



Mediation at the Assessment Review Board

Mediation is a process where a Member of the Assessment Review Board (ARB) helps parties reach a voluntary, mutually acceptable solution on some or all of the issues in dispute. Parties may request mediation by writing to the ARB and copying all parties on the request. The ARB may also start the mediation process without a request from a party. For instance, an ARB Member may direct that the parties participate in mediation at a Settlement Conference.

Unlike a hearing event, a mediation meeting is not open to the public. What is said by the parties in the mediation to try to reach settlement is **confidential**. If the matter does not settle and goes to a hearing, the parties cannot reveal in the hearing what another party said at the mediation to try to settle the dispute, except with the consent of the other parties.

When is mediation available?

Mediation is available for assessment appeals heard by way of General Proceeding. Mediation may also be considered for other types of appeals, but mediation is generally not available for residential properties.

In accordance with the schedule of events, mediation is generally available after parties have participated in a Settlement Conference. However, parties can request mediation in place of a Settlement Conference. This request can be made prior to the Settlement Conference if the parties believe mediation can assist in resolving the appeal.

How do I request mediation?

Parties can request mediation after a mandatory meeting between the parties has occurred. MPAC will submit the Notice of Mandatory Meeting form to the ARB. All other requests for mediation must be sent to the ARB Registrar in writing by:

- **E-mail:** arb.registrar@ontario.ca or
- **Mail: Assessment Review Board**
655 Bay Street, Suite 1500
Toronto, ON M5G 1E5

Parties should discuss with each other whether they are interested in participating in an ARB facilitated mediation prior to making a request. All parties to the proceeding should be copied on the request.

All requests must include the following information:

- the particulars of the appeal;

- whether all parties consent to mediation;
- whether disclosure has been completed;
- the issues the parties think can be resolved;
- what the parties are seeking from mediation;
- who will attend the mediation including any experts; and
- the proposed date for the mediation.

If the ARB decides that mediation is appropriate, a mediation event will be scheduled. If the ARB decides that mediation is not appropriate, a hearing event will be scheduled, if one is not already set.

What happens at mediation?

Two weeks before the mediation you will need to provide a written outline of the issues in dispute, your position on the issues, and the reasons for your position. This mediation brief will help the ARB Member prepare for your mediation.

At the mediation, the parties try to reach an agreement on issues. The Member advises the parties on how the mediation will proceed and sets out ground rules. The Member will facilitate a discussion of the issues and may suggest alternate options. The Member may meet separately with either party if the Member believes that this will help achieve a settlement.

What if an agreement is reached?

If an agreement is reached the parties must submit Minutes of Settlement to the ARB in accordance with the due dates for filing that are set out in the ARB's **Rules of Practice and Procedure**.

What if an agreement is not reached?

If an agreement is not reached that day, but the parties and the Member believe that further discussion would be productive, the Member may set another date to continue the mediation.

If the parties cannot resolve the dispute through agreement, the ARB will schedule a hearing. Nothing relating to settlement proposals or compromises, except those matters that have been agreed and consented to, can be revealed to the Member presiding at the hearing. Mediation and other settlement discussions are “without prejudice”; that is, positions taken or statements made to reach a settlement cannot be raised against a party at future events.

What happens to the mediation brief?

After the in-person mediation has concluded, the ARB Member will return any paper copy of the mediation briefs to the parties. If the ARB has a paper or electronic copy of mediation briefs, they will be removed from the ARB's records.

Where can I find more information?

For more information please refer to the ARB's *Rules of Practice and Procedure* and the Practice Direction on Mediation which can be found on **our website** or by calling us at (416) 212-6349 or toll free 1-866-448-2248.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible at (416) 212-6349 or 1-866-448-2248.

Please Note

The information contained in this sheet is not intended as a substitute for legal or other advice, and in providing this information, the ARB assumes no responsibility for any errors or omissions and shall not be liable for any reliance placed on the information in this sheet. Additional information, including the ARB's *Rules of Practice and Procedure*, is available at www.elto.gov.on.ca, or by calling (416) 212-6349 or toll free 1-866-448-2248.



The **Environment and Land Tribunals Ontario (ELTO)** includes the Assessment Review Board, Board of Negotiation, Conservation Review Board, Environmental Review Tribunal, Ontario Municipal Board, Niagara Escarpment Hearing Office and the Office of Consolidated Hearings. The Tribunals operate under specific legislative requirements and share resources and best practices. The Assessment Review Board hears appeals from persons who believe there is an error in the assessed value or classification of a property and also deals with some types of property tax appeals under the Municipal Act and City of Toronto Act. For more information contact us at:

Environment and Land Tribunals Ontario
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Telephone: (416) 212-6349 or toll free: 1-866-448-2248
Website: www.elto.gov.on.ca