

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the property assessment as provided by the *Municipal Government Act*, Chapter M-26, Section 460, Revised Statutes of Alberta 2000 (the Act).

between:

Weening, Edward T. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***M. Vercillo, PRESIDING OFFICER
P. Charuk, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2011 Assessment Roll as follows:

ROLL NUMBER: 088109202

LOCATION ADDRESS: 2047 34 AV SW

HEARING NUMBER: 64672

ASSESSMENT: \$1,410,000

This complaint was heard on 28 day of September, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- A. Izard

Appeared on behalf of the Respondent:

- C. Fox

Board's Decision in Respect of Procedural or Jurisdictional Matters:

The Calgary Composite Assessment Review Board (CARB) derives its authority to make this decision under Part 11 of the Act. During the hearing, the Complainant raised the following preliminary or jurisdictional matter:

- That he has not received and is still not is in possession of the Respondent's disclosure of evidence for this hearing.

During questioning from the CARB **the Respondent** was not able to determine why the Complainant was not in possession of the Respondent's disclosure but could not provide proof or evidence that he had in fact sent any documentation to the Complainant.

During questioning from the CARB **the Complainant** took no position and offered no solution on how to proceed to the merits of the complaint.

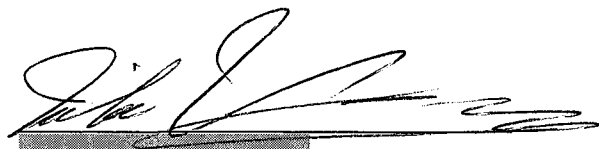
The CARB finds the following with respect to this jurisdictional issue:

- That disclosure from the Respondent was evident in the file(s) of the CARB. A copy of which was provided to Mr. Izard by Mr. Vercillo during this hearing.
- That in order for the hearing to proceed in a fair and equitable manner, the most practical solution is to allow a postponement of this hearing of at least 14 days as in accordance with the "Matters Relating Assessment Complaints Regulation" (MRAC) section 8(2)(b); *"the respondent must, at least 14 days before the hearing date, (i) disclose to the complainant and the composite assessment review board the documentary evidence....."*.

Board's Decision:

The CARB postpones this hearing to October 14, 2011 to allow the Complainant sufficient time to review the Respondent's evidence.

DATED AT THE CITY OF CALGARY THIS 30 DAY OF SEPTEMBER 2011.



Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
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An appeal may be made to the Court of Queen's Bench on a question of law or jurisdiction with respect to a decision of an assessment review board.

Any of the following may appeal the decision of an assessment review board:

- (a) the complainant;*
- (b) an assessed person, other than the complainant, who is affected by the decision;*
- (c) the municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
- (d) the assessor for a municipality referred to in clause (c).*

An application for leave to appeal must be filed with the Court of Queen's Bench within 30 days after the persons notified of the hearing receive the decision, and notice of the application for leave to appeal must be given to

- (a) the assessment review board, and*
- (b) any other persons as the judge directs.*