



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 107/10

C and J Autobody  
3004 120 Avenue, NE  
Edmonton AB T6S 1E1

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 hearing held on August 5, 2010 respecting a complaint for:

<b>Roll Number</b> 1076660	<b>Municipal Address</b> 3004-120 Avenue, NE	<b>Legal Description</b> Plan: 8023189 Block:2 Lot: 13
<b>Assessed Value</b> \$1,501,500	<b>Assessment Type</b> ANNUAL NEW	<b>Assessment Notice for:</b> 2010

**Before:**

**Board Officer:** Alison Mazoff

Patricia Mowbrey, Presiding Officer  
James Wall, Board Member  
Brian Carbol, Board Member

**Persons Appearing: Complainant**  
Clarence Melnyk

**Persons Appearing: Respondent**  
Steven Radenic, Assessor, City of Edmonton  
Rebecca Ratti, Lawyer, City of Edmonton

### **PRELIMINARY MATTERS**

Neither party raised objections to the composition of the Board when asked. The Board indicated that there was no bias among its members.

### **BACKGROUND**

The subject property is located in a Commercial/Industrial area at 3400 – 120 Avenue NE in the Clover Bar area of the City of Edmonton. The Complainant, Clarence Melnyk, operates a business, C and J Autobody, at this site which includes a building of 8,400 square feet on a lot of 35,091 square feet (0.80 acres).

## **ISSUES**

1. Is the 2010 assessment of \$1,501,500 fair and equitable?
2. Are there any negative influences in the proximity of the subject property that adversely affect the value of the subject property?

## **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 bases this complaint on an appraisal of the subject property that was done by a certified appraiser in December of 2009. This appraisal values the subject property at \$1,200,000. The Complainant requests that the assessment of the subject property be reduced from \$1,501,500 to \$1,200,000.

## **POSITION OF THE RESPONDENT**

The Respondent recommended confirmation of the 2010 assessment of \$1,501,500 based on the application of the principles of mass appraisal.

## **FINDINGS**

There is a negative influence affecting value.

## **DECISION**

The decision of the Board is to reduce the 2010 assessment from \$1,501,500 to \$1,351,500.

## **REASONS FOR THE DECISION**

1. The Board reviewed the Complainant's evidence, C1, an appraisal completed by a certified appraiser and the Respondent's evidence, R1.
2. The Board noted that sales comparable #1 was common to both the Complainant's (C1, P.19) and the Respondent's (R1, p.15) evidence. Comparable #1 is located in the subject area. The Board recognizes that one sale does not constitute a market, but it is the Board's opinion that the sale must be carefully considered.

3. The Board noted the site coverage of the subject property is 24% and the sales comparable #1 is 9%. The appraiser made an adjustment on the basis of excess land, however, there was no indication of an adjustment for excess land in the Respondent's evidence. The Board considers excess land to have value. Comparable #1 would be expected to have a greater value than the subject property. The Board noted that Complainant's comparable #2 (C1 p.20) is in the same neighborhood as the subject property, but has a greater land area and a much smaller building size, and thus is given less weight by the Board.
4. The Board considered the Complainant's comparable #6 (C1, P.24), as it is located in the subject neighborhood and listed at \$167.74 per square foot, whereas the subject property is assessed at \$178.75 per square foot. The comparable #6 site is much larger than the subject site (2.73 acres versus 0.80 acres) and the building size of comparable #6 is larger than the subject building (15,500 square feet versus 8,400 square feet). The Board is of the opinion a listing tends to establish current market trends in an area. The Board notes that the balance of the comparables used by each party were located in various industrial areas of the city, and these comparables were given less consideration by the Board.
5. The Board heard oral testimony from the Complainant, subsequently visually confirmed through photos presented by the Complainant of a cement plant operation in close proximity to the subject property. The Board was of the opinion that this represents a negative influence on the subject property's value. There was no indication in the Respondent's evidence that this adverse influence was taken into consideration in the property assessment.
6. The Board finds a 10% reduction is appropriate for the reasons stated to reduce the assessment from \$1,501,500 (\$178.75 per square foot) to \$1,351,500 (\$160.89 per square foot). The Board finds that the reduced assessment of \$1,351,500 is fair and equitable.

### **DISSENTING DECISION AND REASONS**

There are no dissenting decisions or reasons.

Dated this 10<sup>th</sup> day of August, 2010, at the City of Edmonton, in the Province of Alberta.

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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.*

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CC: Municipal Government Board