



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 512/10

Colliers International Realty Advisors
1000-335 8 Avenue SW
Calgary AB T2P 1C9

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 from a hearing held on November 8, 2010 respecting a complaint for:

Roll Number	Assessed Value	Municipal Address	Legal Description	Assessment Type	Assessment Notice for:
5140306	\$8,079,000	4439 127 Avenue NW	Plan: 3381CL Block: Y	Annual - New	2010
5140108	\$5,421,500		Plan: 1012AY Block: C	Annual - New	2010

Before:

Jack Schmidt, Presiding Officer
Francis Ng, Board Member
Brian Carbol, Board Member

Board Officer:

Segun Kaffo

Persons Appearing: Complainant

Christopher Hartley
David Porteous

Persons Appearing: Respondent

Gordon Petronik, Assessor
Tanya Smith, Law Branch

PROCEDURAL MATTERS

Upon questioning by the Presiding Officer, the parties indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to the file.

ISSUES

Should a postponement of the Annual New Realty Assessment hearing scheduled for November 8, 2010 be granted as requested by the Respondent?

POSITION OF THE RESPONDENT

On November 4, 2010 the Respondent made a request to the Assessment Review Board to postpone the merit hearing originally scheduled for November 4, 2010. The Respondent indicated that due to the volume of material filed and the complexity of the issues, the one day scheduled for the merit hearing does not provide sufficient time for the issues to be completely and fairly presented to the Board. The Respondent therefore requested a postponement as well as two days for the merit hearing.

POSITION OF THE COMPLAINANT

The Complainant agreed that a postponement is necessary and proposed December 15 and 16, 2010 to which the Respondent agreed.

LEGISLATION

The Municipal Government Act, R.S.A. 2000, c. M-26;

S.15(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.

DECISION

The decision of the Board is to grant the postponement request.

REASONS FOR THE DECISION

The Board is of the opinion that the volume of material filed and the complexity of the issues constitute exceptional circumstances on which to grant a postponement.

The Board further notes that the Complainant is not opposed to the postponement request.

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

Date: December 15 – 16, 2010
Time: 9:00 am
Location: Edmonton

There will be no revised hearing notices sent out on these matters and current disclosure dates remain the same.

This Board is not seized with this matter.

Dated this 8th day of November, 2010, 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
Dominion Tar & Chemical Ltd.
Domtar Ltd.