



PROPERTY ASSESSMENT APPEAL BOARD

# Annual Stakeholder Meeting

March 31, 2023



# Territorial Acknowledgement

The Board gratefully and respectfully acknowledges that our work spans across the traditional territories of many First Nations and Métis chartered communities in British Columbia.

Our offices are located on the traditional and unceded territories of the Musqueam, Skwxwú7mesh, and Tsleil-Waututh First Nations.



# Agenda

1. Welcome and Introductions
2. Update & Report on 2022 Activities
3. What's New for 2023 & Beyond
4. Appeal Fee
5. Q & A Session
6. Wrap up & Closing



PROPERTY ASSESSMENT APPEAL BOARD

# Welcome and Introductions



PROPERTY ASSESSMENT APPEAL BOARD

# Update & Report on 2022 Activities



## PROPERTY ASSESSMENT APPEAL BOARD

Target		Result
2021 commercial and industrial appeals	Complete or set for hearing 75 to 85% of appeals by Mar. 31, 2022	<b>79%</b>
2022 residential appeals	Complete or hear 90 to 100% of appeals by Dec. 31, 2022	<b>97%</b>
Decisions following a hearing	Issue decisions (on average) within 60 days	<b>53</b>
Appeal resolution without a hearing – 90% or greater	90% or greater	<b>92%</b>



