

**Property Assessment Appeal Board
Online Dispute Resolution
Terms of Use and Timelines for Commercial Appeals**

The parties agree to the following terms of use for Online Dispute Resolution (ODR):

Purpose of ODR:

The purpose of ODR is to reach mutual agreement. It is important that the parties collaborate and cooperate with each other and have an open and honest discussion.

Is ODR the best platform for this commercial appeal?

Appropriate	Not Appropriate
✓ Straightforward appeal with minimal issues that can be self-managed between the parties	✗ Complex appeal with multiple issues requiring resolution and direct Board assistance
✓ Parties are comfortable with technology and asynchronous conversations	✗ Appeal with voluminous information, that is best spoken to or formally presented
✓ Appeal that can be handled expeditiously and resolved in a short time period	✗ Groups of appeals with similar issues that are best to be considered together (combined)

If either party is uncertain if ODR is the best platform for this appeal, contact the Board facilitator as early as possible in the process to prevent loss of time and effort for all parties.

Participation Responsibilities:

In order to allow for productive discussions, the parties should follow these guidelines:

- Upload any relevant documents and provide relevant discussion in the ODR platform.
- Respond to the other party's questions and online discussion in a timely manner. A detailed response is not required within 1 to 2 days but at minimum communicate when the other party may expect a full response, which should be within 1 to 2 weeks. If the issues are complex and cannot be effectively managed, ODR may not be the best platform and the parties should request the assistance of a Board facilitator.
- Communicate in a respectful tone and avoid "getting personal". This will promote a good atmosphere for reaching mutual agreement. .
- Start with two-way online discussions between yourself and BC Assessment. As soon as the online discussions stall or you want an independent opinion, request the assistance of a Board facilitator.
- Complete the steps in the timeframe indicated in the below timelines table.
- Request the assistance of a Board facilitator, if the other party does not participate in a timely manner.

Steps in the ODR Process	By when (days refers to business days)
Both parties: Board gives you sign-on instructions to the ODR website to start online discussions	In April or May
BC Assessment: uploads the Property Valuation Summary	In first 3 days
Appellant: Uploads, where relevant: <ul style="list-style-type: none"> • Income and expense statements (three years) • Rent roll as of October 31 • Summary of any new or renewal leases (six months either side of July 1) • Any other relevant documents or requests for documents such as the Property Record Card 	In first 10 days
BC Assessment: uploads Property Record Card	Within 10 days of request
Appellant: uploads Form 11	No later than June 30
Assessor: uploads Form 11	No later than July 15
Both parties: can request the assistance of the Board facilitator	At anytime
Board facilitator: will enter into online discussions to assist the parties. If not resolved, will set deadlines for adjudication (usually parties prepare written submissions)	As required
Both parties: If the appeal is not resolved, parties prepare and provide their documents as per the facilitator's deadlines for another Board member to make a formal decision	As required

Notes on timelines:

1. We will start as soon as possible depending on when the Board receives the appeal.
2. You are encouraged to complete these steps as soon as practical. If one party finishes early, the other party should respond as soon as possible (which might be quicker than indicated in the above timetable).
3. If required, either party can request the Board extend these timelines.
4. The "Appellant" is the person who filed the appeal (often the property owners or an agent).

Confidential and Without Prejudice:

ODR discussions are confidential and without prejudice.

Confidential means the parties may not disclose the discussions or documents to persons not involved in the appeal, and may not use any documents for purposes not related to the appeal.

Without prejudice means if the appeal is not resolved, you may change your position. It also means that if the appeal is not resolved and proceeds to written submissions, you cannot use a settlement offer made by the other party.

You cannot use the other party's documents unless they agree or the Board allows you to use them. You can write to the Board to ask permission. The Board may allow you to use any document that may be relevant.

Examples of what you can use as part of your evidence from the ODR discussions and documents provided by the other party while you are trying to reach agreement:

You can use:

- sales provided by the other party;
- assessment information on your property and other properties;
- details on your and other properties (such as size, type of buildings, and other details on the properties).

You cannot use:

- without prejudice offers to settle the appeal or opinions on the value of the property;
- opinions or comments from the Board facilitator;
- opinions from the other party on the comparability of sales (e.g. whether it is “superior”, “inferior”, or “similar” to the property under appeal).

Personal Information:

You will access your appeal in the ODR website. The ODR case will include your name, email address, phone number, the property you are appealing, any online discussions that you enter, and any documents that you upload.

The following people will have access to this information:

- the parties directly involved in your appeal (such as BC Assessment);
- the Board to administer your appeal;
- the Board’s facilitator who may join your online discussions, if required; and
- as the Board licenses the ODR software, the Justice Education Society in BC who may require access to maintain the software.

You should be aware that your personal information (as described above) is being collected under section 26 of the *Freedom of Information and Protection of Privacy Act* for the purposes of administering your property assessment appeal in the Online Dispute Resolution website.

If you have any questions regarding the collection of personal information, please contact the Registrar:

Registrar
Property Assessment Appeal Board
1270 - 605 Robson Street
Vancouver, BC, V6B 5J3

Phone: 778 572-2509; Toll free: 1-888-775-1740
Email: jason.bowman@paab.bc.ca

Nature of online discussions

Parties should detail their position and upload support documents. All discussions between the parties and the Board should occur in the ODR website.

To encourage mutual agreement, the parties should strive to have a full and open discussion. However, the parties are not required to respond (and provide justification) to every objection or complaint raised by the other party. Some issues may not be relevant. For example, our Board does not have jurisdiction to deal with the conduct of the Property Assessment Review Panel (the first level of appeal) or the conduct of BC Assessment. We are solely concerned with the accuracy and consistency of the assessment. This is a forum for trying to resolve this appeal. It is not formal adjudication or a hearing.

Likewise, the Board does not require the parties to answer extensive cross-examination type questions and justify each and every point they make with evidence. Some clarification for your positions on the appeal issues and support will definitely help resolve the appeal. However, we do not expect the parties will have the time and resources to answer and support each and every detail.

On the other hand, we do encourage you to have an open discussion and not hold back information that you might use later. This will greatly assist in reaching mutual agreement.

The Board facilitator may remove an appeal from ODR and schedule adjudication in certain circumstances, such as:

- it is unlikely you will reach agreement;
- the parties are being disrespectful in the online discussion; or
- the parties are going beyond the purpose of ODR and turning the conversation into cross-examination.

Please email office@paab.bc.ca, if you would like feedback on what is reasonable at this resolution stage.