

Assessment Review Board
RULES OF PRACTICE AND PROCEDURE

Table of Concordance

*for Rules effective April 1, 2021
compared with Rules previously in effect since April 1, 2017 (Amended May 2019)*

Please note that this table contains only brief highlights of recent revisions and is not legal advice, intended to be relied on, or act as a substitute, for the Rules.

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
	GENERAL		PART 1 – GENERAL	-
1	Application of Rules	1	Application of Rules	-
2	Effective Date	1	Application of Rules	Combined into new Rule 1
3	Definitions	2	Definitions	“mediation” and “practice direction” removed; “adjudicative record” and “discovery” added
4	Interpretation	3	Interpretation of Rules and Powers of the Board	-
5	Proportionality	4	Proportionality	Changes from “four year” to “assessment” cycle
6	Issues Not Dealt Within these Rules	5	Issues Not Addressed in these Rules	-
7	Technical Objections	6	Technical Objections	-
8	Failure to Comply with Rules and Orders	7	Failure to Comply with Rules and Orders	-
9	Communication with the Board	8	Communication with the Board	
10	Notices	9	Notices in Writing	-
11	Adding Parties and Participants	16	Adding Parties and Participants	-
	REPRESENTATIVES		PART 2 – PARTIES AND REPRESENTATIVES	-
12	Appearance in Person or by Authorized Representative	12	Appearance in Person or by Authorized Representative	Email notification under (c)
13	Removal of Representative	13	Removal of Representative	Former rule 12(c) incorporated

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
14	Advocate and Witness	14	Representative as Advocate and Witness	-
15	Notices to Representative	15	Notices to Representative	-
	TIME			Section title deleted
16	Time	11	Time	-
17	Alteration of Time		No corresponding rule	-
	INITIATING PROCEEDINGS		PART 3 – COMMENCEMENT AND TERMINATION OF PROCEEDING	-
18	Form of Appeal	17	Form of Appeal	New filing requirement (j)
	No corresponding rule	18	Disclosure of Email Address	Disclosure of email for correspondence
19	Special Legislation	19	Special Legislation	-
	SCREENING OF APPEALS			Section title deleted
20	Administrative Screening	20	Commencement of Appeal	Conditions clarified
21	Notice Before Rejecting	21	Compliance with Requirements	-
22	Service of Amended Appeals	22	Service of Amended Appeals	-
23	Deemed Filing Date	23	Deemed Filing Date	-
24	Dismissal of Appeals	24	Dismissal of a Proceeding	Appellant’s abandonment of appeal added
25	Notice before Dismissal	25	Notice before Dismissal	-
26	Late Appeals	26	Request to file a Late Appeal	-
	Special Notices (40)	28	Notice to Seek a Higher Assessment	New deemed notice regarding higher assessment
	SERVICE		PART 4 – SERVICE AND FILING OF DOCUMENTS	-
27	Form of Service	30	Service of a Document	-
28	Service on Corporations	31	Service on Corporations	-
29	Deemed Receipt	32	Deemed Receipt of Service	Fax service removed and email service time specified
	No corresponding rule	33	Deemed Receipt of Notice	Deemed receipt of notice specified
30	Deemed Receipt Exception	34	Deemed Receipt Exception	Filing of affidavit evidence added

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
31	Proof of Service		No corresponding rule	-
	TYPES OF PROCEEDING		PART 5 – TYPE OF PROCEEDING AND SCHEDULES OF EVENTS	-
32	Proceedings as General or Summary Proceeding	37	General or Summary Proceeding	Presumption of general proceeding removed
33	Commencement Day	38	Commencement Day	-
34	Schedule of Events	39	Schedules of Events	-
	No corresponding rule	41	Obtaining Additional Expert Reports	New requirement of signed Acknowledgement of Expert Duty to obtain late additional expert reports
	No corresponding rule	42	Extension of Due Dates for obtaining Additional Expert Reports	10-day limitation for Rule 41
35	Summary Proceeding Hearing Events	74	Hearing Format	Default hearing format is electronic
	DOCUMENTS			Section titled deleted
36	Electronic Filing	36	Electronic Filing	-
37	Documents to be Filed	35	Documents to be Filed	-
			PART 6 – ISSUES AND RESPONSES	-
38	Statement of Issues and Responses	43	Statements of Issues and Responses	New rule takes out “by MPAC” related to higher assessment under (g)
39	Deemed Consent	60	Deemed No Opposition to Settlement	New rule takes out the limitation to “general proceeding”
40	Special Notices		See Schedule B	-
41	Amendment of Documents	44	Amendment of Statements of Issues and Responses	-
42	Examination of Board Documents		See TO <i>Access to Records Policy</i>	-
43	Confidential Documents	89	Confidential Documents	Procedure and test for confidentiality order specified
44	Return of Exhibits	90	Return of Exhibits	Exception removed
	DISCLOSURE		PART 7 – EVIDENCE, WITNESSES AND EXPERTS	-

