



November 14th, 2017

NOTICE OF ASSIGNED COMMENCEMENT DATES PURSUANT TO RULE 33

Notice of Commencement Dates

Please find an attached Excel Spreadsheet which confirms the Commencement Days assigned by the Board for your General Proceeding appeals for the assessment cycle 2017-2020. This Excel Spreadsheet serves as NOTICE that, for each appeal, you are required to commence the pre-hearing events set out the Schedule of Events on the Commencement Date.

These Commencement Dates have been assigned pursuant to Rule 33 of the Board's Rules of Practice, which are posted on the Board's website. The website link is: <http://elto.gov.on.ca/wp-content/uploads/2017/08/ARB-Rules-of-Practice-and-Procedure.pdf> .

For your assistance, the required due dates under the Schedule of Events, are also set out in the attached Excel Spreadsheet.

The remainder of this notice is to provide you with:

- information to assist you in understanding and using the Excel Spreadsheet;
- information on how to address any concerns regarding the scheduling of a Commencement Date for an appeal, and when you must file those concerns with the Board;
- information on the Board's requirements if a party wishes to change its appeal representative;
- Notice of the Board's requirement for appeal representative firms to provide the Board with the name of their Complaints Representative.

How to read the Excel Spreadsheet

The Excel Spreadsheet has been designed to assist you through the management of your appeals. Each appeal has been assigned a Commencement Date and the

Schedule of Event due dates are shown in columns “P” through “AB”. To assist you, the columns of the spreadsheet have been colour coded:

Blue columns provide basic “tombstone” information respecting the appeal;

The Yellow column shows the Commencement Dates; and

Columns with an Orange header are for your own input and tracking of appeals.

The Excel Spreadsheet, is “protected” which means that the “tombstone” information and dates cannot be edited. However, you will be able to manipulate the presentation of the information by sorting and filtering, as well as input information into the designated Orange Header Columns. If you are unfamiliar with how to sort and filter you can find a detailed video at: <https://support.office.com/en-us/article/Sort-and-filter-data-ffb9fcb0-b9cb-48bf-a15c-8bec9fd3a472> . This will allow you to see some or all of the data in different configurations without compromising the data, or inadvertently deleting information.

Outstanding concerns regarding the assignment of Commencement Dates

As you may be aware, the Board, in working with its stakeholders, has developed a scheduling strategy to evenly distribute the appeal work load for all parties over the four-year assessment cycle.

The Board also instituted a process whereby MPAC, appellant representative firms, and Municipalities, were given the opportunity to provide their preferences regarding the scheduling of Commencement Dates for all appeals currently before the Board. The Board has considered these preferences and has attempted to accommodate them. However, it is not feasible to accommodate every preference.

Although the Board will consider the preferences of all parties, it is the Board that makes the final decision regarding the scheduling of a Commencement Date for an appeal.

Where the parties make a request to the Board to combine proceedings for individual appeals pursuant to Rule 78, the parties are still required to comply with the assigned Commencement Dates and due dates under the Schedule of Events for each individual appeal, until such time as the Board rules on the request to combine proceedings. Where a request to combine proceedings is granted, the Board will, at that time, give such directions as may be required, to amend assigned Commencement Dates and Schedule of Events for the individual appeals.

If you have any remaining concerns relating to the assigned Commencement Dates for *any* of your appeals, **you must advise the Board in writing by December 1, 2017.**

Requests to alter Commencement Dates must use the Board's Expedited Directions Form, which can be downloaded from the Board's website at:

www.arb.gov.on.ca<<http://www.arb.gov.on.ca>

The complete form should be submitted to the Board Registrar at:

arb.registrar@ontario.ca<<mailto:arb.registrar@ontario.ca>>

The Board will review your request and respond accordingly.

Additional Information

Deeming

Pursuant to the provisions of the *Assessment Act*, the Board creates deemed appeals throughout the year, and annually after March 31st. All deemed appeals will be assigned the same Commencement Date and Schedule of Events as has been assigned for the original appeal.

Where a person appeals a Property Assessment Change Notice issued by MPAC (i.e. supplementary and omitted assessments), the appeal is classified as a deemed appeal if there is an outstanding s.40 *Assessment Act* appeal before the Board. As noted in the previous paragraph, such deemed appeals will follow the same Schedule of Events as the s.40 appeal. In most cases, it is likely that the parties will be able to meet the due dates set out in the Schedule of Events for the original s.40 appeal, even with the addition of the deemed appeal. However, if they are unable to do so, they may apply to the Board to amend the due dates as may be required.

Changing Appeal Representatives

You will note that, for each appeal, the Excel Spreadsheet provides the name of each party's appeal representative.

At all times, pursuant to Rule 12(c), it is each party's responsibility to provide written notice to the Board and all other parties of any change in their appeal representative. Pursuant to Rule 13, a party's existing representative must continue to act as appeal representative, until the notice is provided. This means that, until a party provides such notice, the existing appeal representative remains responsible for meeting all requirements under the Board's Rules, in particular, compliance with the due dates set out in the Schedule of Events.

If a party changes its representative, the Board will *not* amend the due dates set out in the Schedule of Events to accommodate the new representative's personal schedule, other than in exceptional circumstances. Similarly, the Board will not adjourn any scheduled appearances before the Board, other than in exceptional circumstances.

Therefore, before retaining a new appeal representative, a party should ensure that this representative will be able to comply with the Schedule of Events *and* attend any scheduled appearances before the Board.

Complaints Representative

The Board has instituted an administrative policy whereby MPAC, Municipalities, and all appellant representative firms will name a person who will act as a complaints representative. This person will receive complaints from other party representatives regarding the conduct of any of the firm's appeal representatives. Such conduct, for example, may include failing to respond to e-mails or requests for disclosure. The Complaints Representative is expected to respond to such complaints on a timely and urgent basis. The purpose of this initiative is to provide the parties with an opportunity to resolve problems quickly and collaboratively, in order to avoid having to file time-consuming motions with the Board.

All party representatives, who have not yet done so, must provide the Board with the name of their Complaints Representative. The Board will then compile a list of all Complaint Representatives, which will be posted on the Board's website. To ensure that this list is posted by the end of the year, **party representatives are required to provide the Board with the name of their Complaints Representative by December 1, 2017.**

Please send your email to arb.registrar@ontario.ca . The email subject should state: " [Name of your firm] - Complaints Representative 2017". The body of your email should provide the following contact information for your nominated Complaint Representative:

- Name,
- Title and/or Role of the person, and
- Telephone number and email address.

If no contact information is provided, the Board will use its records to assign a Complaints Representative by default. Municipalities have been advised that the default for their representative will be the Clerk of the Municipality.

Appeals Representative

All municipalities were requested to provide a person and their contact information of whom is responsible for the appeals for this cycle. This message was delivered through communications from OMTRA, MFOA and Webinars and/or presentations where the Board presented. As of today, we have not heard from many of you. If we did not receive your information on the release of this email, please provide the information by December 1, 2017 to arb.registrar@ontario.ca

subject line: Appeals Rep – Municipality 2017. The default contact person will be the clerk of the municipality.

Resources

- Website: www.arb.gov.on.ca
- Rules here <http://elto.gov.on.ca/wp-content/uploads/2017/08/ARB-Rules-of-Practice-and-Procedure.pdf>