



PROPERTY ASSESSMENT APPEAL BOARD

FORM 2 (RULE 20)

SUMMONS TO WITNESS

IN THE MATTER OF AN APPEAL TO THE PROPERTY ASSESSMENT APPEAL BOARD
OF BRITISH COLUMBIA

APPEAL NO(S):

INVOLVING:

APPELLANT(S)

AND

RESPONDENT(S)

SUMMONS

Pursuant to Section 43.1 of the *Assessment Act*, Section 34(3) of the *Administrative Tribunals Act*, and Rule 20 of the Board's Rules of Practice and Procedure (see attached)

TO:

You are **ORDERED** to attend to testify as a witness at the time, date, and place set out below. You are further ordered to bring with you all documents in your possession or power relating to the matters in question in this proceeding.

TIME: _____ DATE: _____
Month Day Year

PLACE: _____

This Order is subject to the following terms and conditions:

*

Chair, Property Assessment Appeal Board

For further information, contact the Board as follows:

Property Assessment Appeal Board
1270 – 605 Robson Street
Vancouver BC V6B 5J3

Telephone: (604) 775-1740
Toll Free: 1-888-775-1740
Facsimile: (604) 775-1742
Toll-Free Facsimile: 1-888-775-1742
E-Mail: office@paab.bc.ca
Web Site: www.assessmentappeal.bc.ca

Assessment Act, Section 43.1

43.1 The following provisions of the *Administrative Tribunals Act* apply to the property assessment appeal board:

“... (k) section 34 (3) and (4) [tribunal may compel witnesses and order disclosure];.....”

Administrative Tribunals Act, Section 34(3)

34 (3) Subject to section 29, at any time before or during a hearing, but before its decision, the tribunal may make an order requiring a person

(a) to attend an oral or electronic hearing to give evidence on oath or affirmation or in any other manner that is admissible and relevant to an issue in an application, or

(b) to produce for the tribunal or a party a document or other thing in the person's possession or control, as specified by the tribunal, that is admissible and relevant to an issue in an application.

Property Assessment Appeal Board Rules of Practice and Procedure, Rule 20

Request for Summons

- 20 (1) A party may apply to the board, at least fourteen (14) days before the first day of the hearing, pursuant to section 34(3) of the *Administrative Tribunals Act*, for an order requiring another person attend the hearing as a witness. The application must be in writing and include the name and address of the witness, the reason the person's attendance is required, any attempts made to have the witness voluntarily attend the hearing or provide documents or other information, a description of the documents or other items which the witness is requested to bring to the hearing and the reason why such materials are relevant.
- (2) If satisfied that the person has relevant evidence or records which otherwise might not be available at the hearing and taking into consideration the cost involved in compelling the witness to attend, the board may issue a summons requiring the attendance, on such terms and conditions as it sees fit.
- (3) The board may make an order for the payment of all or part of the witness' costs to attend the hearing.
- (4) If a summons is issued, the party who applied will be required to serve the summons within a reasonable time before the witness is required to appear.
- (5) A person who is summoned to appear at a hearing may apply to the board in writing before the hearing, or in person at the hearing, for the summons to be vacated or varied. The board may cancel or vary the summons if it is satisfied that the evidence of the person is not relevant, may be obtained through some other means, is protected by privilege, the person is not able to provide the information sought, or the attendance of the person will be unduly inconvenient.