



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION 0098 04/11

WELLMING GROUP LTD.
644 - HENDERSON STREET NW
EDMONTON, AB T6R 1S8

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 preliminary hearing held on May 13, 2011 respecting an appeal on the 2011 Annual New Realty Assessment.

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
3823762	10632 98 STREET NW	Plan: NA Block: 11 Lot: 8 / Plan: NA Block: 11 Lot: 9 / Plan: NA Block: 11 Lot: 10 / Plan: NA Block: 11 Lot: 11 / Plan: NA Block: 11 Lot: 12 / Plan: NA Block: 11 Lot: 13	\$3,106,000	Annual New	2011

Before:

Tom Robert, Presiding Officer

Board Officer: Nicole Hartman

Persons Appearing on behalf of Complainant:

No appearance



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Persons Appearing on behalf of Respondent:

No appearance

ISSUE

Did the Complainant file the form by the required deadline of March 14, 2011?

POSITION OF THE COMPLAINANT

Not in attendance.

POSITION OF THE RESPONDENT

The Respondent advised the Assessment Review Board by letter that the City of Edmonton takes no position on complaints that were electronically filed “late”, as a result of the inability of the ARB to process online complaints.

LEGISLATION

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

s.309 (1) An assessment notice or an amended assessment notice must show the following:

(b) the date by which a complaint must be made, which date must be 60 days after the assessment notice or amended assessment notice is sent to the assessed person

s.467 (2) An assessment review board must dismiss a complaint that was not made within the proper time or that does not comply with section 460(7).

DECISION

The decision of the Board is to declare the complaint valid.

REASONS FOR THE DECISION

Upon review of the letters from the Law Branch and from the Manager of the Assessment Review Board, the Board is satisfied that as a result of a computer error, the ARB online system was unable to process complaints for a period of time on March 14, 2011, which was the complaint filing deadline. Consequently, the Complainant was unable to file a complaint within the filing period.

The Board notes that the Complainant made several attempts to file the complaint prior to the deadline. The Board further notes that the Complainant filed a complaint as soon as possible and within a short time after the deadline.

The Board is satisfied that the failure of the Complainant to file the complaint on time was for reasons beyond the control of the complainant.

Accordingly, this matter will proceed to a merit hearing. A notice of hearing with applicable disclosure dates will be sent to the Complainant at a later date.

Dated this 19th day of May, 2011 at the City of Edmonton, in the Province of Alberta.

Tom Robert, 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.
