



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 118/11

AEC INTERNATIONAL INC.
1120, 10201 Southport Road SW
Calgary, AB T2W 4X9

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 August 29, 2011 respecting a postponement or adjournment request for:

Roll Number	Municipal Address	Legal Description	Revised Assessed Value	Assessment Type
9152109	5004 98 AVENUE NW	Plan: 2542NY Block: 3 Lot: 1	\$40,795,500	Annual New

Before:

Hatem Naboulsi, Presiding Officer

Board Officer: Karin Lauderdale

Persons Appearing on behalf of Complainant:

None

Persons Appearing on behalf of Respondent:

None

ISSUE

Should a postponement of the cost hearing scheduled for September 27, 2011 be granted as requested by the Complainant and the Respondent?

POSITION OF THE COMPLAINANT

The Complainant requests a postponement of the cost hearing scheduled for September 27, 2011, stating that the request is based on the grounds that the proposed timeline for disclosure is unreasonable and unfair for the preparation of their disclosure and/or the possibility of obtaining legal counsel.

POSITION OF THE RESPONDENT

The Respondent also requests a postponement of the AEC cost application since their legal counsel is not available September 27, 2011. The Respondent also agrees that the proposed timeline for disclosure is unreasonable and unfair for the preparation of the Complainant's disclosure.

LEGISLATION

Matters Relating to Assessment Complaints Regulation, AR 310/2009

- 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.

REASONS FOR THE DECISION

In consideration that the Respondent was provided with only six (6) business days in which to prepare their cost application disclosure, the Board finds that an exceptional circumstance exists thereby warranting a rescheduling of the cost hearing. The Board notes that both parties have consented to this postponement request.

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

Date: November 9, 2011
Time: 9:00 am
Location: Assessment Review Board
10019 103 Avenue
Edmonton AB

Complainant Disclosure: October 11, 2011
Respondent Disclosure: October 25, 2011

A new hearing notice will not be sent.

Dated this 29th day of August, 2011 at the City of Edmonton, in the Province of Alberta.

Hatem Naboulsi, 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, RSA. 2000, c M-26.

cc: EDMONTON EAST (CAPILANO) SHOPPING CENTRES LIMITED