

Tribunals Ontario
Assessment Review Board

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Tribunaux décisionnels Ontario
Commission de révision de l'évaluation foncière

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October 9, 2020

TO: ARB Stakeholders
Counsel of the Assessment Bar
Property Tax Representatives
Municipal Property Assessment Corporation (MPAC)
Municipalities

RE: ARB Legacy and Expert Report Initiative Update

We are writing to provide an update on the Legacy appeal and Expert Report initiatives and provide information with respect to how we intend to move forward with these initiatives.

Legacy Appeals Initiative

The Legacy appeal initiative was launched January 1, 2020. At the time of the launch, the Board had close to 7600 appeals and, as of October 1, 2020, there are approximately 3000 legacy appeals remaining against 474 properties. This is a tremendous success and we wanted to take this opportunity to acknowledge the efforts put into resolving close to 4600 legacy appeals.

Legacy appeals will continue as scheduled on their Expedited Schedule of Events. (18 weeks). There are currently about 205 properties with approximately 600 associated appeals that do not have a current cycle appeal, the remaining 269 properties have both current and legacy appeals.

The Board intends to actively case manage these matters to ensure timely resolution.

Expert Report Initiative

The Expert Report Initiative was launched on July 27, 2020 with the Board sending an email to all parties that opted for the extended timeframe of 104 weeks under the Schedule of Events for the purpose of obtaining expert reports. The email set out several questions in order for the Board to better assess where each property/appeal was in the process and, if in fact parties were still intending on retaining experts.

Over the last several weeks we have been compiling the information provided and, an analysis of the information reveals that as of September 1, 2020, the Expert Reports listing currently has 1221 properties with 6664 appeals. Further analysis has indicated that there are about 650 properties that have indicated settled and minutes of settlement will be filed with the Board; there are 791 appeals where the parties request that the Board schedule a case conference; and there are about 100 properties where

no response was received or an indication that the parties have decided not to obtain expert reports.

Changes effective November 1, 2020

Expert Report Initiative:

Based on the information provided by the parties, the Board will make the following adjustments:

- Any appeal that has opted in for the additional 40 weeks to obtain expert reports but **have not** secured expert reports will be moved to the regular schedule and will be set down to a settlement conference. A hearing will be scheduled if the appeals do not resolve.
- If any party (ies) requested the Board's assistance in the resolution of their appeals, a settlement conference/case conference will be scheduled in the next several weeks
- The remaining appeals where a party or parties opted in for the 104 weeks, and expert reports have been secured, the Board will schedule earlier hearing dates if requested.
- For any appeals where no response was received, the Board will be scheduling the appeals to a case management conference.

ARB Pathways for Resolution:

To ensure that we continue to move in the direction of resolving appeals effectively and efficiently the Board:

- Where possible, if an appeal/property can be heard on an earlier date, the Board requests that parties contact the Board immediately.
- If the Board, through monitoring and evaluating the appeals, deems it appropriate, the Board may schedule a case conference with the parties to request a status update.
- The hearing month assigned for an appeal(s) must be adhered to. All schedules have been posted for the cycle and all parties are aware of the timelines in the schedule of events.
- The Board's intention is to have all new appeals that are filed for taxation year 2021 be assigned to the new 40 week schedule of events.

Next Steps:

- Schedule of Events will be adjusted based on the above information and will be posted on November 1, 2020 on the website.
- Requests for changes for adjustments set out above for a particular appeal must be submitted by an Expedited Board Directions form no later than **October 26, 2020**, and no changes will be actioned after that date.

Please continue to visit the [ARB website](#) for updates.

We look forward to working with you in resolving appeals, and we appreciate your commitment and dedication to the Board's process.

Thank you

Maureen Helt
A/Associate Chair

Kelly Triantafilou
Registrar