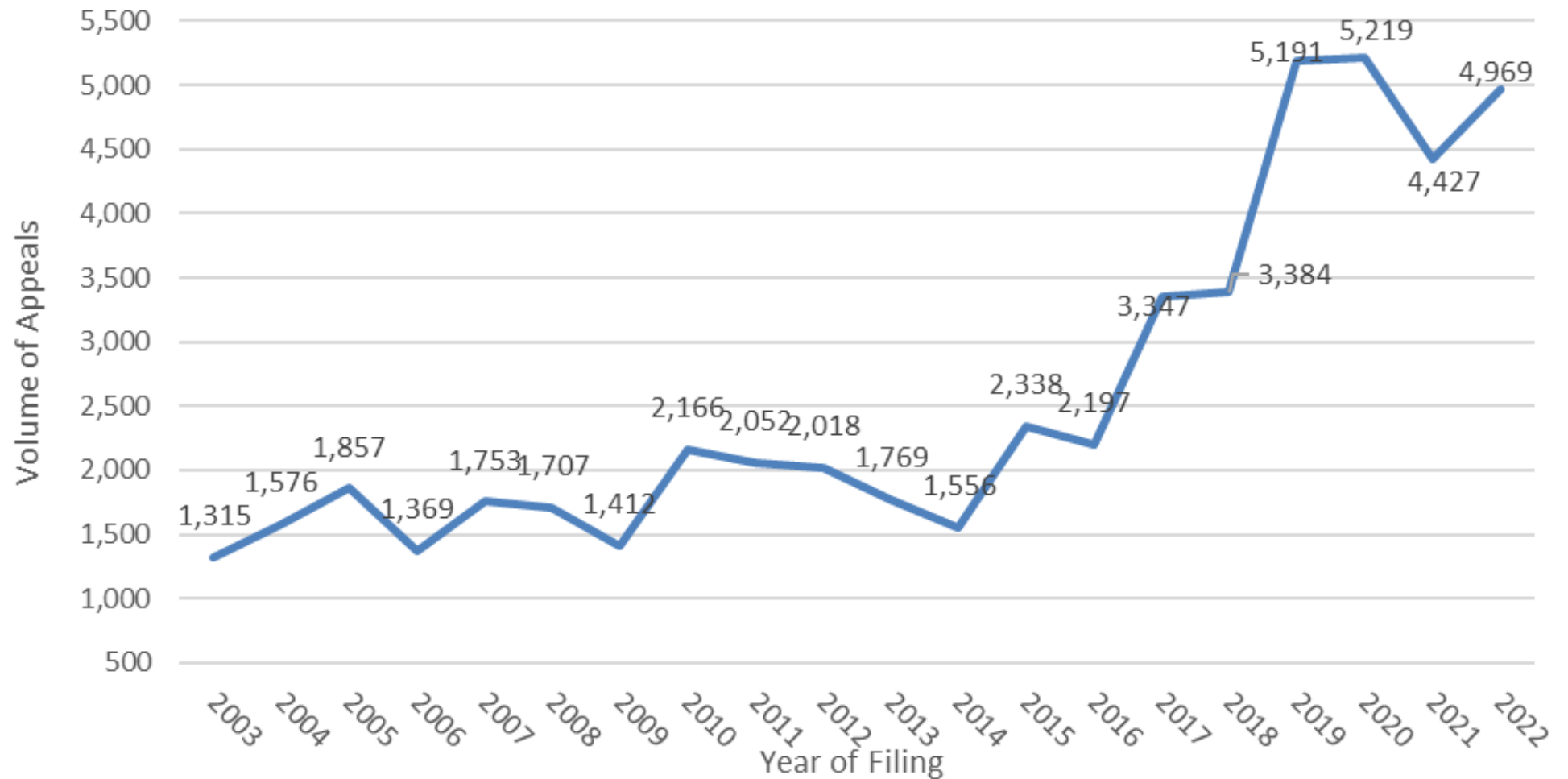
## PROPERTY ASSESSMENT APPEAL BOARD

<b>Activity</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
New appeals received in year	5,219	4,427	4,969
Carry over from earlier years	3,325	3,882	3,084
Total appeal workload	8,544	8,309	8,053
Appeals completed during the year	4,662	5,225	3,340
# and % of appeals resolved without a hearing	4,387 (94%)	4,994 (96%)	3,072 (92%)



