

Accelerated ODR

BACKGROUND

The Board began offering online dispute resolution to parties in 2011. To improve the flexibility of ODR, the Board will offer accelerated ODR for certain appeals. The goal of accelerated ODR is to improve efficiency by reducing the amount of work required and decreasing the time to a final Board decision.

The Board will invite select appeals to participate in accelerated ODR. If both parties agree to participate, the appeal will follow the accelerated ODR pathway.

MAIN STEPS IN ACCELERATED ODR:

1. In the earlier negotiation stage of ODR, the parties uploaded documents and exchanged messages with the each other. The purpose was to reach mutual agreement.
2. Accelerated ODR is a quicker option, which skips further discussion with the Board's Facilitator. The appeal moves directly to the decision-making stage - called adjudication.
3. Accelerated ODR will only be used if both the Appellant and the Assessor agree to use it.
4. You must decide what arguments and evidence you want the adjudicator to consider in making a decision.

Notes on uploading evidence:

- Because the earlier discussions were "without prejudice", the parties can decide not to use some or all of their earlier documents and posted messages.
- If a party wants the Adjudicator to consider any of their own previously posted messages, they must copy the content to a document and upload it for the Adjudicator.
- A party can also upload new documents.

5. **The Adjudicator will only consider documents that the parties upload to a separate ODR page for adjudication.**

THINGS TO KNOW:

1. Since the Adjudicator is the same person as the Facilitator, they will have seen earlier posted messages and uploaded documents. The sole purpose was to determine if this case is suitable for Accelerated ODR and to answer any questions.

2. Parties may be concerned the Adjudicator saw some documents which they decided not to use for adjudication. However, it is not unusual for adjudicators to see evidence and documents that they cannot consider in their decision. Adjudicators are experienced in excluding and disregarding evidence

For example:

Sometimes, parties provide documents which do not comply with the Board's Rules or procedural orders. If Adjudicator decides it is not appropriate to consider these documents, then they will disregard them when making a decision.

3. For questions about the Accelerated ODR option, please contact the Board's Facilitator.

DEADLINES AND ORDER OF SUBMISSIONS:

If Accelerated ODR is used, the Board will give the parties deadlines for them to upload their documents to the adjudication page. For most appeals, we will usually use simultaneous submissions where both parties have the same deadlines. The deadlines will be relatively short (1-2 weeks for their first submission; 1 week for reply to the other party's submission). This is consistent with the objective of this option to provide a quicker process.

The Board can provide an extension for reply submissions if the other party adds extensive new evidence that was not previously shared during the negotiation stage.

NOTE: If one party has not uploaded evidence during the negotiation stage, the Board may use staggered submissions where we provide three deadlines. The first deadline to uploads documents would be for the party that did not upload evidence beforehand. The second deadline is for the other party to upload their documents, along with any reply to the other party's documents. Finally, the third deadline is for the first party to upload any reply to the second party's documents.