



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 13/11 POSTPONEMENT/ADJOURNMENT REQUEST

Michael R. McKinney
Sawridge Inns (Edmonton) Ltd.
17416 - 111 Avenue
Edmonton, AB T5S 0A2

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:
4120218	4235 GATEWAY BOULEVARD NW	Plan: 9020451 Block: 1A Lot: 1	\$12,184,000	Annual Revised	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 Revised Realty Assessment hearing scheduled for July 7, 2011 be granted as requested by the Complainant?

POSITION OF THE COMPLAINANT

The Complainant requests a postponement on the grounds that its representative and one of its potential witnesses will both be out of the country on the scheduled hearing date.

POSITION OF THE RESPONDENT

The City of Edmonton takes no position with regards to this 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.

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

Date: August 29, 2011
Time: 9:00 am
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 notice of the Complainant's unavailability was provided to the ARB administration, and that the Respondent has no objection, the Board finds an exceptional circumstance exists thereby warranting a rescheduling of the hearings.

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.
