



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 825/11

Altus Group  
17327 106A Avenue  
EDMONTON, AB T5S 1M7

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 March 28, 2012 respecting a postponement or adjournment request for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
1560002	10440 170 STREET NW	Plan: 7720926 Block: 1 Lot: 1	\$7,185,000	Annual New	2011

#### **Before:**

Don Marchand, Presiding Officer

**Board Officer:** Karin Lauderdale

#### **Persons Appearing on behalf of Complainant:**

Did not appear

#### **Persons Appearing on behalf of Respondent:**

Did not appear

#### **ISSUE**

Should a postponement of the 2011 Annual New Realty Assessment hearing scheduled for April 3, 2012 be granted as requested by the Respondent?

## **POSITION OF THE COMPLAINANT**

In reply to the email, dated March 27, 2012, requesting the Complainant's position relative to the request for a postponement no objection was expressed.

## **POSITION OF THE RESPONDENT**

The Respondent provided the following list of roll number currently scheduled for hearing April 2-5, 2012 in their request for a postponement.

*1560002	30434032	3218757	3595535
4132072	99301003	10083295	2173201
3128006	3371754	4132056	6841928
10015506	10202513		

\*identifies the subject's roll number

The Respondent explained that a previous CARB on a request to have these hearing postponed pending a decision from the courts on a preliminary matter was granted on the bases that

*"...considered the written submissions of the parties and agrees that the matter before the Court is an exceptional circumstance..."*

The CARB was advised that the leave application was heard by the Court on March 20<sup>th</sup> and a decision is pending.

## **LEGISLATION**

*Matters Relating to Assessment Complaints Regulation, AR 310/2009*

- 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.
- (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 of 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 with the understanding that a hearing for the identified roll number will not take place until 10 days after the Court has rendered a decision on the appeal.

## **REASONS FOR THE DECISION**

This decision is consistent with the CARB's previous decisions on a similar request with the same exceptional circumstances existing.

Date                10 business days after the issuance of the pending leave application Court decision.

Time:             9:00am

Location:        Edmonton

Complainant Disclosure:

Respondent Disclosure:

Complainant Rebuttal Disclosure:

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 29<sup>th</sup> day of March 2012 at the City of Edmonton, in the Province of Alberta.

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Don Marchand, 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.*

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cc:    WEST TWO ENTERPRISES LTD