# PROPERTY ASSESSMENT APPEAL BOARD

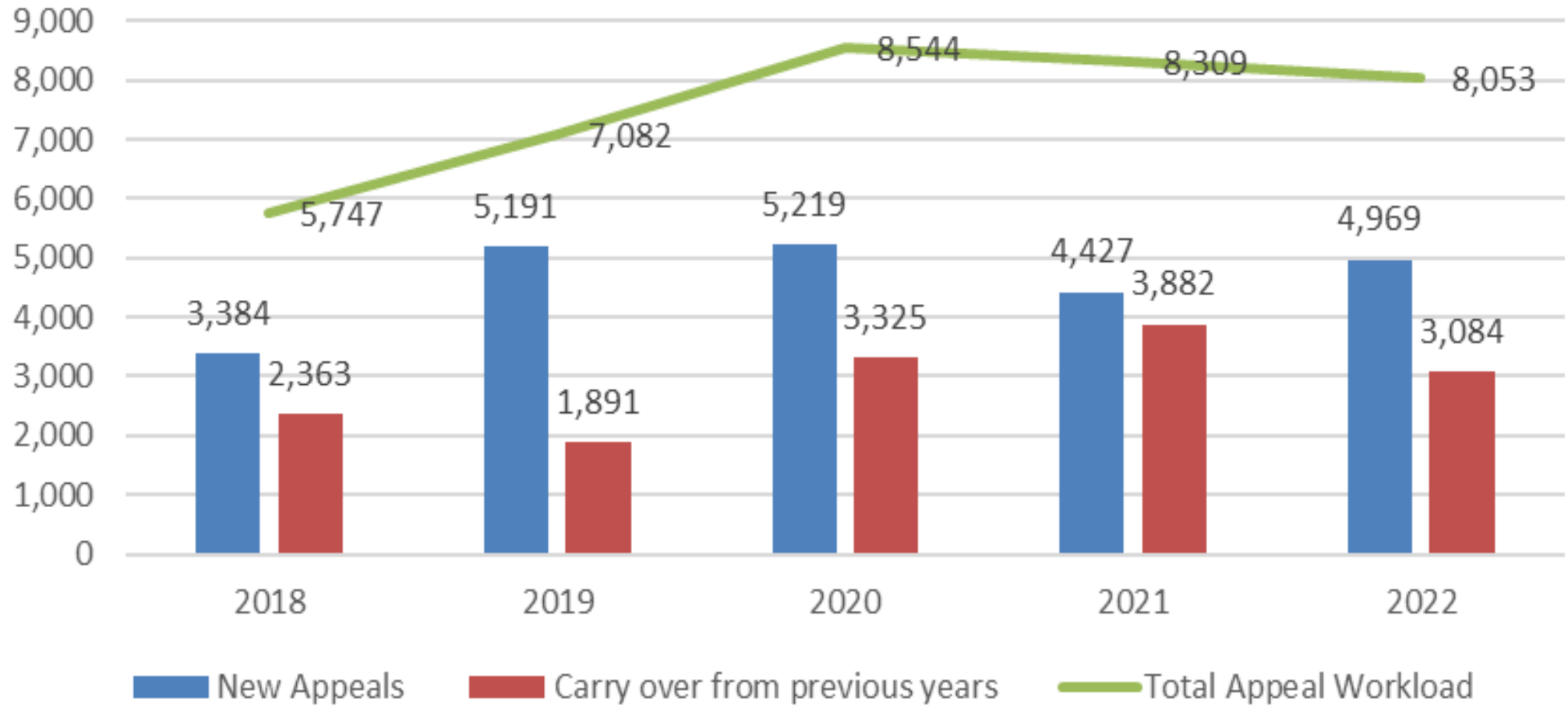
## Change in Volume of Appeals





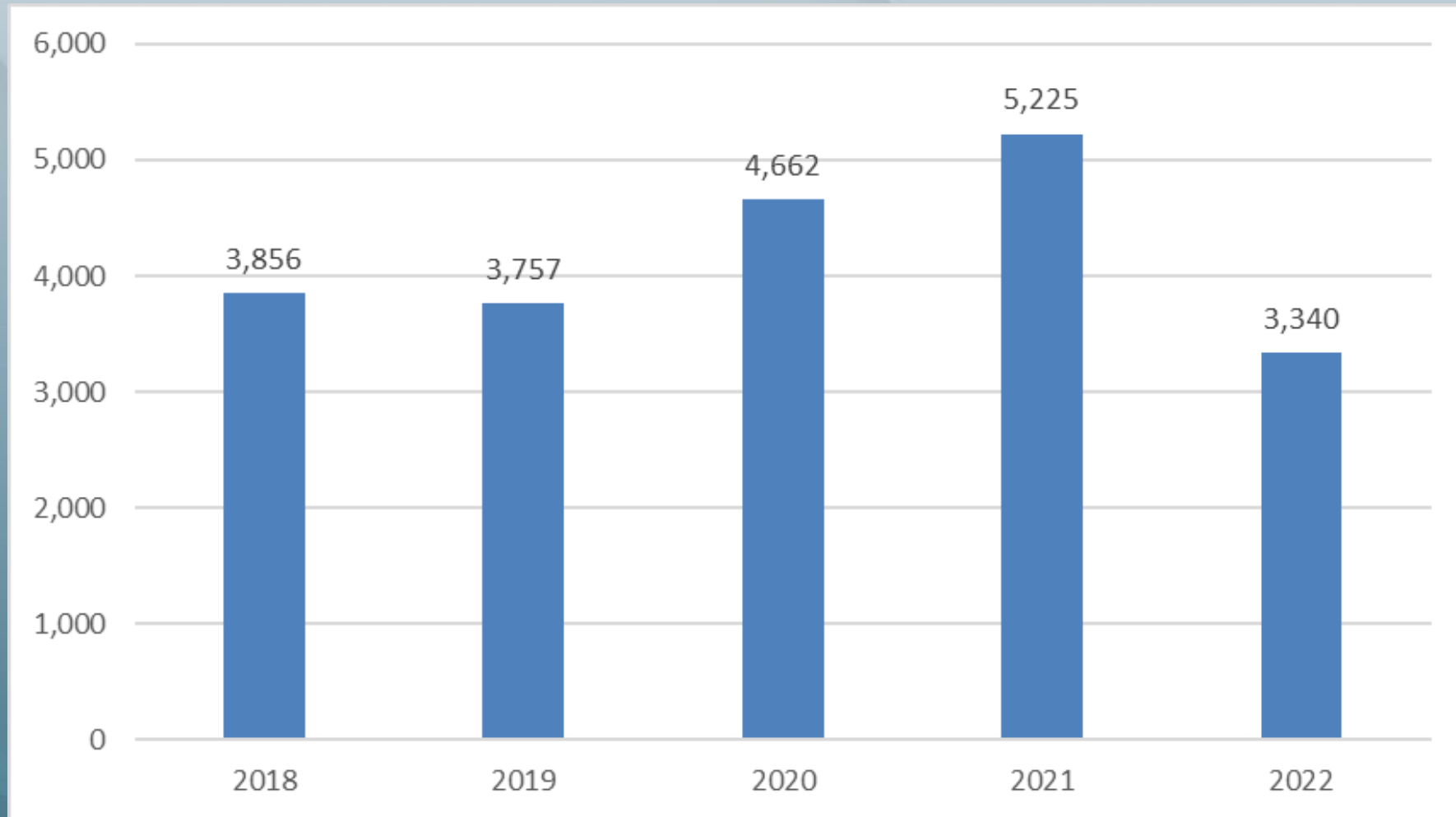


### Total Appeal Volume



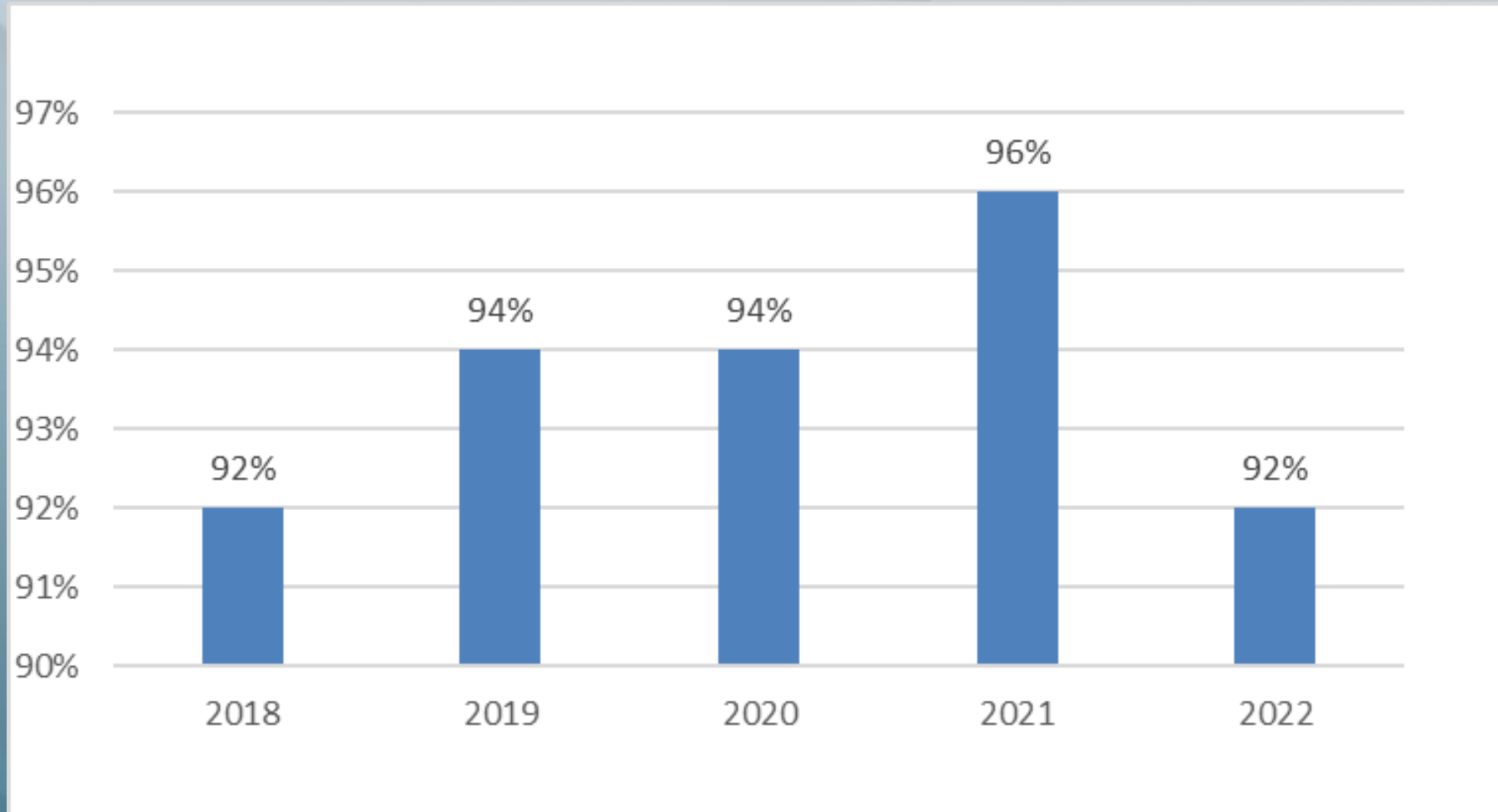


