



PROPERTY ASSESSMENT APPEAL BOARD

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GUIDELINES FOR INFORMATION ACCESS FOR BOARD APPEALS August 2018

Introduction:

In the course of an appeal, the Board collects and receives information from parties that may be relevant to the issues in the appeal.

The Board is accountable to stakeholders, including taxpayers and the public. Board hearings, and some other appeal processes, are public proceedings. As a result, information collected and received by the Board in the course of an appeal may be accessible to members of the public.

However, the Board is also mindful of the need and requirement to protect the privacy of personal information and to ensure procedural fairness is not compromised.

These Guidelines provide guidance on how and when public access will be granted to information received by the Board.

1. What Information does the Board Have?

The information the Board may receive includes but is not limited to:

- i) Contact information for the parties and their representatives, including names, addresses, telephone numbers, fax numbers, and email addresses;
- ii) Information on the appealed property including the property's address, legal description, roll number, classification, assessment, etc.
- iii) Each party's description of the issues and their position on those issues;
- iv) Communications between the parties and the Board and each other;
- v) Information and evidence provided by parties, which may include but not be limited to, relevant information about the condition of the property, purchase and sale of the property, use of the property, rental and operation of the property, nature of the improvements, nature of the land, and other information of a personal or commercial nature;
- vi) Information about witnesses and experts, including their contact information and evidence they might be called upon to provide.

The Board might also collect information from an owner about circumstances that may have prevented them from filing a timely appeal to the Board or to the Property Assessment Review Panel, such as medical, personal, capacity issues.

The Board makes every attempt to keep secure the information it collects. However, some of the information collected may be available to the public and uploaded on the Board's website.

2. What Information is Accessible?

1. Appeal information

Information filed in a notice of appeal to the Board is publicly accessible, and includes the name and contact information of the parties, owners, occupiers, grounds of appeal, and information identifying the property appealed as well as the property's assessment information.

The Board will upload to our website the names of parties, grounds of appeal and property assessment information. Other information, including the notice of appeal itself may be producible upon request.

2. Communications in an Appeal

Communications received by the Board or sent by the Board may also be publicly accessible information, unless the communications were prepared for or provided in the course of settlement discussions and are, therefore, privileged.

In addition, a party can also make a preliminary application for an order limiting public disclosure of their personal information setting out the reasons why their privacy interests outweigh the public interest in access to Board's proceedings.

3. Board Hearings/Exhibits

Board hearings are open to the public. Any information filed during the hearing, including exhibits and submissions and transcripts, are publicly accessible.

During the hearing, access to this information are at the discretion of the Board. The Board may also delay release of this information until after the Board issues its decision.

4. Board's Final Decision

The Board's final decisions and orders are posted to the Board's website, where they will be available to the public.

If a party or witness is concerned that information in a written decision or order would be harmful to their privacy or security, they may request that this information be redacted or anonymized.

3. What Information is Not Accessible?

1. Settlement Discussions

The Board actively encourages parties to resolve issues in dispute and offers various processes to assist, including:

- telephone appeal management conferences,
- settlement conferences,
- exchange of Statements of Issues, Evidence & Analysis (SIEAs),
- Online Dispute Resolution and
- med/arb hearings.

Settlement discussions and documents prepared and exchanged during these processes are privileged and non disclosable (Rule 15.1 and 16 of the Board's Rules of Practice and Procedure). For SIEAs, the summary of evidence and legal principles that may be relied on in support of a party's position on each issue and the proposed recommendation for the amendment or confirmation of the roll that is included in the SIEAs are without prejudice and not disclosable (Rule 14).

The Board will not disclose this information unless the parties agree to the disclosure or the law requires it.

However, if the parties settle an appeal by negotiation and agreement, the paperwork and Order documenting the settlement is public information.

2. Notes and Notations of a Board member

The Board will also not disclose the personal notes and copies of any exhibits with the Board member's notations arising from either a written submission or in person hearing of an appeal.

4. How can the Public Access Information?

1. Written Request

Any request for information in the Board's possession, including under the *Freedom of Information and Protection of Privacy Act*, must be in writing and addressed to the Registrar who will review the request according to the *FOIPPA* and these Guidelines and make a determination as to release.

The Registrar may forward the request to the appeal manager or the Chair.

2. Cost of Disclosure

If the request is for a large volume of information that requires excessive copying, the Board may charge for costs of copying and providing that information according to the tariff of Board costs outlined in the Board's Rules of Practice and Procedure (<http://www.assessmentappeal.bc.ca/law-library/rules>).