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
45	Disclosure	45	Disclosure	Electronic copy only
46	No Admission	46	No Admission	
47	Board Order for Discovery	47	Order for Discovery	“inspection of property” removed
48	No New Documents	48	No New Documents	Service on parties required
49	No New Issues	49	No New Issues	-
50	Expert Reports	50	Expert Reports	-
	SUMMONS		SUMMONS TO WITNESS	-
51	Summons Form	51	Summons Form	-
52	Summons Issuance	52	Summons Issuance	-
53	Service of Summons	53	Service of Summons	-
54	Witness Fees	54	Witness Fees	-
55	Objection to Summons	55	Objection to Summons	-
	SETTLEMENT CONFERENCES		PART 8 – SETTLEMENT CONFERENCES	-
56	Settlement Conference by Electronic Hearing	74	Hearing Format	Default hearing format is electronic
57	Parties Must Appear	56	Attendance at Settlement Conference	Expert witness also to attend
58	Matters Considered	57	Purpose of Settlement Conference	
59	Confidentiality	58	Confidentiality of Settlement Discussions	Specification on absence of the public, the discussion, the documents and the Board’s public record
60	Presiding Member	59	Presiding Members	Approval of the Board added
	MOTIONS		PART 10 – MOTIONS	-
61	Notice of Motion	66	Notice of Motion	Filing of an EBDF and parties’ position added
62	Response to Notice of Motion	67	Response	Requirement to respond to all matters removed
63	Reply to Response to Notice of Motion	68	Reply	-
64	Evidence in Motions	69	Evidence in Support of Motion	-
65	Motions in Writing	70	Motions in Writing	-
66	Time for Filing		No corresponding rule	-

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
67	Additional Information		No corresponding rule	-
68	Motions at Hearings		No corresponding rule	-
	MINUTES OF SETTLEMENT		PART 9 – MINUTES OF SETTLEMENT	-
69	Schedule for Completion of Minutes of Settlement	61	Schedule for Completion of Minutes of Settlement	Timeframe clarified
	No corresponding rule	62	Filing of Minutes of Settlement	Removal of signature requirement for those deemed not to oppose
	No corresponding rule	64	Failure to File Minutes of Settlement	New Board power to dismiss with failure to file settlement minutes
70	Decision to Issue	63	Required Signatures	Change from execution of settlement to signature by parties
71	Contents of Minutes of Settlement	65	Contents of Minutes of Settlement	-
	WITHDRAWAL OF APPEALS			Section title deleted
72	Withdrawal of Appeal	27	Withdrawal of Appeal	Removal of notice requirement to other parties and to the Board
73	Motion to Withdraw	29	Motion to Withdraw	Language simplified
	LANGUAGE OF PROCEEDINGS			
74	Use of English, French and Sign Language	10	Language of Proceedings	See TO <i>FLS Policy</i> and Language Services
75	Where French or Sign Language is Used		See TO <i>FLS Policy and Language Services</i>	-
76	Where Interpreter is Required		See TO <i>FLS Policy and Language Services</i>	-
77	Documents in English or French		See TO <i>FLS Policy and Language Services</i>	-
	COMBINING PROCEEDINGS		Under PART 12 – FORMAT OF HEARING EVENTS	-
78	Combining Hearings or Hearing Matters Together	84	Combining Hearings or Hearing Matters Together	-
79	Effect of Combined Proceedings	85	Effect of Combined Proceedings	-

