

## Evidence Submission Requirements Policy

### Cover Page

The cover page must clearly list the following:

- appeal number,
- property address
- account ID of the property on appeal
- style of cause, including: name of the owner/appellant (if relevant, the company name should be listed instead of the individual), name of the Agent, if relevant, title of the Respondent (ie. City of Regina)
- Date of the scheduled appeal hearing

If the appeal hearing includes a lead appeal, the appeal number of the lead appeal must be listed on the cover page.

### Section I - Introduction

If there are multiple properties on appeal, with one appointed lead appeal, Section I must include a clearly labelled table that includes the lead appeal **in bolded text**, and listing below it the following information for each appeal to which the Board's decision is requested to be carried forward to:

Appeal Number	Civic Property Address	Account ID Number
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Section I must also include the following details:

- Details of the subject/lead appeal property
- A list of each ground of appeal filed with the Secretary of the Board, numbered to coincide with the argument for each ground outlined in Section II.
- A statement identifying any preliminary matters such as Board orders requests by pertaining to Confidentiality, carry-forward of appeals, amendment of grounds, or any request which requires a Board Order under *The Cities Act, 2015* legislation.
- One to two sentences outlining the appeal party's requested solution of the Board.
- **New and/or amended grounds requests must be included in this section.**

### Section II – Argument/Analysis

Section II should list grounds/issues and provision the Board panel a clear, concise argument/analysis for each issue/appeal ground. The issue/appeal grounds must match those outlined in Section I of the submission document. There is a maximum five pages per issue/appeal ground limit. Legislation, photos, field sheets, etc. may be referenced in Section II but the full text/image must be relegated to Section IV as a named and clearly marked appendix, or in the circumstance of case law, to Section V.

**Any grounds, argument, analysis, or evidence not first included or referenced in Section II but hidden within a large body of content in the Appendix and raised during the hearing may be dismissed at the discretion of the Board Panel Chair.**

## **Section III – Proposed Solution/Request of the Board**

Section III should clearly and concisely outline the proposed solution that the appeal party is requesting of the Board. The proposed solution should match what is outlined in Section I of the submission, but in this Section, more detail can be provided if required. This section should consist of no more than 5 pages.

## **Section IV – Appendices**

Section IV contains appendices of supporting documents, referenced in Sections I through III of the evidence submission document. The following must be taken into account when assembling the Appendices section:

- Avoid repetition – do not arguments or analysis materials that are already included in Sections I and II if possible
- Avoid generic submissions and/or information. If the information is easily available to the Board or is a publicly available document, it need only be referenced in Sections I to III, rather than included in its entirety as an Appendix.
- Do not include large sections of legislation as reference material; all municipal and provincial legislation is available to the Board, including the most recent SAMA reference materials.
- Clearly label any photographs being used as evidence is with readable font underneath each photo.
- Clearly label any information contained in the appendices for which a Board Order marking the information confidential will be requested before or at the appeal hearing.
- Do not include entire chapters of case law; case law must be in reference form only in Section V of the materials.
- Appendices should be as concise and limited in text as possible to allow the Board panel and any party to the appeal sufficient time to review the material contained within.
- Electronically condense any material as much as possible before submitting the documents to the Board. Large document files with excessive data needs can crash, freeze, or cause errors in the computer programs used to compile evidence records for appeal hearings. Most PDF software programs have mechanisms to condense large data files.

## **Section V – Case Law**

Section V is to be used as a reference sheet of any case law referenced in Sections I to IV of the evidence submission. **DO NOT INCLUDE THE ENTIRE CASE LAW TEXT OF PUBLISHED CASE LAW.** The Board has access to CanLii.org and is able to locate and read any referenced case law. If the case law referenced in the evidence submission is not

published to CanLii.org, it may be included as an Appendix. The Appendix name should be noted next to the referenced case law in this section.

Case law references in this section are to be written as follows:

- a. *XY Ltd. v City of XXXXX*, 2021 SKCA 186
- b. *XY Ltd. v Canada (Minister of Health)*, 2011 SCC 215

## Length of Evidence Submissions

Number of pages for each Section are limited to the following page amounts\*\*:

**Section I** – No more than 5 pages.

**Section II** – Maximum 5 pages per issue/appeal ground.

**Section III** – No more than 5 pages.

**Section IV** – Appeal parties are requested to keep each Appendices less than 40 pages in length

**Section V** – Maximum 2 pages of case law references, which must be referenced in either Section I to III of the evidence submission. Case law not referenced in Sections I to III but included in Section V may be dismissed at the discretion of the Board Panel Chair.

\*\* Exemptions to the restricted number of pages can be made by the Secretary prior to submission of the evidence document. To apply for an exemption to the page amount restrictions, the requesting party must contact the Secretary of the Board and specify the appeal date, lead appeal number, and reasons why the evidence submission must exceed the prescribed number of pages allowed.

## Method of Delivery of Evidence Submissions to the Secretary

Evidence submission deadlines must adhere to the dates indicated in the Notice of Hearing letter. Requests for extended deadlines on evidence submissions must go through the Secretary of the Board for consideration; any request made in this manner to the Secretary must summarily list the reason for the late submission.

The Board reserves the right to refuse to hear evidence that is late or is not included in the written evidence submission.

Parties to an appeal may not amend or add grounds for appeal without a written Order from the Board and must follow the process for amending grounds laid out in section 209 of *The Cities Act*. Requests to amend or add grounds must be made in writing to the Board.

The following means of evidence package submission will be accepted by the Board:

- Electronic mail to boardofrevision@regina.ca
- Physical paper packages delivered before end of the due day to Regina City Hall

- Physical paper submissions mailed to the Secretary of the Board and arrived to the Office of the City Clerk before end of the due day named in the Notice of Hearing letter.

The following means of evidence package submission are **not acceptable** and will be refused by the Secretary of the Board. If the Secretary of the Board refuses an evidence submission due to incorrect submission methods, an extension to the evidence submission due date will not be granted to the submitting party:

- Online-hosted data drives that require digital download; including, but not limited to: Amazon Drive, iCloud, pCloud, Dropbox, and Google Drive.
- USB drives and other computer mounting hardware devices
- Deliveries through the mail-slot at Regina City Hall
- Submissions where any party to the appeal is not provided its own individual copy

Evidence submissions that are sent via electronic mail must be:

- Electronically condensed to reasonable data size
- Clearly labelled by the submitting party in the title of the document
- Compatible with Microsoft Office or Adobe Acrobat software
- Editable to allow the Board Assistants to clearly label Exhibit numbers, where applicable.

Evidence submissions **must not be password protected**. Password protected evidence submission documents will be refused by the Secretary, and if not unlocked before the end of day on the due date, will be deemed Late.

The Board Assistant date will date stamp all evidence submission packages before compiling the final evidence record book for the Board panel.

### Requests from Members of the Public for the Release of Evidence Records

Evidence record books are not a matter of public record and cannot be released through Access to Information requests or Freedom of Information requests made under *The Local Authority Freedom of Information and Protection of Privacy Act* until the appeal process has been thoroughly exhausted at all appeal levels. This is to preserve the right of parties to the appeal to request a Confidentiality of Information order at any time in the appeal process. Requests to the Board for the release of documents contained in the evidence record made by any member of the public that is not a party to the appeal may require third party authorization for release from relevant appeal parties.

The records of the Board of Revision are stored separately from Municipal records. The storage and release of these records to the public are governed by the following prescribed provincial legislation:

- *The Cities Act, 2015*
- *The Municipalities Act*
- *The Assessment Management Agency Act*
- *The Cities (Board of Revision) Amendment Regulations, 2021*