



## ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON, ALBERTA T5J 2R7  
(780) 496-5026 FAX (780) 496-8199

### NOTICE OF DECISION      0098 214/10

Sawridge Group of Companies  
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 September 20, 2010 respecting a postponement or adjournment request for:

|                                       |  |  |
|---------------------------------------|--|--|
| <b>Roll Number</b><br>4120218         | <b>Municipal Address</b><br>4235 Gateway Blvd. | <b>Legal Description</b><br>Plan: 9020451 Block: 1A Lot: 1 |
| <b>Assessed Value</b><br>\$17,183,500 | <b>Assessment Type</b><br>Annual New           | <b>Assessment Notice for:</b><br>2010                      |

#### **Before:**

Dave Thomas, Presiding Officer

#### **Persons Appearing: Complainant**

Douglas Gahn, Solicitor  
Jim Hill  
Jonas Locke

#### **Board Officer:**

J. Halicki

#### **Persons Appearing: Respondent**

Chris Hodgson, Assessor  
Cameron Ashmore, Solicitor

### **ISSUE**

On September 20, 2010, a letter dated the same requesting a postponement was received by the Assessment Review Board to reschedule a hearing dated September 20, 2010.

The letter stated that the Complainant's in-house legal counsel had suddenly fallen ill and had been hospitalized. Consequently, new counsel was retained immediately prior to the scheduled hearing, for the purpose of requesting a postponement.

The issue before the Board was whether the matter constituted exceptional circumstances pursuant to s. 15(1) of *Matters Relating to Assessment Complaints Regulation*, Alberta Regulation 310/2009.

## **POSITION OF THE OTHER PARTY**

The Respondent does not object to the rescheduling of the hearing.

## **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.

## **REASONS FOR THE DECISION**

The Board considered the fact that the Complainant's legal counsel had suddenly taken ill with pneumonia and was hospitalized the evening prior to the hearing date and that the Complainant's hearing materials were unavailable for the hearing. The Board noted that the Respondent did not object to the postponement. In view of the foregoing, the Board finds an exceptional circumstance exists thereby warranting a postponement of the hearing.

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

Date: October 20, 2010  
Time: 9:00 a.m.  
Location: Edmonton

Notwithstanding the rescheduled date and time, original disclosure dates as per the Notice of Hearing dated June 21, 2010, will apply.

Dated this twentieth day of September, 2010, at the City of Edmonton, in the Province of Alberta.

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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.*

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CC: Municipal Government Board  
Sawridge Inns (Edmonton) Ltd.  
City of Edmonton, Law Branch  
City of Edmonton, Assessment and Taxation Branch  
Duncan & Craig LLP