



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 119/11 POSTPONEMENT/ADJOURNMENT REQUEST

R. IAN BARRIGAN, VAN M HOLDINGS LTD.  
& R.I.B. HOLDINGS LTD.  
#2445, 10180 - 101 STREET  
EDMONTON, AB T5J 3S4

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 31, 2011 respecting a postponement or adjournment request for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
3198108	10340 107 STREET NW	Plan: B2 Block: 7 Lot: 123 / Plan: B2 Block: 7 Lot: 124 / Plan: B2 Block: 7 Lot: 125 / Plan: B2 Block: 7 Lot: 126	\$4,951,000	Annual New	2011

**Before:**

Dean Sanduga, 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 October 26, 2011 be granted as requested by the Complainant?

## **POSITION OF THE COMPLAINANT**

The Complainant requests a postponement as he will be out of the country on an annual fall vacation to Hawaii that is scheduled for the period October 22 to November 26, 2011; consequently, the Complainant is unavailable to attend the scheduled hearing. The Complainant requests that the hearing date be rescheduled to sometime prior to October 22 or after November 26, 2011 up to February 18, 2012

## **POSITION OF THE RESPONDENT**

The Respondent does not consent to this postponement request. This is the Complainant's second request for postponement, and at the time of the first postponement request, he did not indicate any time that he would not be available.

It is the Respondent's position that the Complainant's reason for requesting a postponement does not constitute an exceptional circumstance within the meaning of s. 15 of the *Matters Relating to Assessment Complaints Regulation (MRAC)*.

## **LEGISLATION**

### ***Matters Relating to Assessment Complaints Regulation, AR 310/2009***

- 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 does not grant the postponement request.

## **REASONS FOR THE DECISION**

The Board noted the Complainant's letter dated July 13, 2011 in which he failed to indicate a fall vacation schedule and was satisfied with the Board postponement order granted on August 3, 2011 to reschedule the hearing date to October 26, 2011.

The Board considers the Complainant's request to postpone the October 26, 2011 and concluded that the reason provided by the Complainant does not constitute an exceptional circumstance and does not warrant a postponement of the hearing. The Board notes that the Respondent does not consent to the postponement.

Dated this 1<sup>st</sup> day of September 2011, at the City of Edmonton, in the Province of Alberta.

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Dean Sanduga, 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.*

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cc: VAN M HOLDINGS LTD.  
R I B HOLDINGS LTD.