# Total Appeal Completions



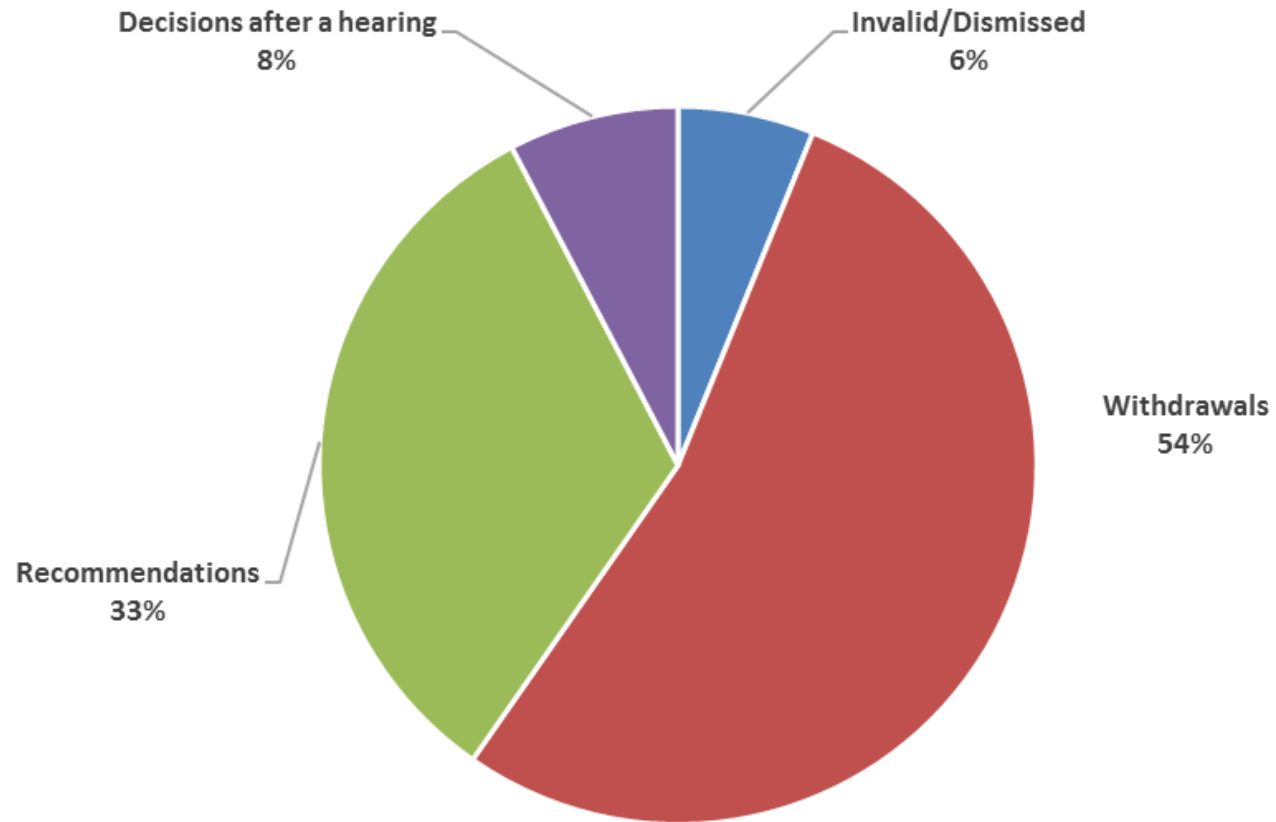


# Appeals Resolved Without a Hearing



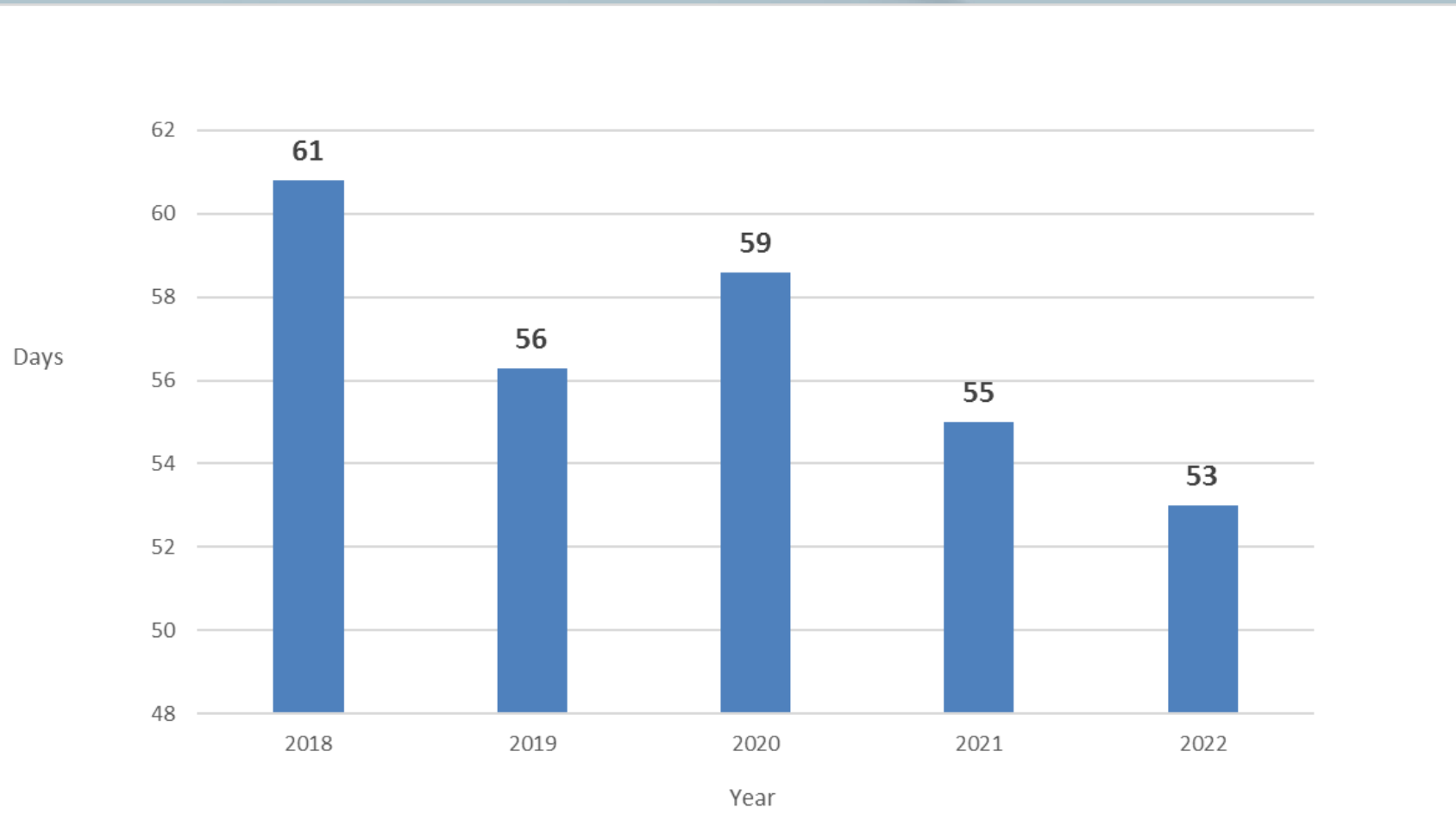


