**Appeared for  
the Appellant:**

**Appeared for  
the Respondent:** , Access Transit Supervisor, Saskatoon Transit, Transportation  
& Utilities Department  
, Access Transit Supervisor, Saskatoon Transit, Transportation  
& Utilities Department

The appeal was heard in Committee Room B, 2<sup>nd</sup> Floor, North Wing, City Hall, Saskatoon,  
Saskatchewan, on , , 20 .

**PRELIMINARY ISSUES:**

**GROUND AND ISSUES:**

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The Appellant, \_\_\_\_\_, filed an appeal after denial of \_\_\_\_\_ application for Access Transit Service, on the basis that the application does not meet eligibility requirements.

**EXHIBITS:**

Exhibit A.1: Access Transit Service Appeal Application from \_\_\_\_\_, received in City Clerk’s Office on \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit B.1: Notice of Hearing dated \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit R.1: Letter dated \_\_\_\_\_, 20\_\_\_\_\_, from Saskatoon Transit, Transportation & Utilities Department to \_\_\_\_\_, following review of the application for Access Transit Service, received in City Clerk’s Office on \_\_\_\_\_, 20\_\_\_\_\_.

Exhibit R.2: Access Transit Service Registration Application for \_\_\_\_\_, received in City Clerk’s Office on \_\_\_\_\_, 20\_\_\_\_\_.

**EVIDENCE AND ARGUMENT OF THE APPELLANT:**

The Appellant, \_\_\_\_\_, was in attendance at the hearing. The following is a summary of evidence and argument.

**EVIDENCE AND ARGUMENT OF THE RESPONDENT:**

The City of Saskatoon, being the Respondent, was represented by \_\_\_\_\_, Access Transit Supervisor, Saskatoon Transit, Transportation & Utilities Department. The following is a summary of \_\_\_\_\_ evidence and argument.

**RULES AND STATUTES:**

The Board’s jurisdiction encompasses the following regulations of Access Transit with an “X” marked on the one(s) relevant to this appeal:

- |   |  |
|---|--|
| <input type="checkbox"/> Eligibility Criteria | <input type="checkbox"/> No Show Policy      |
| <input type="checkbox"/> Cancellation Policy  | <input type="checkbox"/> Subscription Policy |

**ELIGIBILITY CRITERIA:**

The current eligibility criteria for the Access Transit Service, was approved by City Council on January 22, 2001, as follows:

- 1) Service is available to those individuals who are unable to use regular transit with safety and dignity either on a permanent or temporary basis, who meet one of the following criteria:
  - Unable to learn and understand how the public transit system operates.
  - Unable to recognize destination or landmarks.
  - Unable to wait at the bus stop for up to 20 minutes without undue detriment to their health.
  - Unable to walk a distance of one city block in a safe and timely fashion (ten minutes).
  - Unable to manage three steps.
  - Unable to seat themselves on the bus safely (i.e. balance, frail).
  - Unable to fit in the bus seats (because of use of equipment or other physical disability).
- 2) Service is available to persons visiting Saskatoon provided they meet the eligibility criteria.
- 3) Registration is available for:
  - a) individuals who are temporarily disabled and for that period are unable to use regular transit, and that such registration be valid for up to six months following which the customer must apply for an extension, if required; and
  - b) individuals who require temporary service on a seasonal basis (e.g. November 1 to April 1).

**APPLICATION/ANALYSIS:**

In determining an appeal, the Board was governed by criteria outlined in *Recommendation 1) of Clause 1, Report No. 14-2001, of the Planning and Operations Committee* which was adopted by City Council at its meeting held on November 5, 2001, and established the following questions to guide the decision process:

- 1) **Would the granting of this appeal allow the Appellant a special privilege relative to other applicants for, or users of, Access Transit?**
- 2) **Would the granting of this appeal be contrary to or inconsistent with the current eligibility criteria or the current policies with respect to “no-shows,” cancellation or subscription?**
- 3) **Having regard to the answers to questions 1) and 2), do the circumstances of this case, when considered in light of the purpose and intent of Access Transit; nevertheless justify the granting of this appeal?**

- 4) Are there other circumstances which could impact on the safety of staff and others who use the service?

**DECISION:** THAT this appeal be .

TAKE NOTICE that in accordance with *Clause 3, Report No. 12-2012, of the Executive Committee* which was adopted by City Council at its meeting held on July 18, 2012, **this Decision of the Access Transit Appeals Board shall be final.**

DATED AT SASKATOON, SASKATCHEWAN, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20 \_\_\_\_\_ .

