

**IN THE MATTER OF A COMPLAINT** filed with the Regional Municipality of Wood Buffalo Composite Assessment Review Board (CARB) pursuant to Part 11 of the *Municipal Government Act* being chapter M-26 of the revised statutes of Alberta 2000.

**BETWEEN:**

Turner Drake and Partners – Complainant

- and -

Regional Municipality of Wood Buffalo (RMWB) – Respondent

**BEFORE:**

Members:

Robert, Mowbrey, Presiding Officer

Staff:

Darlene Soucy, Clerk

**BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT**

[1] A written submission was presented to the Board on August 24<sup>th</sup>, regarding the Regional Municipality of Wood Buffalo in the Province of Alberta to consider a complaint about the assessment of the following property:

<b>Assessment Roll Number</b>	71027460
<b>Civic Address</b>	7925 Franklin Avenue
<b>Owner</b>	Home Hardware Stores Ltd.
<b>File Number</b>	ARB 21-021

<b>Assessment Roll Number</b>	71027450
<b>Civic Address</b>	7925 Franklin Avenue
<b>Owner</b>	Home Hardware Stores Ltd.
<b>File Number</b>	ARB 21-022

<b>Assessment Roll Number</b>	71002300
<b>Civic Address</b>	7926 Franklin Avenue
<b>Owner</b>	Home Hardware Stores Ltd.
<b>File Number</b>	ARB 21-023

### **PROCEDURAL MATTERS**

- [2] The CARB derives its authority to make decision under Part 11 of the *Municipal Government Act*, R.S.A. 2000, c. M-26.
- [3] The Board notes that both the Complainant and the Respondent indicated they do not need to appear at the preliminary hearing.
- [4] There were no objections in the written submission regarding the composition of the Board.
- [5] The Board confirmed it had no bias in relation to the matters.

### **PRELIMINARY MATTERS**

#### ***Issue***

- [6] Should postponements for the above noted hearings scheduled for November 6<sup>th</sup>, 2021, be granted as requested by the parties.

#### ***Position of the Complainant***

- [7] The Complainant requested a postponement of the hearing date of Saturday, November 6<sup>th</sup>, 2021. The Complainant stated they were under the impression that the hearing would be conducted during regular business hours. The Complainant, in their submission, indicated the dates they were available and their blackout dates. Their blackout dates included the week of November 8<sup>th</sup> -12<sup>th</sup>, 2021. However, if the Complainant knew the Composite Assessment Review Board (CARB) held hearings on Saturday, the Complainant would have included November 6<sup>th</sup> as a blackout date. The Complainant stated that they were unable to attend a hearing on November 6<sup>th</sup>, due to a previous personal commitment. The Complainant stated they have no issue meeting the requested disclosure/rebuttal submission dates of September 24<sup>th</sup>, 2021 and October 20<sup>th</sup>, 2021.
- [8] The Complainant requests the Board to grant the postponement.

***Position of the Respondent***

[9] The Respondent indicated that he was in agreement with the Complainant's request regarding a postponement on the above noted files.

**PRELIMINARY DECISION**

[10] It is the decision of the Composite Assessment Review Board to grant the postponement.

**REASONS ON PRELIMINARY DECISION**

[11] The Board notes that both parties agree with the recommendation that the merit hearing for Saturday, November 6th, 2021, be postponed.

[12] The Board is persuaded that the Complainant would have included November 6th, 2021 in his blackout dates, if he thought the merit hearing could be held on a Saturday.

[13] In coming to its conclusion, the Board has carefully reviewed the provisions of the *Municipal Government Act* ("MGA"), the *Matters Relating to Assessment Complaints Regulation* ("MRAC") and the *Matters Relating to Assessment and Taxation Regulation* ("MRAT").

[14] The hearing is rescheduled to December 1st, 2021, at 9.00 am.

[15] The disclosure dates remain unchanged:

Complainant's Disclosure Due Date: September 24<sup>th</sup>, 2021

Respondent's Disclosure Due Date: October 22, 2021

Complainant's Rebuttal Due Date: October 29, 2021

[16] It is so ordered.

**DISSENTING OPINION**

[17] There was no dissenting opinion.

[18] The decision of the Composite Assessment Review Boards is final and binding on all parties. This decision may be judicially reviewed by the Court of Queen's Bench pursuant to Section 470(1) of the *Municipal Government Act, RSA 2000, c M-26*.

Board Order No. 2021-001

File Nos. ARB 21-021, 21-022, and 21-023

Dated at the Regional Municipality of Wood Buffalo in the Province of Alberta, this  
27 day of August 2021.

**Section 17 (1) FOIP**

Robert Mowbrey, Presiding Officer

#### **APPENDIX A**

---

#### DOCUMENTS RECEIVED AND CONSIDERED BY THE CARB

<b>Exhibit Number</b>	<b>Description</b>
A-1	Request for Postponement
R-1	2021-08-10 Email from Assessment re: Agree to Request for Postponement
R-2	2021-08-11 Email from Assessment re: Agree to Not Appear at Preliminary Hearing

#### **APPENDIX B**

---

#### LEGISLATION

Municipal Government *Act* (“MGA”);

*Matters Relating to Assessment Complaints Regulation* (“MRAC”); and

*Matters Relating to Assessment and Taxation Regulation* (“MRAT”).

---