# Method of Completion



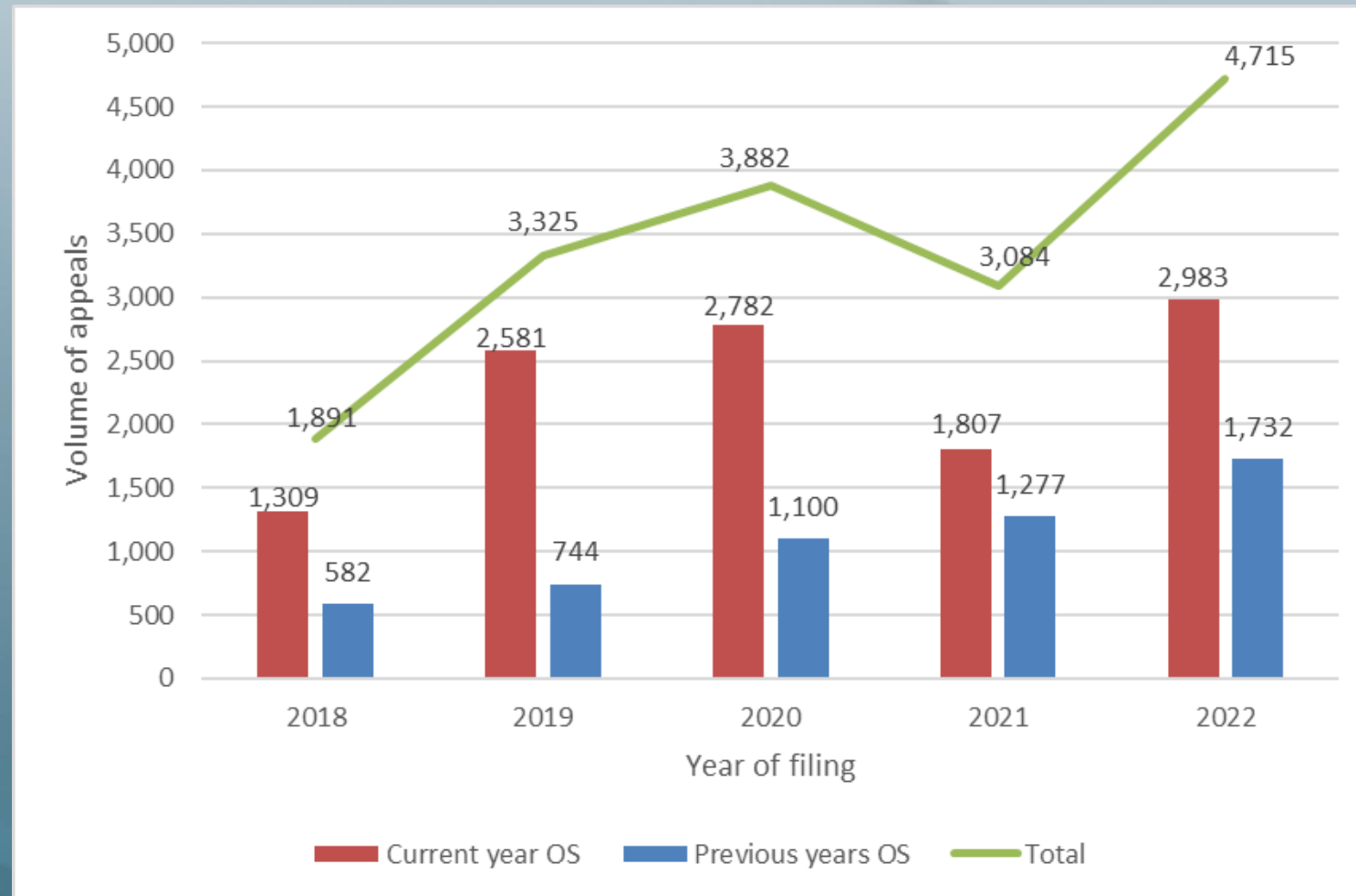


# Average Number of Days from Hearing to Decision





# Status of Outstanding Appeals (Current year Vs. Previous years)





# Status of Outstanding Appeals

Year	Total Outstanding Appeals - Prior Years	Pending Board/Court Decision - Prior Years	Total Outstanding Vs. Pending Decision
2022	1,732	967	56%
2021	1,277	871	68%
2020	1,100	565	51%



