



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
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(780) 496-5026 FAX (780) 496-8199

NOTICE OF DECISION NO. 0098 189/10

The City of Edmonton
Law Branch
9th Flr., Chancery Hall
3 Sir Winston Churchill Square
Edmonton, AB T5J 2C3

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 8, 2010 respecting a postponement or adjournment request for:

Roll Number 10150276	Municipal Address	Legal Description Plan 5725RS Lot E
Assessed Value \$7,021,000	Assessment Type Annual New	Assessment Notice for: 2010

Before:

Ted Sadlowski, Presiding Officer

Persons Appearing: Complainant

No appearance

Board Officer:

J. Halicki

Persons Appearing: Respondent

No appearance

ISSUES

On September 8, 2010, a Request for Postponement or Adjournment Form was received by the Assessment Review Board to reschedule a hearing dated October 4, 2010.

The Respondent is requesting that the hearing be postponed for four reasons: one day scheduled will not be sufficient; the Respondent will not have time to prepare and disclose its material; further opportunity to resolve this matter may lead to its resolution; and the Complainant was previously granted a postponement to gather their materials.

POSITION OF THE OTHER PARTY

The Complainant does not object to this matter being postponed provided it is not moved to next year.

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.*

Accordingly, as per s. 36(2)(b) of MRAC, a one-member Board was convened to consider the request.

DECISION

The decision of the Board is not to grant the postponement request.

REASONS FOR THE DECISION

The Board does not consider an exceptional circumstance exists to warrant the rescheduling of the hearing. The Assessment Review Board administration has advised additional time exists the week of the scheduled hearing to allow for extra hearing days.

Dated this eighth day of September, 2010 A.D., at the City of Edmonton, in the Province of Alberta.

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.

CC: Municipal Government Board
City of Edmonton, Assessment and Taxation Branch
Eco-Industrial Business Park Inc.
Dick Haldane, Fraser Milner Casgrain LLP