



M U N I C I P A L P R O P E R T Y A S S E S S M E N T C O R P O R A T I O N

Use of CVA by Municipalities on Municipal Websites

Introduction

A property's Current Value Assessment (CVA) is derived, in part, using sales and property details that are sourced from Land Registry records. The use and disclosure of Land Registry information is subject to the terms of the Data Sharing Agreement (DSA) between the Municipal Property Assessment Corporation (MPAC), Teranet Inc. (Teranet) and the Ontario Government. MPAC provides CVAs to municipalities for statutory purposes. If a municipality wishes to use CVAs for other purposes, the non-statutory use provisions of the DSA must be satisfied.

This information note summarizes the DSA requirements for the use of CVAs by municipalities on their websites when the use is not a legislative product; such as, for purposes of implementing tax calculator websites and other website applications.

Legal Framework/Background

A. Data Sharing Agreement (DSA)

MPAC generates CVAs using various data elements that are sourced from Land Registry records (e.g., property sales information). Teranet administers Ontario's Land Registry system on behalf of the Ontario Government as part of a long-term and multi-year contract that also permits Teranet to commercialize much of the information contained in Land Registry records.

In 1998, the Ontario Government divested the property assessment function to MPAC. In order to continue essential information flow MPAC, Teranet, and the Ontario Government entered into an agreement known as the DSA. The DSA, in part, requires Teranet to provide MPAC, at no charge, with the information necessary to meet MPAC's statutory obligations. Where MPAC uses or discloses Teranet information for purposes that are not specifically required by law, the DSA imposes restrictions and/or provides that royalties are to be remitted to Teranet. Products and services created by MPAC that are derived, in part or in whole, from Teranet information are also included within the scope of the DSA. These are referred to as derivative products and services.

CVAs are considered a derivative product under the DSA. Consequently, CVAs may only be used and disclosed where they are directly related to MPAC's statutory obligations; otherwise, the release or use of CVAs are subject to the DSA provisions relating to non-statutory products and services (e.g., restrictions, royalty payment, etc.).

B. Municipal License Agreement (MLA)

MPAC is obligated by law to provide municipalities with access to MPAC information for various purposes (e.g. tax billing, planning activities, etc.). The Municipal License Agreement (MLA), along with the various Product Use Sheets, is a contractual expression that operationalizes the disclosure and use obligations provided by statute; such as, section 53(3) of the *Assessment Act*. Although MPAC appreciates that occasionally, a municipality may wish to use the information provided to it by MPAC

under the MLA for a wider variety of uses, unfortunately, such uses are not permitted or may be subject to the terms of the DSA.

C. Appendix 27 of the DSA

Appendix 27 of the DSA allows municipalities to provide website access to the public to view basic information from the current assessment roll that was sourced or derived, in part or in whole, from Land Registry records, without the municipality (or MPAC) having to remit royalty fees to Teranet. Appendix 27 allows ratepayers to view the CVA and other property information, such as the Roll Number, Property Address, and Property Classification for a specific property. Appendix 27 also permits the municipality to add annualized property tax information.

D. Appendix 28 of the DSA

Appendix 28 of the DSA allows municipalities to provide password-protected website access for users to view additional assessment roll information, without the municipality (or MPAC) having to remit royalty fees to Teranet. Appendix 28 allows ratepayers to view current and previous year CVAs for properties within the ratepayer’s municipality, and other property information, such as the Roll Number, Property Address, Property Classification, and Legal Description for a specific property. Appendix 28 also permits the municipality to add annualized property tax information.

Use of CVAs on a Municipality’s Website

MPAC recognizes that municipalities may want to make certain MPAC information available to ratepayers on their municipal websites. The municipality may wish to show the MPAC information directly, as-is, or by way of enhanced information products or services. For example:

Tax Calculator Websites

The implementation of “tax calculators” by a number of Ontario municipalities is an example of how MPAC-generated CVAs are being used to provide enhanced products and services to ratepayers. Essentially, a “tax calculator” website allows a ratepayer, upon query, to use CVAs to generate estimates of their annualized property taxes and display breakdown detail of where taxes are used and distributed for municipal services; such as, what percentage of a property’s taxes is allocated to law enforcement, education, infrastructure projects, administration, debt reduction, etc.

The implementation of a “tax calculator” is not a legislated product or service. Thus, municipalities are not legally permitted to include CVAs on municipal websites (including tax calculators), unless they satisfy the requirements of the DSA and the MLA.

Use of MPAC information by municipalities is subject to the MLA; and, where the MPAC information was sourced or derived, in part or in whole, from Land Registry records, the use is also subject to the DSA. Use of CVAs by municipalities to provide ratepayers with enhanced information products and services, including those on municipal websites, fall within the scope of the DSA. That is, because a CVA is a derivative product that has been generated, in part, using information from Land Registry records.

Requirements for Use of CVAs on Municipal Websites

Where a municipality wishes to display the CVA on their municipal website, including by adding municipal tax calculations through a “tax calculator,” the municipality must:

- (a) Implement online security features to prevent automated access and screen scraping.**

Without limiting the generality of the foregoing, at minimum, a municipality will:

- (i) limit the number of searches that a user or IP address may perform within a certain time period;
- (ii) identify and take measures to block robot or automated queries;
- (iii) use captchas;
- (iv) set more stringent security implementations for out of town, province or country queries/users; and
- (v) add automated threshold blocking or suspension.

(b) Provide access to the relevant municipal website on a “view only” basis.

(c) Only display property information for one property at a time.

(d) Require users to "accept" website terms and conditions before being allowed to proceed.

Users must “accept” the municipal website (and tax calculator) terms and conditions prior to each login. The terms and conditions must, at a minimum provide that the assessment/tax information that is shown (including, without limitation, the CVA) is:

- (i) confidential information which contains third party proprietary and confidential information;
- (ii) delivered for information purposes and to be used only by the relevant ratepayer;
- (iii) delivered solely for purposes relating to the ratepayer's assessment and/or taxes; and
- (iv) not to be shared, disclosed, sold, marketed, posted or transmitted on any publicly accessible network or used for commercial purposes, gain or profit,

(e) Accept and manage access control responsibilities.

At minimum, this includes:

- (i) accepting responsibility for ensuring that users of the relevant municipal website and/or tax calculator comply with all relevant terms and conditions governing access to such site; and
- (ii) take appropriate action to revoke access where unauthorized use of, or access to, assessment/tax information (including, without limitation, the CVA) is identified.

(f) Ensure that users accessing information do not use it in conjunction with any other municipal product or service.

(g) Implement further security measures for the additional information offered (previous year CVAs, legal description, etc.) through a password-protected website.

In addition to the restrictions outlined above, password-protected municipal websites that include previous year CVAs and legal description must:

- (a) be limited to personal use only; and
- (b) limit access to ratepayers whose properties are located within the municipality.

Have Questions?

Municipalities should contact their local MPAC Regional/Account Manager with questions about this information note or about access to or acceptable uses of MPAC information, or MPAC’s Municipal Licence Agreement and/or Product Use Sheets. To identify your local MPAC Regional/Account Manager, please contact MPAC’s Municipal and Stakeholder Relations at (289) 315-3071.