



Composite Assessment Review Boards

REGIONAL MUNICIPALITY OF WOOD BUFFALO BOARD ORDER CARB 2016-020-P

IN THE MATTER OF A COMPLAINT filed with the Regional Municipality of Wood Buffalo Composite Assessment Review Board (CARB) pursuant to Part 11 of the *Municipal Government Act* being chapter M-26 of the revised statutes of Alberta 2000.

BETWEEN:

Christina Lake Enterprises/Civeo Premium Camp Services (Complainant)

- and -

Regional Municipality of Wood Buffalo (RMWB) (Respondent)

BEFORE:

R. Mowbrey, Presiding Officer

APPEARANCES:

Robert Greaves for the Complainant
Jason Hall

Barry Campbell for the Respondent
Mark Fielden

BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT

[1] A preliminary hearing was convened on Tuesday, October 25, 2016 in the Regional Municipality of Wood Buffalo (Municipality) in the Province of Alberta to consider a complaint about the assessment of the following property:

Assessment Roll Number	8400776001 / 8480002040
Civic Address	Christina Lake
Owner	Christina Lake Enterprises Ltd.
File Number	ARB 16-083

PROCEDURAL MATTERS

The CARB derives its authority to make decision under Part 11 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.

[2] The parties confirmed that they had no objections to the composition of the Board.

Issue

[3] Did the Complainant submit disclosure evidence on time?

Position of the Respondent

[4] The Respondent filed a preliminary issue on the basis the Complainant did not meet the statutory time lines for submitting disclosure evidence. In support of this position, the Respondent presented a document marked as Exhibit R-1.

[5] The Respondent advised the Board that the Respondent had three issues, the first being the complaint should only cover roll numbers 84400776001 and 8480002040 as identified on the Complaint form and not the “etc.” that was noted alongside the two roll numbers.

[6] The second issue the Respondent raised is that the Complainant failed to respond to a Request for Information (RFI) for the two noted roll numbers. Reminders were sent to the Complainant, therefore the Respondent requests the complaint be dismissed as the Complainant did not comply with s.295 (1) of the *Municipal Government Act*.

[7] The third issue is the Complainant failed to meet the disclosure deadlines and therefore the Complainant’s disclosure package should be dismissed.

[8] In conclusion, the Respondent stated that if the complaints should proceed, it should be only on the two roll numbers listed on the complainant form.

Position of the Complainant

[9] In support of its position, the Complainant submitted a document marked as Exhibit C-1.

[10] The Complainant stated there have been ongoing challenges with the communication. Civeo has been a long-term participant in the market in the Municipality.

[11] The Complainant stated that recent economic conditions have forced them to seek relief. They are in the process of selling this particular property but due to this property being assessed higher than what the market can bare, this has caused governance issues.

[12] The Complainant stated the rationale for noting “etc” on the complaint form was an attempt to be brief and concise on the form in the space that was available and to provide more information in the form of an appendix.

[13] The Complainant further stated that their understanding was that following their request to have their hearings consolidated, they assumed date change would extend to the filing dates for all the properties under complaint.

[14] The Complainant’s contention is that the Complainant has made significant and consistent documented efforts to communicate with the Municipality so as to address any questions the Municipality has to its operation and the occupancy within the Municipality.

[15] The Complainant indicated that they were operating in good faith with the understanding that consolidation of the three complaints in question extended to consolidation of filing dates.

[16] The Complainant pointed out, that in their experience the *Municipal Government Act* was developed in order to be a facilitative document intended to smooth the interaction between rate payers and municipalities rather than being a rigid, punitive tool to punish stakeholders.

[17] During summary, the Complainant referred to the document marked as Exhibit C-1.

PRELIMINARY DECISION

[18] It is the decision of the Composite Assessment Review Board that the Complainant did not meet the legislative time requirements concerning the disclosure of evidence and therefore the complaint will not proceed to a merit hearing.

REASONS ON PRELIMINARY DECISION

[19] Both the Complainant and the Respondent confirmed they had received the letter dated July 11, 2016 from the Clerk of the Assessment Review Boards.

[20] The letter to both the Complainant and the Respondent points out specifically the sanctions applicable if the deadlines are not met, “The Composite Assessment Review Board must not hear evidence that has not been disclosed in accordance with s.8 and s.9 of the *Matters Relating to Assessment Complaints Regulation* (Alberta Regulation 310/2009)”.

[21] The letter of July 11, 2016 to both the Complainant and the Respondent from the Clerk of the Assessment Review Boards states the deadline for disclosure remains the same as stipulated in the original notice dated July 11, 2016.

[22] The Board notes that there was significantly more time allowed for the disclosure of evidence than the legislative requirements.

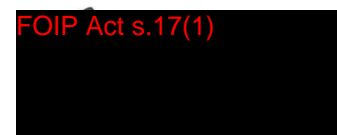
[23] On the first issue of “etc.” on the complaint form, the term “etc.” can connote extra, or additional. In this matter the Board is only looking at the two roll numbers on the complaint form.

[24] Regarding the issue on failure by the Complainant to respond to the RFI, this issue is moot, since the complaint will not proceed to a merit hearing. The Board sees no reason to comment further on this issue.

[25] It is so ordered.

[26] The decision of the Composite Assessment Review Boards is final and binding on all parties, subject only to appeal to the Court of Queen’s Bench on a question of law or jurisdiction with respect to the decision in accordance to section 470 of the *Municipal Government Act*, R.S.A 2000, c. M-26.

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this
27th day of October 2016.

FOIP Act s.17(1)


Robert Mowbrey, Presiding Officer

APPENDIX A

DOCUMENTS RECEIVED AND CONSIDERED BY THE CARB

Exhibit Number	Description
R1	Assessor Letter dated October 20, 2016
C1	Civeo letter dated October 23, 2016

APPENDIX B

REPRESENTATIONS

Person Appearing	Capacity
Robert Greaves	Director, Land Management, Civeo
Jason Hall	Director, Finance and Accounting, Civeo
Barry Campbell	Assessor, Regional Municipality of Wood Buffalo
Mark Fielden	Assessor, Regional Municipality of Wood Buffalo