

## Edmonton Composite Assessment Review Board

Citation: Altus Group v The City of Edmonton, 2013 ECARB 00660

Assessment Roll Number: 9984373

Municipal Address: 1704 88 Street SW

Assessment Year: 2013

Assessment Type: Annual New

Between:

**Altus Group**

Complainant

and

**The City of Edmonton, Assessment and Taxation Branch**

Respondent

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### POSTPONEMENT DECISION OF George Zaharia, Presiding Officer

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#### **Issue(s)**

[1] Should a postponement of the 2013 Annual New Realty Assessment hearing scheduled for July 15, 2013 be granted as requested by the Respondent?

#### **Legislation**

[2] The *Matters Relating to Assessment Complaints Regulation*, AR 310/2009, reads:

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.

#### **Position Of The Complainant**

[3] The Complainant agreed to the Respondent's postponement request, provided that the disclosure dates would be amended to reflect the new hearing date.

[4] The Complainant identified September 23 and 24, 2013 as being the best alternate days.

[5] The Complainant also identified a series of dates in June, July, August, and September on which he would not be available.

### **Position Of The Respondent**

[6] The Respondent requested a postponement of the hearing originally scheduled for July 15, 2013 because the legal counsel for the Respondent was not available on that date.

[7] The Respondent also identified a series of dates in June, July, August, and September on which he would not be available.

### **Decision**

[8] The Board grants grant the postponement request.

[9] The hearing is rescheduled to:

Date: November 8, 2013

Time: 9:00 AM

Location: Edmonton Assessment Review Board Offices

Disclosure of Complainant's Evidence: September 26, 2013

Disclosure of Respondent's Evidence: October 24, 2013

Disclosure of Complainant's Rebuttal Evidence: October 31, 2013

[10] No new notice of the postponed hearing will be sent.

### **Reasons For The Decision**

[11] Pursuant to MRAC, the request for postponement was in writing identifying the reason.

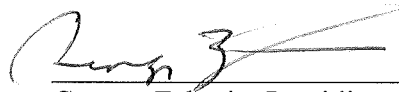
[12] The parties have a right to legal representation at a hearing, and if for some reason a legal representative is not available for a scheduled hearing it would challenge this right.

[13] Although it is not mandatory that the other party agree to the postponement request, it was helpful that the other party did not object.

[14] The new scheduled hearing date of November 8, 2013 was not one of the "unavailable dates" identified by either party.

Heard on June 3, 2013.

Dated this 3<sup>rd</sup> day of June 2013, at the City of Edmonton, Alberta.

  
George Zaharia, 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.*