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
80	Effect of Hearing Matters Together	86	Effect of Hearing Matters Together	-
81	Separate Proceedings	87	Separate Proceedings	-
	ADJOURNMENTS		PART 11 – ADJOURNMENT OF HEARING EVENTS	-
	No corresponding rule	71	Adjournment Request	New 10-day notice
82	Dates Fixed	40	Extension of Schedule of Events Due Dates	-
83	Motion for Adjournment of a Hearing Event	72	Motion for Adjournment	-
84	Factors to Consider	73	Factors to Consider	Relevant considerations updated
85	Powers of the Board upon Adjournment Request		No corresponding rule	-
	MEDIATION			Section deleted, see Part 8
86	Mediation		No corresponding rule	-
87	Authority to Bind		No corresponding rule	-
88	Confidentiality		No corresponding rule	-
89	Mediator and Adjudicator		No corresponding rule	-
	ELECTRONIC HEARINGS		PART 12 – FORMAT OF HEARING EVENTS	-
90	Hearing Events by Teleconference or Videoconference	74	Hearing Format	Hearings electronic unless otherwise ordered
	Same rule as above	75	Electronic Hearings	-
91	Objection to the Electronic Format	76	Objection to the Electronic Format	-
92	Response to Notice of Objection	77	Response to Notice of Objection	Responses within 5 days
93	Procedure When Objection	78	Procedure When Objection	-
94	Factors the Board May Consider		No corresponding rule	-
95	Directions for the Electronic Hearing		No corresponding rule	-

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
	WRITTEN HEARINGS FOR EVENTS OTHER THAN MOTIONS		Under PART 12 – FORMAT OF HEARING EVENTS	-
96	Hearing Events in Writing	79	Hearing Events in Writing	-
97	Factors Board May Consider	80	Factors the Board May Consider	Considerations updated
98	Objections	81	Objections	10-day limitation removed
99	Ruling on Objections	82	Ruling on Objections	-
100	Time for Written Material		No corresponding rule	-
101	Contents of Written Materials		No corresponding rule	-
102	Requirement for Affidavit Evidence	83	Requirement for Affidavit Evidence	-
	CONDUCT OF PROCEEDINGS		PART 13 – PUBLIC ACCESS TO HEARINGS AND DOCUMENTS	-
103	Hearings to be Public	88	Hearings to be Public	See Rule 58 re Settlement Conferences Confidentiality
104	Non-Attendance		No corresponding rule	-
105	No Re-opening Without Leave		No corresponding rule	-
106	Authorization to Record Hearing Event	91	Authorization to Record Hearing Event	Authorization requirements clarified
107	Conditions of Approval	92	Conditions of Approval	Conditions clarified
108	Withdrawal of Approval	93	Withdrawal of Approval	Conditions clarified
109	Qualified Verbatim Reporters	94	Qualified Verbatim Reports	-
110	Transcripts by a Party	95	Transcripts by a Party	-
111	Transcripts by the Board	96	Transcripts by the Board	Reference to a copy to the parties removed
	BOARD DECISIONS AND WRITTEN REASONS		PART 14 – BOARD DECISIONS	-
112	Request Required	97	Requesting Written Reasons	-
113	Issuing Decisions	98	Decisions Effective on Issuance	-
114	Correcting Minor Errors	99	Correcting Minor Errors	-
115	Processing Request as a Review Request	100	Deemed Request for Review	-

2017 (2019) RULE #	PREVIOUS TITLE	2021 RULE#	2021 TITLE	NATURE OF AMENDMENTS
	COSTS		PART 16 – COSTS	-
116	Board May Order Costs	106	Board May Order Costs	-
117	Timing of Costs Request	107	Timing of Costs Request	-
118	Response to Costs Request		No corresponding rule	-
119	Content of Submissions	108	Content of Submissions	-
	REVIEW OF A BOARD DECISION OR ORDER		PART 15 – REVIEW OF A BOARD DECISION OR ORDER	-
120	Request for Review	101	Request for Review	Removal of reference to reinstatement and requirement of a copy of decision to be reviewed
121	Grounds for Review	102	Grounds for Review	Reference to reinstatement removed
122	Reinstatement by Request for Review	104	Request to Reinstate an Appeal	-
123	Review Order	103	Review Order	Removal of references to reinstatement and motion to decide the review
		105	Reinstatement Order	Formerly Rule 123 (b)
	SCHEDULE A – Schedule of Events for General Proceedings		SCHEDULE A – Schedule of Events for General Proceedings	-
	SCHEDULE B – Schedule of Events for Summary Proceedings		SCHEDULE B – Schedule of Events for Summary Proceedings	-
	SCHEDULE C – Acknowledgement of Expert Duty		SCHEDULE C – Acknowledgement of Expert Duty	-
	SCHEDULE D – Summons to Witness		SCHEDULE D – Summons to Witness	-
	SCHEDULE E – Affidavit of Service		No corresponding schedule	-