



MGB's 7th Annual Stakeholders Workshop - Linear Complaints

The Municipal Government Board (MGB) held its 7th annual stakeholders' workshop for linear property complaints on December 6, 2007 in Calgary. Thirty-seven participants attended representing oil and gas industry, tax consultants, municipalities, and government.

Stakeholders' feedback continues to support input from previous workshops regarding the importance of communication and the significance of having a high level of trust and understanding between the parties involved in the linear complaint process. For this reason, the MGB considers it valuable to continue with the workshop on an annual basis.

The MGB presented an overview of linear complaint activity. In 2007, the MGB received another record number of linear complaints (see chart 1). More than half of these complaints dealt with the interpretation of the Minister's Guidelines and the accuracy of EUB-records as they relate to well-depth. This last issue is still before the MGB for both 2006 and 2007 tax years.

At the workshop, the MGB requested input on certain topics and encouraged the stakeholders to

put forward their issues, concerns and comments on the following:

- insufficient detail in complaint at initial stages and timelines to provide detail
- early disclosure by the Linear Assessor (DLA) of retaining legal counsel prior to preliminary hearing
- possibility of oral decisions
- introducing fees for filing complaint
- Early Complaint Resolution (ECR) project
- nature and transparency of board member training

The input related to the above topics is outlined on page 2.

The MGB database system, Case Inc., went into production in late March 2006. Since its implementation the MGB has experienced increased efficiencies in tracking and scheduling complaints and electronically generating and sending notices decisions to parties.

The MGB is presently reviewing its linear complaint forms. The MGB hopes to have changes in place for the new complaint year. Updates on any changes to complaint forms and submission procedures will be posted on the MGB website.

(see page 2).

2008 - Dates

- The legislated timeline for hearing linear complaints is **150 days** from the day the assessment notice is sent.
- The mailing date of the 2007 assessment notice (2008 tax year) has been updated to **February, 11 2008**.
- The deadline for submitting 2008 tax year complaints has been updated to **March 26, 2008**.

Filing Tips

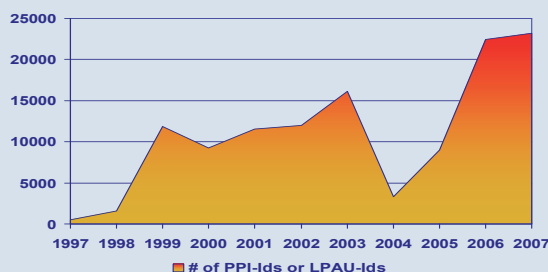
- Submit your complaint early to minimize the risk of missing the complaint deadline. The MGB has authority to dismiss a complaint filed after the deadline.



Chart 1

Year in Review – 2007 Tax Year

Number of Properties under complaint



Plans implemented in 2007

- MGB continues to promote quality communications with all parties.
- Preliminary hearings for all complaints begin within four weeks after complaint deadline.
- MGB works with parties to achieve proper disclosure of parties' cases.
- Review of MGB Procedure Guide is ongoing.
- All 2007 merit hearings scheduled to be concluded by December 31, 2007, except in exceptional cases.
- MGB issues written decisions to parties as soon as possible after hearings.

Stakeholders remarks, suggestions, and recommendations for 2008

Stakeholders' remarks, suggestions and recommendations for 2008:

Complaint Details

- Lack of detail in complaint at initial stages through to time of written submissions by Complainant—more detail would benefit DLA and MGB.
- More detailed follow-up information sheet may aid to clarify complaint details; would be due a short time following initial complaint filing.
- DLA should be given opportunity to request further particulars—response within a fixed time.
- More time to appeal the assessment may result in more detailed complaints.
- File all records/documents pertinent to complaint and conduct a documentary discovery process.

- MGB can implement early pre-hearing conferences (ECR) prior to counsel involvement.
- Continue with preliminary hearing process to narrow issues etc.

Legal Representation

- Unfair to surprise unrepresented party with counsel—disclose counsel in advance of prelim hearing.
- DLA retains counsel only where complainant has counsel; any unfairness is therefore minimized.
- Implement rule where counsel must be disclosed within 1-2 weeks of hearing.
- What remedy/recourse, if any, is appropriate in event of breach of rule?
- Legal counsel involvement complicates the complaint process.

- MGB should begin resolution process before counsel involvement.

Need for Consistency in EUB Data Sources

- Geo Vista is derived from EUB but “filters” the EUB data
- Access to EUB General Well File (GWF) is very costly for complainants; Geo Vista is an effective alternative.
- DLA should produce relevant GWF/EUB production records at early stages of complaint.

Oral Decisions

- Parties want a written record of hearing and direction for their file reference.
- Oral decision suitable in simple matters
- Record of hearing can be maintained if oral decision is followed up with letter from case manager confirming MGB decision and direction.

Board Member Training

- Stakeholders would like to know the nature of Board Member training.
- Board Members must maintain impartiality relative to training source.

Other

- Use of Fees— complaint process is already expensive because of time involved, need for counsel/experts etc.
- Early Communication as a means for resolution; DLA holds annual information sessions about assessments; starts in February, 2008.
- Need for clarity in the complaint details as to which part of the EUB record is being relied on relative to the complaint.

2008 - Plans and actions



1. The MGB will continue to maintain and promote quality communication between parties.
2. The MGB will repeat in 2008 the early scheduling of preliminary hearings. Hearings will begin 4 weeks after the complaint deadline.
3. All parties will continue to strive to schedule and hear 2008 complaints by December 31.
4. The MGB will work with the parties to achieve proper disclosure of parties' cases.
5. The MGB will outline the type of linear property training provided to Board Members on its web site.
6. The MGB will work to complete written decisions as quickly as possible and use oral decisions where appropriate.
7. The MGB will develop an Early Complaint Resolution process and identify complaints that may be appropriate for such process.
8. Review and revise linear complaint forms and application procedures to allow for more comprehensive complaint details to be provided.
9. The MGB will continue to work towards the completion of its Rules of Procedure.

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MGB Internet site:

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THANK YOU!

The MGB wishes to thank all parties for their attendance and constructive input.

