



## **ASSESSMENT REVIEW BOARD**

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

### **NOTICE OF DECISION      NO. 0098 11/11 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:

<b>Roll Number</b>	<b>Municipal Address</b>	<b>Legal Description</b>	<b>Assessed Value</b>	<b>Assessment Type</b>	<b>Assessment Notice for:</b>
1070291	1704 141 STREET SW	SE 23-51-25-4	\$1,226,500	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 9<sup>th</sup> day of June, at the City of Edmonton, in the Province of Alberta.

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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.*

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