



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 828/11

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:
3128006	10055 106 STREET NW	Plan: NB Block: 5 Lot: 61 / Plan: NB Block: 5 Lot: 62	\$25,131,000	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 2, 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 20th 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 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 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 29th day of March 2012 at the City of Edmonton, in the Province of Alberta.

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.

cc: BRE (105 JASPER AVE) LTD