



Environment and Land Tribunals Ontario (ELTO)
Assessment Review Board
Appeals Management Advisory Committee (AMAC)
MEETING MINUTES

Meeting # 1 : February 27, 2018 @ 10:30am
 ELTO Offices, 655 Bay Street, Toronto, ON

PARTICIPANTS

Committee Members

	NAME	ABSENT
BOARD	PAUL MUDOON	
	DIRK VANDERBENT	
	KELLY TRIANTAFILOU	
	GEORGIA TRIFONIDIS	
REPRESENTATIVE FIRM	DAVID POUPARD, Altus	
	TOM CARAMBELAS, Yeoman	
	PAULA KALOGRITSAS, AEC (Alternate)	x
MUNICIPALITY	CONNIE MESIH (OMTRA)	
	GRACE MARSH (OMTRA)	
	MAUREEN ZABIUK (OMTRA)	
MPAC	GEORGIA RIBEIRO	
	GREG BAXTER	
	NAFISA TEJANI	x
LAW FIRMS	KATHLEEN POOLE	
	JACK WALKER (Alternate)	

Other Attendees:

- Mr. Bruce Krushelnicki, Executive Chair, ELTO
- Caraline King, Vice Chair, ARG
- Megan Peck, Legal Counsel, ELTO

Meeting Chair: D. VanderBent, Vice Chair, ARB

DISCUSSION / DECISIONS / AGREEMENTS

AMAC terms of reference and membership

- The Board confirmed the terms of reference as follows:
 - To assist the Board in developing and maintaining appropriate administrative policies, practices, and procedures in scheduling Commencement Days for appeals;
 - To provide statistics or other information to assist the Board in monitoring the timely completion of appeals; and
 - Other functions as the Associate Chair may direct.
- AMAC Members will include representation from each stakeholder group as follows:
 - the Board (4 members)
 - Municipalities (3 members)
 - MPAC (3 members) and
 - Appellant Representatives (3 members):
 - one from a Large size tax agent firm
 - one from a Medium/smaller size tax agent firm
 - one from a law firm
 - two alternate members who can stand in if a committee member is unable to attend a meeting.
- Meeting Quorum will be 50 per cent of membership, with at least one member from each stakeholder group in attendance.

- AMAC, with the Board’s approval, may institute advisory workgroups to review specific issues and make proposals and recommendations to AMAC for its consideration.

Stakeholder Communications

- After discussion, there was consensus regarding the need for on-going communication with individual stakeholder groups, and, that the Board would begin by meeting with law firm representatives in a small group setting. Information obtained from the meeting will be reported to AMAC, but will not be attributed to individuals participating in the meeting, as this aspect of the meeting will be confidential. The purpose of this confidentiality provision is to promote open communication in the meeting.
- **Action Item:** J. Walker undertook to identify meeting participants, schedule the meeting, and provide the Board with an agenda of discussion items prior to the meeting. This meeting to be completed before the next AMAC meeting on April 26, 2018.

Rules Review

- Vice Chair Caroline King described the Board’s plans to form a committee, named the Advisory Rules Review Committee (“ARRC”), which will be comprised of members of the Board and stakeholder representatives. ARRC will facilitate the Board’s on-going consultation with stakeholders regarding amendments to the Board’s Rules of Practice and will lead the Board’s stakeholder review.
- The Board has issued a call for members and will hold its first meeting in June 2018.
- Minor adjustments to the Rules may, where necessary, be made prior to completion of the mid-cycle review.

Registrar’s Update

- Board Registrar, Kelly Triantafilou, provided the following update:

- She described the process by which all appeals currently before the Board have been assigned a Commencement Date and associated Schedule of Events, indicating that a complete listing for all appeals is now posted on the Board’s website (“the Appeals List”).
 - Statutory Deeming of appeals has been completed, and these appeals will shortly be included in the Appeals List.
 - The Appeals List will be regularly updated as new appeals are received, or amendments are made to existing assigned Commencement Dates.
- Ms. Triantafilou also confirmed that, for each appeal, a notice respecting the assignment of a Commencement Date is sent to the parties. She further confirmed that the Board continues its practice to send written notice to the parties of any hearing event scheduled by the Board.

Scheduling of Commencement Dates – Supp’s / Omits etc

- Issue raised respecting how an appeal of a supplementary or omitted assessment should be scheduled, if the appeal is filed after the Commencement Day for a s.40 assessment appeal has started. The potential concern is that the supp/omit may require amendment of pleadings that have already been prepared and exchanged, and/or additional disclosure. The Committee identified two possible approaches, which should be discussed in a future review:
 - The parties submit a request to the Board, on a case by case basis, requesting assignment of a new Commencement Day for all appeals; or
 - AMAC develop a system protocol to govern how a Commencement Day for such appeals will be assigned at the time they are filed.
- The Board receives approximately 3000 supplementary/omitted assessment appeals each year. While not a large number in comparison to the total number of appeals filed with the Board, this number does

represent a significant administrative workload for all parties in terms of scheduling these appeals.

Combining Appeals v. Setting the same Commencement Date

- Committee members identified that there may be a general misunderstanding regarding the distinction between formally combining two or more appeals versus setting a common Commencement Date for two or more appeals.
- The Board indicated that it is considering whether to issue a Guideline to address this concern.

Mandatory Meeting Form

- A concern was raised by Municipalities that the form may not reflect that a municipality did participate in a proceeding, even if it ultimately does not take a position on the appeal.
- **Action Item**: The Board undertook to review the form and place this matter on the next meeting agenda for further discussion.

Settlement Conferences

- The Board noted that stakeholders have advised that, where an appeal is not resolved among themselves, they expect they will, for the most part, request as settlement conference. Therefore, it appears that conducting settlement conferences will be the main function performed by the Board.
- Committee members were briefly canvassed regarding their current plans for settlement conference training. There is consensus that it is important to have consistency in stakeholder training which meets the Board's expectations for settlement conferences.
- Committee members were open to the suggestion that AMAC could pursue a multi-stakeholder approach to the development of settlement conference training materials that would be available to everyone.

- **Action Item:** To further explore this option, the Board undertook to conduct a survey of a small sample of firms to find out what their current training plans are, and whether they would endorse the development of common training materials. The Board will report the survey results to AMAC, without reporting firm names (which will remain confidential).
- Concerns were raised respecting:
 - Whether persons participating in a settlement conference understand and will abide by the requirement that settlement conference discussions are confidential (and to this end whether participants should be required to sign a confidentiality agreement)
 - Respecting an issue such as economic obsolescence which may affect an entire industry, a settlement of the issue for one property may be relevant to appeals of other properties in the same industry. A question was raised as to how confidentiality would apply in such cases.
- These concerns were tabled for future discussion.

ACTION ITEMS

No.	NAME	Action Item & Due Date
1.	J. Walker	Arrange law firm stakeholder meeting before next AMAC meeting
2.	Board	Review Mandatory Meeting Form before next AMAC meeting
3.	Board	Conduct survey of settlement conference training plans

Currently Scheduled Meeting Dates

MEETING #	DATE (10:30 a.m.)
1	Feb. 26, 2018
2	April 26, 2018
3	June 21, 2018
4	Sept. 20, 2018
5	Nov. 22, 2018
6	Jan. 31, 2019