

2015 BCAMI Symposium

ADR Meets Technology – Expanded Options for the Public?

Panel Chair: Peter Austin

Speakers:

- Shannon Salter, Chair of the CRT
- Sherry MacLennan, LSS / MyLawBC
- Kari Boyle, Mediate BC

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Property Assessment Appeal Board

Setting the Scene

Prepared by Peter Austin, AACI, C.ARB

Property Assessment Appeal Board

BC Assessment sets values for property taxes each year. After the property owner has had his property reviewed by the Review Panel and still believes that it is incorrectly assessed, he/she appeals to the Property Assessment Appeal Board (PAAB).

The following is a brief description of the ODR process adopted by the PAAB.

The Beginning

- Used an existing platform
- Provided by Modria
- Tweaked the existing model
- ODR only, not case management
- Used for residential property appeals
- Also used by Consumer Protection Agency

Process

- Lay appellant can self-analyze their case
- Tips available in “Dispute Resolution Guide”
www.assessmentappeal.bc.ca/resources/ODRHelp.aspx
- Parties given sign-in instructions and password
- Instructions regarding the process are provided
- Communications with Assessor begins
- Deadlines set for responses

Process (cont'd)

- All documents are in one place
- Message boxes are like email which makes it easily understandable
- Documents can be uploaded and stored with all other information

Facilitator Involvement

- Board (Facilitator) involvement if:
 - Parties do not come to resolution
 - Roadblocks occur
 - Deadlines not met
 - “Request Board Facilitator” button
- Facilitator reviews history and poses questions to both parties
- 3-way discussion ensues
- Non-binding opinion provided

Facilitator Involvement (cont'd)

- Tight timelines must be kept to keep the process on track
- ODR cuts down on the Board’s labour costs if the parties can agree
- Board member can review process on-line at any time
- Facilitator should keep the non-binding opinion short

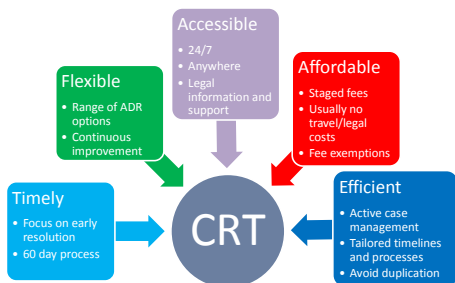
Summary

- PAAB has a set process
- This set process is for ODR only
- Dispute resolution guidelines available
- Facilitator involvement only if parties cannot resolve on their own
- Appellant has assistance throughout the process

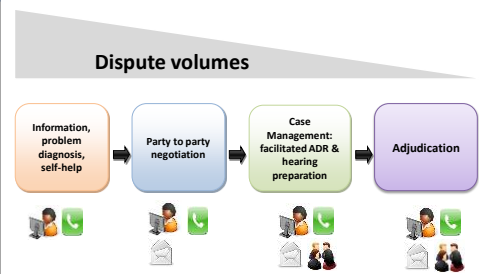
What is the CRT?

