

CRA-Designated Members Holding A Saskatchewan Assessment Designation Granted In Accordance With The Assessment Appraisers Regulations Can Invoke A Jurisdictional Exception Per CUSPAP When Preparing Assessments in Saskatchewan.

At its March 2015 meeting, the National Board of Directors of the Appraisal Institute of Canada (AIC) has confirmed that with respect to property assessment appraisers in Saskatchewan that are performing valuations for property assessment purposes in Saskatchewan, dually-designated CRA Members (i.e. CRA-MAAS, CRA-MRAAS, CRA-LAAS) can invoke a jurisdictional exception, in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP), for work that falls beyond the scope of the CRA designation but within the MAAS/ MRAAS designations and LAAS license, as set out under **The Assessment Appraisers Regulations** being Chapter A-28.01 Reg 1 (effective November 13, 2002) as amended by Saskatchewan Regulation SR 26/2005 , 11/2008, 6/2013 and 64/2014.

What follows are the provisions under CUSPAP 2014 that speak to the Jurisdictional Exception, as well as the mandatory (Definition) and suggested practices (Foreword and Practice Note):

Definition 2.41 Jurisdictional Exception: Permits the appraiser to disregard a part or parts of these Standards that are determined to be contrary to law or public policy in a given jurisdiction; only that part shall be void and of no force or effect in that jurisdiction. [see 3.6, 7.12.4, 12.2.9, 14.39.8,14.55]

Foreword

- 3.6 Jurisdictional Exception [see 2.41, 7.12.4, 12.2.9]
- 3.6.1 An assignment condition that voids the force of a part or parts of the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP), when compliance would be contrary to law or public policy applicable to the assignment. [see 4.2.5; 14.39.6]
- 3.6.2 Jurisdiction relates to the legal authority to legislate, apply or interpret law at either the federal, provincial or local levels of government. It is misleading not to identify the part or parts of CUSPAP disregarded and the legal authority justifying this action.
- 3.6.3 In every case, it is ultimately the responsibility of the appraiser, not the client or other intended users, to determine whether the use of Jurisdictional Exception is appropriate. It is unethical for a Member to complete an assignment that a Reasonable Appraiser could not support.

Practice Note 14.49 Assessment

- 14.19.3 Members working in assessment may claim a Jurisdictional Exception where:
- 14.49.3.i. legislation overrides the Standards rules

A copy of CUSPAP 2014 can be downloaded from the AIC website at <http://www.aicanada.ca/professional-standards>.

Questions related to this topic or any professional practice matter can be directed to Nathalie Roy-Patenaude, AIC Director-Counsellor, Professional Practice at directorprofessionalpractice@aicanada.ca.

About the Appraisal Institute of Canada

The Appraisal Institute of Canada (AIC) is a leading real property valuation association with over 5,000 members across Canada and around the world. Established in 1938, AIC works collaboratively with its 10 provincial affiliated associations to grant the distinguished Accredited Appraiser Canadian Institute (AACI™) and Canadian Residential Appraiser (CRA™) designations. AIC is a self-regulating organization that is guided by a *Code of Conduct*, and *Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP)* to ensure the integrity of the profession and the protection of public interest. AIC Designated Members are highly qualified, respected professionals who undertake comprehensive curriculum, experience and examination requirements. They are committed to continuing professional development to maintain the highest level of competency within the evolving marketplace. Our members provide unbiased appraisal, review, consulting and reserve fund planning services on all types of properties within their areas of competence. For more information, go to www.AICanada.ca.

The Appraisal Institute of Canada – Saskatchewan (AIC-SK) is a provincial association of the Appraisal Institute of Canada (AIC). AIC-SK represents approximately 175 members and delivers AIC's member programs and services within the province. AIC-SK's objective is to serve the profession and the public by implementing policies and programs to ensure the appraisal profession is advanced and the public is protected. For more information, go to <http://www.aicanada.ca/province-saskatchewan/saskatchewan/>.