



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 133/11

Ralph Berezan,
1362353 Alberta Ltd.
210 - 8399 200 STREET
Langley, BC V2Y 3C2

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 September 27, 2011 respecting a postponement or adjournment request for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10006543	4445 Calgary Trail NW	Plan: 0321729 Unit: 1	\$32,902,000	Annual New	2011

Before:

Lynn Patrick, Presiding Officer

Board Officer:

Segun Kaffo

Persons Appearing on behalf of Complainant:

No appearance

Persons Appearing on behalf of Respondent:

No appearance

ISSUE

Should a postponement of the 2011 Annual New Realty Assessment hearing scheduled for September 27, 2011 be granted as requested by the Complainant?

POSITION OF THE COMPLAINANT

On September 1, 2011, a request for postponement was received from the Complainant by the Assessment Review Board to postpone a hearing scheduled for September 27, 2011.

The Complainant requests a postponement on the ground that due to a pre-scheduled meeting he will be unable to attend the hearing.

POSITION OF THE RESPONDENT

The Respondent states that the City of Edmonton takes no position with respect to the postponement request. The Respondent however states that as the Complainant has missed the disclosure deadlines, the City is opposed to new disclosure deadlines that would prejudice the City.

LEGISLATION

Section 15 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.

REASONS FOR THE DECISION

The board is satisfied that a postponement is warranted as a result of the Complainant's inability to attend the scheduled hearing due to a pre-booked meeting.

In consideration that this is a first-time request, and that the Respondent has no objection except on the issue of disclosure, the Board finds an exceptional circumstance exists thereby warranting a rescheduling of the hearing.

Date: September 29, 2011

Time: 9:00 am

Location: Edmonton

A new hearing notice will not be sent.

The Board directs that no further evidence or documentation be submitted in regard to this matter.

Dated this 7th day of September, 2011, at the City of Edmonton, in the Province of Alberta.

Lynn, 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: 1362353 Alberta Ltd.