



ASSESSMENT REVIEW BOARD

Churchill Building
10019 103 Avenue
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NOTICE OF DECISION NO. 0098 120/11

1075119 ALBERTA INC
782 - WHISTON COURT NW
EDMONTON, AB T6M 2R2

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 23, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
1005883	18104 100 AVENUE NW	Plan: 4077KS Block: 1 Lot: 9	\$2,558,500	Annual Revised	2011

Before:

Dean Sanduga, Presiding Officer
Jack Jones, Board Member
Jasbeer Singh, Board Member

Board Officer: Kristen Hagg

Persons Appearing on behalf of Complainant:

Birpal Aulakh

Persons Appearing on behalf of Respondent:

Chris Rumsey, City of Edmonton

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.

PRELIMINARY MATTERS

The Respondent advised that the Complainant's disclosure had not been received by the Respondent. Upon review of the Complainant's disclosure the Respondent expressed no objections to having the disclosure accepted as evidence.

As there was no objection by the Respondent, and accepting the evidence would not prejudice the Respondent's position or presentation, the decision of the Board was to accept the evidence presented by the Complainant.

BACKGROUND

The subject property is a vacant lot located in the Place La Rue neighborhood with an area of 128,547 square feet (2.99 acres). The property is presently serviced and is zoned RR with effective zoning as CHY.

ISSUE(S)

Is the 2011 assessment of the subject property at \$2,558,500 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

The Complainant presented evidence (C-1 carried forward from roll #10136589) and argument for the Board's review and consideration.

The Complainant included a portion of an appraisal (C-1, pages 4 & 5) effective July 26, 2007 for a property adjacent to the subject property. The appraised value of the adjacent property, which is zoned CHY, was \$1,923,605 or \$500,093 per acre, compared to the 2011 assessment of the subject property at \$852,833 per acre.

The Complainant also included two equity comparables (C-1, pages 6 & 7) of residential properties immediately adjacent to the subject property. The equity comparables illustrated that the 2011 assessments had remained the same as in 2010. The Complainant indicated that the increase in the 2011 assessment of the subject property over the 2010 assessment (C-1, page 3) was 73% (\$1,481,000 to \$2,558,500). The equity comparables were similar in size to the subject property and were both assessed in 2010 and 2011 at \$766,000.

The Complainant indicated that upon appeal in 2010 the Composite Assessment Review Board (CARB) had reduced the 2010 assessment and the Complainant requested that the 2011 assessment be reduced from \$2,558,500 to \$766,000.

POSITION OF THE RESPONDENT

The Respondent presented evidence (R-1 & R-2) and argument for the Board's review and consideration.

The Respondent presented three sales comparables of commercially zoned properties (R-1, page 15) to support the 2011 assessment of the subject property. The average time adjusted sale price of the comparables was \$22.75 per square foot compared to the 2011 assessment of the subject property at \$19.90 per square foot.

The Respondent also presented a portion of the Complainant's appraisal (R-1, page 20) effective July 26, 2007 which indicated that the author of the appraisal had applied a 50% negative adjustment to the value due to the irregular shape of the property. The Respondent advised that the subject property had no such irregular shape influence.

The Respondent included a portion of Bylaw 15661 (R-1, pages 21- 31) which indicated that a number of the properties adjacent to and including the subject property, which were zoned RR & RMH, were going to be zoned DC2 effective May 18, 2011.

The Respondent requested the 2011 assessment be confirmed at \$2,558,500.

DECISION

The decision of the Board is to reduce the 2011 assessment of the subject property from \$2,558,500 to \$1,481,000.

REASONS FOR THE DECISION

- 1) Upon review and analysis of the evidence and argument presented by the parties the Board found that the 2011 assessment of \$2,558,500 was not equitable for the subject property.

- 2) The Board placed greatest weight on the Complainant's equity comparables which indicated no change in assessment from 2010 to 2011. The equity comparables, like the subject property, were zoned residential (changed to commercial in 2011), and were in immediate proximity to the subject property. The fact that the City assessed no increase in value over 2010 was a strong indication that the market value of the subject property had also remained unchanged.
- 3) The Board finds that the revised 2011 assessment of \$1,481,000 for the subject property is fair and equitable.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this 1st day of September, 2011, at the City of Edmonton, in the Province of Alberta.

Dean Sanduga, 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.

cc: 1172136 ALBERTA LTD
Birpal Aulakh