



## ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON, ALBERTA T5J 2R7  
(780) 496-5026 FAX (780) 496-8199

June 21, 2010

### NOTICE OF DECISION NO. 0098 05/10

AKAURA HOLDINGS INC  
3946 101 STREET NW  
EDMONTON, AB T6E 0A5

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 Assessment Review Board (ARB) from a hearing held on June 21, 2010 respecting an appeal on the 2010 Annual New Realty Assessment.

Roll Number	Legal Description	Assessed Value	Assessment Type	Assessment Year
10143692	Plan: 0828986 Unit: 1	895,000	Annual New	2010
10143693	Plan: 0828986 Unit: 2	978,500	Annual New	2010
10143694	Plan: 0828986 Unit: 3	940,500	Annual New	2010
10143695	Plan: 0828986 Unit: 4	921,000	Annual New	2010
10143696	Plan: 0828986 Unit: 5	903,000	Annual New	2010
10143697	Plan: 0828986 Unit: 6	999,500	Annual New	2010
10143698	Plan: 0828986 Unit: 7	902,000	Annual New	2010
10143699	Plan: 0828986 Unit: 8	903,000	Annual New	2010
10143700	Plan: 0828986 Unit: 9	904,500	Annual New	2010
10143701	Plan: 0828986 Unit: 10	924,500	Annual New	2010
10143702	Plan: 0828986 Unit: 11	903,000	Annual New	2010
10143703	Plan: 0828986 Unit: 12	899,500	Annual New	2010
10143704	Plan: 0828986 Unit: 13	899,500	Annual New	2010
10143705	Plan: 0828986 Unit: 14	935,000	Annual New	2010
10143706	Plan: 0828986 Unit: 15	975,500	Annual New	2010
10143707	Plan: 0828986 Unit: 16	975,500	Annual New	2010

#### Before:

Tom Robert, Presiding Officer  
Francis Ng, Board Member  
Tony Slemko, Board Member



**Persons Appearing: Complainant**

Harry Kaura  
Partha Roy

**Persons Appearing: Respondent**

Marty Carpentier, Assessment and Taxation Branch  
Tanya Smith, Law Branch

**PROCEDURAL MATTERS**

Upon questioning by the Presiding Officer, the parties present indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to this file.

The subject property is a commercial condominium warehouse property comprised of 16 units of various sizes, with some units containing office space. The subject is located at 3946 – 101 street (Unit 1). It was agreed to by both parties that Unit #1., argument and evidence would represent the total of the properties under appeal as the argument and evidence would be the same for all roll numbers.

**ISSUE(S)**

Is the 2010 assessment of the subject property excessive?

**LEGISLATION**

***The Municipal Government Act, R.S.A. 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**

The Complainant presented a schedule of the 16 units indicating unit numbers and taxes paid in 2009 and 2010 with remarks. Further, a letter dated December 22, 2009, which was an offer to purchase at a total price of \$7,500,000.

**POSITION OF THE RESPONDENT**

The respondent presented a schedule of equity comparables, sales comparables as well as an advertising of the subject property which offered to sell or lease.

**DECISION**

The decision of the Board is to confirm the representative assessment at \$895,000 and the balance of the roll numbers under appeal at the current 2010 assessments.

## **REASONS FOR THE DECISION**

The Board looked to the evidence presented by both parties. Unfortunately, the Complainant was not familiar with the complaint process and as such there was no substantive evidence presented, other than the offer to purchase of \$7,500,000., which the Board put little weight to as the offer was refused.

The Board reviewed the Respondent's evidence, firstly the equity comparables would indicate that the subject property although somewhat larger in terms of square feet per unit, were assessed lower per square foot overall than the equity comparables shown.

The sales comparables presented, particularly sale #5, indicate that the subject property at 117.61 per square foot is well below the best comparable #5 at 147.11 per square foot and the overall average of the comparables at 143.81.

## **DISSENTING DECISION AND REASONS**

There was no dissenting decision.

Dated this 29th day of June, 2010 at the City of Edmonton, in the Province of Alberta.

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Presiding Officer