



ASSESSMENT REVIEW BOARD

Churchill Building
10019 103 Avenue
Edmonton AB T5J 0G9
Phone: (780) 496-5026

NOTICE OF DECISION 0098 06/11 POSTPONEMENT/ADJOURNMENT REQUEST

Nav Canada Corp. c/o Wilson Laycraft
1601 – 333 11th Avenue SW
Calgary, AB T2R 1L9

The City of Edmonton
Assessment and Taxation Branch
600 Chancery Hall
3 Sir Winston Churchill Square
Edmonton, AB T5J 2C3

This is a decision of the Composite Assessment Review Board (CARB) from a hearing held on May 25, 2011 respecting a postponement or adjournment request for the following 2011 complaints:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type
4084778	101 Airport Road NW	Null	\$388,500	Annual New
4072724	31 Airport Road NW	Null	\$2,624,000	Annual New
9955683	18121 112 Street NW	Null	\$319,000	Annual New
9955703	10910 62 Avenue NW	Null	\$1,661,500	Annual New
9955684	13335 127 Street NW	Null	\$2,163,500	Annual New

Before:

Tom Robert, **Presiding Officer**

Board Officer: Annet Adetunji

Persons Appearing on behalf of Complainant:

None.

Persons Appearing on behalf of Respondent:

None.

ISSUE

Should a postponement of the 2011 complaint hearings scheduled for July 11, 2011, be granted as requested by the Complainant?

POSITION OF THE COMPLAINANT

The Complainant requests a postponement of the complaint hearings scheduled for July 11, 2011 on the basis that two witnesses are involved in other hearings in Newfoundland and are unable to attend the ARB hearing. The Complainant further requests that disclosure dates are amended to reflect the new hearing dates.

POSITION OF THE RESPONDENT

The Respondent takes no position in regard to the postponement request.

LEGISLATION

S.15 (1) of the *Matters Relating to Assessment Complaints Regulation*, Alberta Regulation 310/2009 (MRAC), states:

- (1) *Except in exceptional circumstances as determined by an assessment review board, an assessment review board may not grant a postponement or adjournment of a hearing.*
- (2) *A request for a postponement or an adjournment must be in writing and contain reasons for the postponement or adjournment, as the case may be.*
- (3) *Subject to the timelines specified in section 468 of the Act, if an assessment review board grants a postponement or adjournment of a hearing, the assessment review board must schedule the date, time and location for the hearing at the time the postponement or adjournment is granted.*

DECISION

The Board grants the postponement request.

REASONS FOR THE DECISION

The Board is satisfied that a postponement of the hearings is warranted to ensure that the Complainant's witnesses attend the hearing. The Board notes that the Respondent takes no position in regard to the postponement.

As per s.15(3) of MRAC, the Board has rescheduled the hearings as follows:

Date: September 13, 2011
Time: 9:00 am
Location: Edmonton

New hearing notices reflecting amended disclosure dates will be sent out to the parties.

Dated this 25th day of May, 2011, at the City of Edmonton, in the Province of Alberta.

Tom Robert, Presiding Officer

This decision may be appealed to the Court of Queen's Bench on a question of law or jurisdiction, pursuant to Section 470(1) of the Municipal Government Act, R.S.A. 2000, c.M-26.
