



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 10/11 POSTPONEMENT/ADJOURNMENT REQUEST

JAGARE RIDGE COMMUNITIES INC
900 10310 - JASPER AVENUE NW
EDMONTON, AB T5J 1Y8

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 June 9, 2011 respecting a postponement or adjournment request for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
1070267	1610 141 STREET SW	NE 23-51-25-4	\$3,043,500	Annual New	2011

Before:

Lynn Patrick, Presiding Officer

Board Officer: Kristen Hagg

Persons Appearing on behalf of Complainant:

None

Persons Appearing on behalf of Respondent:

None

ISSUE

Should a postponement of the 2011 Annual New Realty Assessment hearing scheduled for July 12, 2011 be granted as requested by the Complainant?

POSITION OF THE COMPLAINANT

The Complainant requests a postponement on the grounds that the Notice of Hearing, sent April 20, 2011, was not received. In addition, the person who is handling preparation of the evidence for the Complainant has been out of country, which has resulted in their being unable to meet the disclosure deadline of May 30, 2011.

POSITION OF THE RESPONDENT

The City of Edmonton takes no position regarding this postponement request.

LEGISLATION

Matters Relating to Assessment Complaints Regulation, Alberta Regulation 310/2009 (MRAC)

s. 3 If a complaint is to be heard by a local assessment review board, the clerk must

- (c) notify the municipality, the complainant and any assessed person or taxpayer other than the complainant who is affected by the complaint of the date, time and location of the hearing and the requirements and timelines for disclosure of evidence not less than 35 days before the hearing date.

s. 15

- (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.

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

Date: August 29, 2011
Time: 1:15 pm
Location: Edmonton

A new Notice of Hearing with amended disclosure dates will be sent to the parties.

REASONS FOR THE DECISION

In consideration that this is a first time request, that the Complainant was not properly notified and that the Respondent has no objection, the Board finds an exceptional circumstance exists thereby warranting a rescheduling of the hearing.

Dated this 9th day of June, at the City of Edmonton, in the Province of Alberta.

Lynn Patrick, 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.