# Financial Position

<b>Fiscal Year</b>	<b>Salaries &amp; Benefits</b>	<b>Members Fees &amp; Exp.</b>	<b>Travel Expenses</b>	<b>Occupancy Expenses</b>	<b>Systems &amp; Telecomm.</b>	<b>Office &amp; Misc. Exp.</b>	<b>Total Expenses</b>
<b>2022/23</b> Forecast	<b>1,460</b>	<b>375</b>	<b>2.5</b>	<b>96</b>	<b>120</b>	<b>69.5</b>	<b>2,123</b>
<b>2021/22</b>	<b>1,465</b>	<b>383</b>	<b>2</b>	<b>94</b>	<b>115</b>	<b>52</b>	<b>2,111</b>
<b>2020/21</b>	<b>1,349</b>	<b>376</b>	<b>1</b>	<b>84</b>	<b>132</b>	<b>56</b>	<b>1,997</b>
<b>2019/20</b>	<b>1,090</b>	<b>411</b>	<b>1</b>	<b>84</b>	<b>121</b>	<b>43</b>	<b>1,750</b>
<b>2018/19</b>	<b>1,039</b>	<b>212</b>	<b>1</b>	<b>104</b>	<b>116</b>	<b>47</b>	<b>1,519</b>
<b>2017/18</b>	<b>933</b>	<b>223</b>	<b>2</b>	<b>96</b>	<b>104</b>	<b>36</b>	<b>1,394</b>





## Targets for 2023:

- To complete or schedule for hearing, by March 31, 2023, 75 to 85% of the active 2022 commercial and industrial appeals.
- To complete or hear, by December 31, 2023, 90 to 100% of the 2023 residential appeals.
- To issue written decisions within 60 days (on average) of a hearing.
- Appeal resolution without a hearing – 90% or greater.



# What's New for 2023 & Beyond

1. IC&I Initiatives
2. AST
3. Accessibility and Inclusion Information Sheet
4. Residential Webinar
5. Recruitment



# IC&I Initiatives



## IC&I Initiatives

- The Board identified lagging resolution rates for 2022 appeals in Fall of 2022
- Internal efforts to correct were not successful
- The Board began engagement with the tax agent and assessor community in early December 2022



# IC&I Initiatives

- Agents/Assessors identified the following solutions:
  - Early exchange of documents
  - Early identification of responsible persons
  - Access to med-arb
  - Contingent appeals
    - Issue closure and
    - Follow through on decision
- In response, the Board developed the initiatives that were sent to you in early February

