

ISSUE

Should a postponement of the 2011 Annual Revised Realty Assessment hearing scheduled for July 5, 2011 be granted as requested by the Respondent?

POSITION OF THE RESPONDENT

The Respondent requests a postponement of the merit hearing on the grounds that the preliminary hearing in this matter has been postponed until July 6-8, 2011, thus requiring that the merit hearing also be postponed until after August 8, 2011.

POSITION OF THE COMPLAINANT

The Complainant consents 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: September 12, 13, and 14, 2011
Time: 9:00 am – 4:30 pm
Location: Edmonton

A new Notice of Hearing with amended disclosure dates will be sent to the parties.

REASONS FOR THE DECISION

In consideration that the preliminary hearing must be completed and a hearing decision rendered prior to the merit hearing taking place and that the Complainant has no objection, the Board finds that an exceptional circumstance exists thereby warranting a rescheduling of the merit hearing.

Dated this 17th day of June, 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, R.S.A. 2000, c.M-26.

cc: DOWNTOWN EDMONTON HOTEL HOLDINGS INC