



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 837/11

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: |
|-------------|------------------------------|---------------------------------------|----------------|-----------------|------------------------|
| 10083295    | 6005<br>GATEWAY<br>BOULEVARD | Plan: 0720014<br>Block: 80 Lot:<br>4B | \$4,328,500    | 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 5, 2012 be granted as requested by the **Complainant/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:    OK RADIO GROUP LTD.