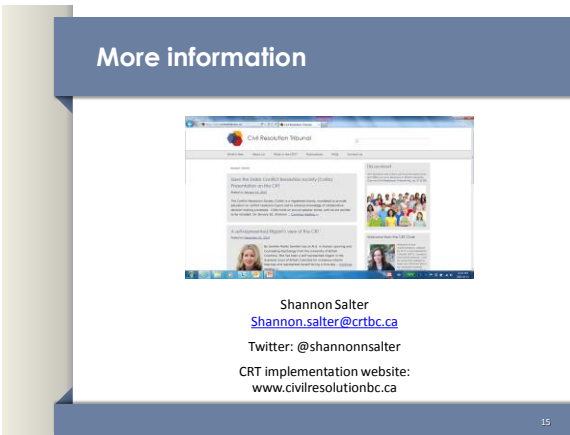
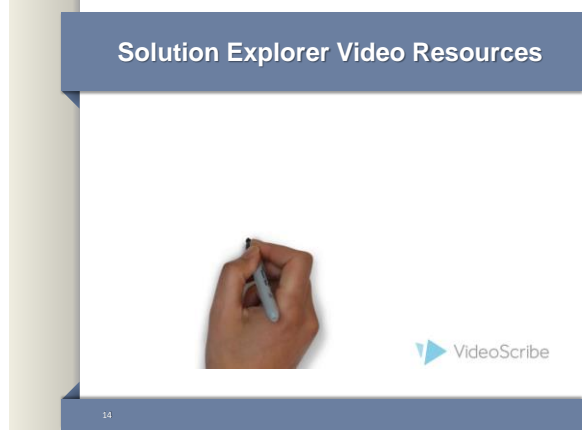
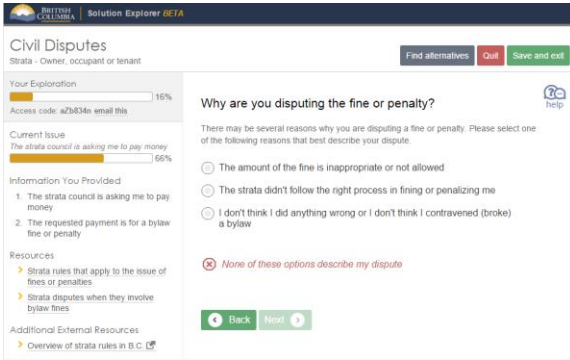
- *Civil Resolution Tribunal Act* passed in 2012
 - Small claims matters
 - Many strata property disputes
- *CRT Amendment Act* introduced in March 2015
 - Mandatory jurisdiction
 - Appeal process
- When it opens later this year, will be first online tribunal in Canada, maybe first in world

Guiding Principles

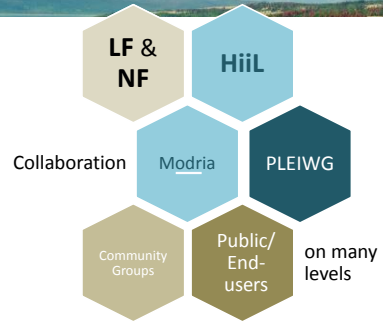


How will it work?



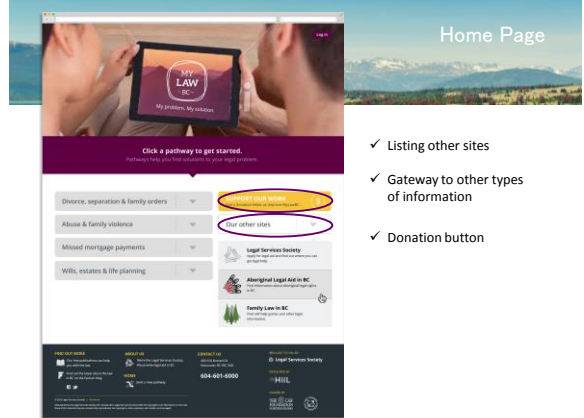


- Public needs A2J perspective
- Interactive
- Guided pathways & negotiation platform
- Resolution focus & integrate services
- Rechtwijzer, the Dutch model
- End of 2015





Family Law including Domestic Violence
Life Planning: Wills, Estates, P/A
Debt: Foreclosure



All streams: guided pathways, Q&A, resources, action plans

Family stream: intake and negotiation platform to develop a separation agreement



- Dutch Legal Aid model integrates services
 - Negotiation: Dialogue between parties
 - Mediation: Online Mediators
 - Adjudication: Online Arbitration
 - Legal Review: Independent legal advice

Mediate BC Society

- Distance Mediation Project
 - Royal Roads Course
- Small Claims ODR Pilot – Robson Square

Distance Mediation Project

- Six years, funded by the Law Foundation
- Family mediation can be conducted safely and effectively using technology tools (telephone & webconferencing)
- Reports & Practice guidelines: <http://www.mediatebc.com/About-Mediation/Mediating-at-a-Distance.aspx>
- RRU – Online Facilitation Skills for Mediation (next offered Fall 2015)

ODR Pilot

- Partnership with JES, OCJ, Min of Justice & CSB at Robson Square
- An online platform available for R 7.4 mediations
- Voluntary – both parties must agree
- Mediator facilitates asynchronously
- Settlements enforceable

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ODR Pilot

- Case criteria:
 - Two parties only
 - No interpreters needed
 - Filed at Robson Square and streamed into mediation
- Benefits include:
 - Savings of time, cost and stress
 - High settlement rates
 - Accessible and convenient
 - Experienced mediator assisting

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ODR Pilot

- Bad news – no cases have proceeded
- Pilot is now discontinued
- Much learning was gained

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