**CITY OF SASKATOON ACCESS TRANSIT APPEALS BOARD**

\_\_\_\_\_  
**Ms. Leslee Harden, Chair**

\_\_\_\_\_  
**Ms. Debby Sackmann, Secretary**



**Access Transit Service**  
**Cancellation Policy**

**Late cancellation is defined as any cancellation of a trip with less than three hours of notification up to fifteen minutes prior to the scheduled pick-up time.** Same-day cancellation is defined as any trip cancelled on the same day with more than three hours' notice prior to the scheduled pick-up time.

Any customer, who registers **six (6)** late cancellations in a calendar month, will receive written warning and a copy of the policy. If there is a repeat of six late cancellations or more in any subsequent month, the customer will receive written notice of the dates intended for a one-week suspension of service.

In addition, any customer who registers more than **twenty four (24)** late cancellations in a calendar year will receive written warning and a copy of the policy. Should the customer reach **thirty (30)** late cancellations in a calendar year, the customer will receive written notice of the dates intended for a one-week suspension of service.

**Suspension of service may entail:**

- a) The removal of subscription services for one (1) month
- b) The removal of service for one (1) week
- c) The removal of service for one (1) month

Suspension of service will begin no earlier than thirty (30) days after the receipt of notice from Access Transit to ensure the customer has time to arrange for alternative transportation and/or to consider an appeal. For medical reasons, customers may request to have dates intended for their suspension from services to be served non-consecutively.

Cases of chronic late cancellations or same-day cancellations over a prolonged period will be reviewed by Access Transit staff for possible further sanction.



**Access Transit Service**  
**Expanded Eligibility Criteria**

- 1) Service is available to those individuals who are unable to use regular transit with safety and dignity either on a permanent or temporary basis; the following criteria will be used to determine eligibility:
  - Unable to learn and understand how the public transit system operates.
  - Unable to recognize destination or landmarks.
  - Unable to wait at the bus stop for up to 20 minutes without undue detriment to their health.
  - Unable to walk a distance of one city block in a safe and timely fashion (10 minutes).
  - Unable to manage three vertical stairs up/down.
  - Unable to seat themselves on the bus safely, i.e. balance, frail.
  - Unable to fit in the bus seats (because of use of equipment or other physical disability).
  
- 2) Service is available to persons visiting Saskatoon provided they meet the eligibility criteria.
  
- 3) **Registration is available for:**
  - a) Individuals who are temporarily disabled and for that period are unable to use regular transit, and that such registration be valid for up to six months following which the customer must apply for an extension if required; and
  - b) Individuals who require temporary service on a seasonal basis (e. g. November 1 to April 1).



### **Access Transit Service** **No-Show Policy**

**A “No-Show” is defined as any customer who is not present at the pick-up time and location, refuses a trip, does not show up after the five-minute waiting period or cancels within fifteen minutes of the scheduled pick-up time.**

Customers who register **three** (3) no-shows in a calendar month will receive written warning and a copy of the policy. If there is a repeat of three no-shows or more in any subsequent month, the customer will receive written notice of the dates intended for a suspension from service.

In addition, customers who register more than **twelve** (12) no-shows in a calendar year will receive written warning and a copy of the policy. Should the customer reach **fifteen** (15) no-shows in a calendar year, written notice of the dates intended for suspension from service will be given.

#### **Suspension of service may entail:**

- a) The removal of subscription services for one (1) month
- b) The removal of service for one (1) week
- c) The removal of service for one (1) month

Suspension of service will begin no earlier than thirty (30) days after the receipt of notice from Access Transit to ensure the customer has time to arrange for alternative transportation and/or to consider an appeal. For medical reasons, customers may request to have dates intended for their suspension from services to be served non-consecutively.

Access Transit will review cases of chronic no-shows over a prolonged period for possible further sanction.



**Access Transit Service**  
**Subscription Policy**

Subscription services are provided if a customer takes the same trip at least **once** (1) weekly for a minimum of **four** (4) weeks for medical trips, work, post-secondary education or church.

**Medical trips are limited to:**

Medical Doctors, hospitals, laboratories, day hospital programs, prescribed occupational and physiotherapists, or other treatments covered by Saskatchewan Health.

Subscription service is based on service availability, and is automatically cancelled on Statutory Holidays (a regular booking is then required).

Booked times may need to be adjusted to accommodate additional subscription trip clients.

**Note:** The rationale for limiting subscription trips is to ensure the availability of adequate pre-booking opportunities given limited resources and the fact that service demand is greater than what Access Transit can provide. Access Transit operates under a 50/50 Subscription/Demand Booking as per in-house operating procedure to ensure fairness for all registered customers.