

NOTICE OF DECISION NO. 0098 03/12

D & D Construction Ltd.
9720 - 27 Avenue NW
Edmonton, AB T6N 1B2

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 (the Board) from a hearing held on April 24, 2012, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
8955528	9720 - 27 Avenue NW	Plan: 7822634 Block: 9 Lot: 12	\$3,817,000	Annual New	2012

Before:

Hatem Naboulsi, Presiding Officer
Reg Pointe, Board Member
Brian Frost, Board Member

Board Officer: Jodi Keil

Persons Appearing on behalf of Complainant:

Gord Dykstra, D & D Construction Ltd.

Persons Appearing on behalf of Respondent:

Luis Delgado, Assessor, City of Edmonton

PRELIMINARY MATTERS

- [1] When asked by the Presiding Officer, the parties indicated no objection to the composition of the Board. The Board members indicated they had no bias in the matters before them.

BACKGROUND

- [2] The subject is a multi-building property located at 9720 – 27 Avenue NW. The two warehouse buildings located on the property, both constructed in 1980, are assessed in average condition, with a total building area of 32,361 sq ft. Both buildings contain a number of individual bays of 1,000 – 1,500 sq ft each.
- [3] The 2012 Assessment is \$3,817,000 or \$117.93 per sq ft with a 38% site coverage.

ISSUE

- [4] The Board considered the following issue:
1. Is the 2012 Assessment of the subject property fair and equitable?

LEGISLATION

Municipal Government Act, RSA 2000, c M-26

s 467(1) An assessment review board may, with respect to any matter referred to in section 460(5), make a change to an assessment roll or tax roll or decide that no change is required.

s 467(3) An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

- a) the valuation and other standards set out in the regulations,
- b) the procedures set out in the regulations, and
- c) the assessments of similar property or businesses in the same municipality.

POSITION OF THE COMPLAINANT

- [5] The position of the Complainant was that the 2012 Assessment should be reduced to \$3,100,000.00. In support of his position, the Complainant presented five equity comparables, obtained from the City of Edmonton website. The comparables ranged from \$88.30 per sq ft to \$113.96, averaging \$98.79 per sq ft. The comparables range in building size from 18,900 per sq ft to 34,757 per sq ft with site coverage ranging from 36% to 47%, with an average of 40.6%. All of the Complainant's comparables were in similar condition and built between 1978 and 1981.
- [6] The Complainant requested that the Board reduce the 2012 Assessment to \$3,100,000 or \$95.77 per sq ft.

POSITION OF THE RESPONDENT

- [7] The Respondent argued that the Board should confirm the assessment. In support, the Respondent presented a brief (R-1) and explained the mass appraisal approach and the method utilized by the City of Edmonton when preparing the assessment.

- [8] The Respondent provided the Board with five sales comparables in support of its position. The time adjusted sales price of these sales comparables ranged from \$111.58 per sq ft to \$141.09 per sq ft, averaging \$127.89 per sq ft. The total building area of these comparables ranged from 14,483 sq ft to 25,530 sq ft with site coverage ranging from 29% to 37% and averaging 33%.
- [9] The Respondent also provided the Board with four equity comparables ranging from \$108.17 per sq ft to \$121.56 per sq ft, averaging \$115.53 per sq ft. These comparables had a building size ranging from 26,991 sq ft to 47,953 per sq ft. All of these equitable comparables contained two buildings.
- [10] The Respondent also provided the Board with Account Detail Sheets of the Equity Comparables presented by the Complainant and indicated that all of the Complainant's comparables contain one warehouse building while the subject has two buildings.
- [11] The Respondent requested that the Board confirm the 2012 Assessment.

DECISION

- [12] The Board confirms the 2012 Assessment of \$3,817,000.

REASONS FOR THE DECISION

- [13] The Board considered all of the evidence and argument presented by the parties.
- [14] The Board considered the Complainant's comparables, albeit with some caution. While the Board acknowledges that these Comparables contain a disclaimer respecting accuracy, the Board also notes that these Comparables were obtained from the City of Edmonton's official website.
- [15] The Board finds that the Complainant's comparables, though close in proximity to the subject property, do not support a reduction in the assessment as the comparables are all single-building properties. They are distinguishable from the subject property which contains two buildings.
- [16] The Board considered the Respondent's equity comparables and finds them to support the assessment. While all four comparables contain two buildings, the Board places less weight upon the Respondent's comparable 4 as comparable 4 is assessed in fair condition. Like the remaining three comparables, the subject property is assessed in average condition.
- [17] The Board finds that the Respondent's remaining three equity comparables support the current assessment. These comparables have similar site coverage, are of similar total sq ft and are all located in southeast Edmonton. The average assessment per sq ft of these comparables is \$117.98, supporting the assessment of the subject property at \$117.93 per sq ft.

DISSENTING OPINION AND REASONS

[18] There is no dissenting opinion.

Dated this 14th day of May, 2012, at the City of Edmonton, in the Province of Alberta.

Hatem Naboulsi, 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.