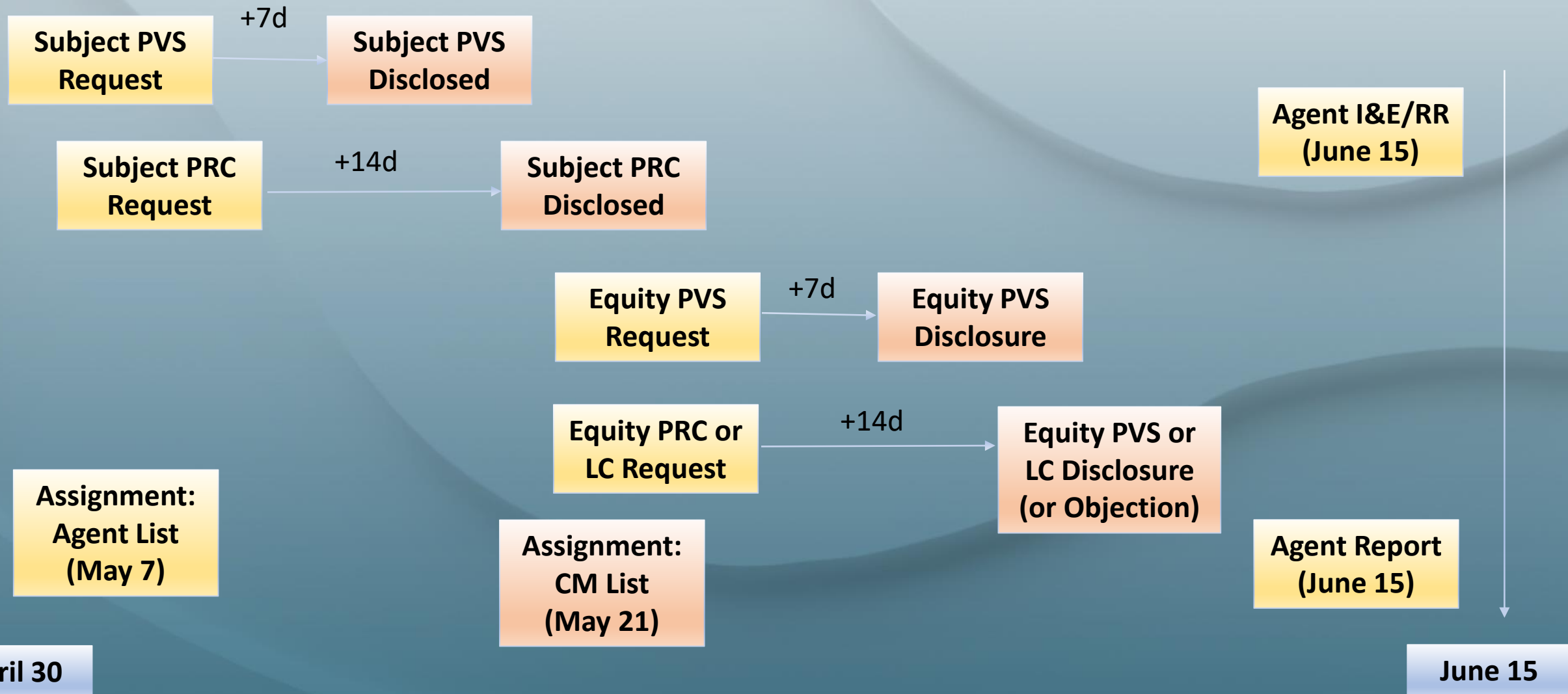


# Early Disclosure

Year filed	Appeals at beginning of year	Dismissed	WD	Recs	Hearings	Total Complete	Year end outstanding
2021	4,427	92	1,758	654	116	2,620	1,807
2022	4,969	142	1,020	677	147	1,986	2,983
2022 vs 2021		50	-738	23	31	-634	1,176



# Early Disclosure





# Combined Appeal Resolution Proceeding

*Purpose:* to provide an opportunity for mutual agreement with a backstop of summary decision following an informal hearing resulting in the efficient disposition of the appeal(s)

- Modeled after med-arb process
- Same neutral both mediates the dispute and, in the event mediation is unsuccessful, adjudicates the dispute
- Only accessible with parties' and Board's agreement
- The combined proceeding will start with a settlement conference and, if necessary, transition to a hearing





# CARP: Settlement Conference Phase

- Mostly the same
- Caucusing rules determined in consultation with the parties
- Panel, in consultation with the parties, determines when the settlement phase is over
- Ending is clearly indicated
- Panel records any agreement reached and issues in dispute



# CARP: Hearing Phase

- Restrictions on information from SC phase
- Informal hearing: shorter testimony, limited XE, fewer witnesses, not recorded
- Shorter decision turnaround (30 days)
- Reduced expectation for analysis



# CARP: Strengths, Limitations & Qualifiers

- Works best where there is strong communication among the parties
- Quick resolution without the need for hearing.
- May be used to resolve the appeal fully or partially, potentially narrowing the issues proceeding to hearing.
- Parties may be more guarded about sharing information adverse to their perspective if the mediator will also act as the decision maker.
- The Board member may be less directive in order to maintain actual as well as perceived impartiality.
- The combined appeal resolution proceeding is not appropriate for test case appeals or other cases where the decision may have broad application to the assessment system.



# CARP: Process Flow

1. Regular appeal management steps (issue closure, PD2 exchange)
2. Request from parties for CARP (Form Z)
3. Board produces list of at least two members (may include AM)
4. Parties rank members
5. Board member paneled by chair
6. Parties exchange reliance documents
7. Settlement conference phase
8. Transition
9. Hearing phase, if necessary
10. Decision



# Contingency Issues

- Parties shifting the issue after release of a test case
- Parties refusing to be bound by a test case



# Contingent Appeal Flow

1. Issue closure
2. Contingent Appeal Agreement Form
3. Non-contingent issues must be adjudicated or resolved (recorded in Interim Agreement Form)



# Contingent Appeal Agreement

- Parties agree to adopt final disposition of lead appeal
- Acknowledge
  - cost consequences for litigating contingent appeals, and
  - agreement will be provided to panel





# Interim Appeal Agreement

- Very similar to our current Form 3, but for partial agreements
- Same role as an ASF
- Acknowledge:
  - not permitted to provide evidence w/out leave,
  - cost for failing to abide.





AST



# AST

- *British Columbia v Musqueam Block F Land Ltd.*,  
2023 BCSC 157
- harmonious interpretation of “no present use”
- Leave to BCCA sought



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# Accessibility and Inclusion



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# Residential Webinar



# Recruiting



# Fee Increase



# Fee Increase

- On Friday, February 3, 2023 Government announced a change to the appeal fee for certain properties
- \$30: properties all, or in part, classified as residential, supportive housing, recreation and non-profit, farm
- \$300: properties in one or more of utility, light and major industry, business and other, and managed forest land classes



# Fee Increase

- Fee increases are not within the Board's jurisdiction
- Fees are set by Regulation (the *Assessment Act Regulation*, as amended by OIC 57/2023)
- Ministry of Finance Administrative Guideline, "*Property Assessment Appeal Board Filing Fee*"
- The fees collected by the Board are offset from the amount the of the Board's expenses covered by the tax levy





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# Q & A Session



## PROPERTY ASSESSMENT APPEAL BOARD

More feedback, questions, comments, or concerns?

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