



## COVID-19 PROCEDURAL RULES

### Purpose of the Rules

- 1) The purpose of the Rules is to:
  - A) Provide information relevant to assessment complaint hearings filed with the Central Alberta Regional Assessment Review Board (RARB) that apply for the duration of the COVID – 19 pandemic that recognize physical distancing measures.
  - B) Ensure a fair, open and accessible process in accordance with the principles of natural justice.
  - C) Facilitate the efficiency and timeliness of appeal proceedings.

### Principles

- 2) These Rules recognize the following principles:
  - A) Parties must have a fair opportunity to be heard and to understand and respond to one another's positions.
  - B) Procedures should be accessible and easy to follow.
  - C) Parties are encouraged to resolve as many issues as possible through informal discussions before a hearing.

### Effect of Non-Compliance

- 3) If a Party fails to comply with the Rules or with an order of the Board, a panel may:
  - A) Limit or bar the presentation of evidence or argument or give it less weight, where the Party has disregarded a Rule or Board decision concerning the exchange of evidence or argument.
  - B) In accordance with its enabling legislation, order the non-complying Party to pay for costs incurred as a result of the non-compliance, or
  - C) Take other action it deems appropriate.

## Case Management

- 4) The Chair may identify complaints filed that will benefit from case management and assign a Case Manager accordingly.
- 5) A “Case Manager” is a person designated by the Chair and the Designated Officer of the Board to do one or more of the following:
  - A) Identify Parties and Intervenors and direct them to clarify or focus the issues in dispute.
  - B) Identify any relevant agreed facts.
  - C) Identify any witnesses to be called and provide a summary of the evidence intended to be introduced through those witnesses.
  - D) Provide Parties or Intervenors with copies of correspondence received, decisions, authorities and other information relevant to a complaint.
  - E) Direct disclosure of material or information from any Party or Intervenor to facilitate a fair, orderly and timely process or to promote compliance with these Rules.
  - F) Direct that communication with the Board or disclosure of some or all material or information be made or remade in approved electronic format or in hard copy, or any combination of both.
  - G) Direct that evidence be submitted to the Board by affidavit by a particular date.
  - H) Establish or reschedule dates for hearings, disclosure, or exchanges of information.
  - I) Hold meetings or discussions with Parties or Intervenors to facilitate any of the above.
  - J) Refer any matter to a panel for a preliminary hearing.
  - K) A Party who disagrees with a Case Manager's directive may request a preliminary hearing.
  - L) A Board member who has acted as a Case Manager in respect of a matter will not participate in any subsequent hearing concerning the same matter unless all affected participants consent.

## Preliminary Hearings

- 6) At a preliminary hearing, a panel may:
- A) Direct the Parties to pursue discussions on their own, with a Case Manager, or with another independent facilitator by specified dates and monitor the progress of such discussions.
  - B) Determine the extent of disclosure required and direct Parties or Intervenors to provide or expand particulars, signed witness reports, legal analyses, authorities, or any other relevant documents or material.
  - C) Give directions for disclosure or exchange of material, including the timing for the production of the material, the persons to whom the material must be produced, measures to protect confidential information, and any further directions it deems necessary.
  - D) Determine whether procedures, filing or disclosure requirements established by legislation or the Board have been met and determine the effects of any defects.
  - E) Determine whether a person may participate in a proceeding and the extent of that participation.
  - F) Determine what matters are properly before the Board or whether one or more grounds of complaint should be struck out as frivolous or not reasonably supportable.
  - G) Determine requests for postponements, withdrawals, or joint recommendations.
  - H) Determine a procedural or administrative matter that may be considered by a one-member panel pursuant to MRAC.
  - I) Make any other order it deems appropriate to establish procedures by which the complaint may proceed in a fair and expeditious manner.

## Mode of Hearings

- 7) At the discretion of the Board, hearings may be conducted by way of:
- A) An in-person hearing.
  - B) A telephone or other form of electronic device.
  - C) Written materials and submissions delivered to the Board.
  - D) Any combination of the above or any other means a panel or Case Manager deems appropriate to ensure an orderly hearing process.

## Signing Documents

- 8) Documents requiring a signature, including but not limited to, Board Decisions may be signed electronically so long as a record can be made of the signatory's permission to use it.

## Form of Documents

- 9) Disclosure filed must be clear and understandable. All pages must be numbered consecutively, throughout the entire text and graphic content, even if there are dividers or tabs.
- A) Unless otherwise directed by the Board or a Case Manager, Parties must file six (6) hard copies of their disclosure with the Board.
- B) Disclosure may be filed electronically with the permission of the Board or the Case Manager.

## Withdrawals

- 10) Parties may request to withdraw a complaint by filing a fully complete Withdrawal Form using the form published on the Board's website.
- A) Withdrawal requests are to be filed with the Board in advance of the date of the scheduled hearing.
- B) Subject to waiver from the Board or Case Manager, Parties who submit their withdrawal on the date of the scheduled hearing shall appear before the Board to explain the reason for the late withdrawal.
- C) The Board may reject a withdrawal, or ask for further supporting information.

## Application of the Rules

- 11) The rules:
- A) Are in addition to the Board's enabling legislation.
- B) Are in addition to the adopted Policies and Procedures of the Board. If there is a discrepancy, these rules shall be paramount.
- C) Shall remain in place until physical distancing measures are no longer necessary or until the rules are withdrawn by the Chair.



Date: June 10, 2020

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Al Gamble, Chair