



ASSESSMENT REVIEW BOARD

Churchill Building
10019 103 Avenue
Edmonton AB T5J 0G9
Phone: (780) 496-5026

NOTICE OF DECISION NO. 0098 122/11

BRINTNELL JOINT VENTURE INC
5915 - 166 AVENUE NW
EDMONTON, AB T5Y 0J2

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:
5688403	4707 167 AVENUE NW	NW 36-53-24-4	\$6,335,500	Annual New	2011

Before:

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

Board Officer: Kristen Hagg

Persons Appearing on behalf of the Complainant:

Louie Raj, Brintnell Joint Venture Inc.
Rolf Halvorsen, Appraiser, Halvorsen Fedynak

Persons Appearing on behalf of the Respondent:

Chris Rumsey, City of Edmonton, Assessor

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 been received three days after the required deadline. The Respondent further advised that the City took no position on whether the Complainant's evidence should be accepted at the hearing. The Complainant informed the Board that the reason for the delay in submitting the disclosure was out of country travel.

The decision of the Board was to accept the evidence presented by the Complainant. The reason is that the noted delay in receipt by the Respondent was not objected to by the Respondent and accepting the evidence would not prejudice the Respondent's position or presentation.

BACKGROUND

The subject property is a vacant lot located in the Brintnell neighborhood with an area of 402,606 square feet. The property is presently not serviced and is zoned RSL with effective zoning CSC.

ISSUE(S)

Is the 2011 assessment of the subject property at \$6,335,500 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 & C-2) and argument for the Board's review and consideration.

The Complainant outlined concerns with the 2011 assessment of the subject property considering that there have been no changes since previous assessments. The site remains undeveloped and is not serviced. The 2010 assessment was \$2,431,000 (\$6.04 per square foot) and increased in 2011 to \$6,335,500 (\$15.74 per square foot), which equates to a 260% increase.

The Complainant also noted that the subject property includes three remnant portions of land in the same area consisting of 19,034 square feet, which is essentially residential property but is being assessed as commercial land along with the main parcel of the subject property. The Complainant is requesting a reduction to the 2011 assessment of \$138,000 to adjust for a residential assessment versus commercial assessment for the remnant portions.

The Complainant noted a number of concerns with the comparable sales utilized by the Respondent (R-1, page 28) and outlined these in detail (C-2, page 2 & 3). The Complainant presented three sales comparables (C-2, exhibits A to C) to support a reduction to the 2011 assessment of the subject property.

The Complainant is requesting the 2011 assessment be reduced to the level of the 2010 assessment which was \$2,431,000, less a further reduction of \$138,000 for the remnant portions.

POSITION OF THE RESPONDENT

The Respondent presented evidence (R-1, R-2 & R-3) and argument for the Board's review and consideration.

The Respondent presented seven sales comparables (R-1, page 28) in support of the 2011 assessment of the subject property. The average time adjusted sale price of the comparables is \$18.51 per square foot, compared to the subject property's assessed value of \$15.74 per square foot.

Due to the limited services currently available to the subject site, the Respondent is recommending the 2011 assessed value be reduced to \$4,609,500 (\$11.45 per square foot).

The Respondent indicated that the development in the surrounding area has increased the property value over the previous year's assessment and is requesting the recommended assessment of \$4,609,000 be confirmed.

DECISION

The decision of the board is to reduce the 2011 assessment from \$6,335,500 to \$4,471,500.

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 \$6,335,500 was not equitable for the subject property.
- 2) The Board placed greatest weight on the sales comparables presented by the Respondent which gave a clear indication of market value for the subject property.
- 3) The Board agreed with the Respondent's conclusion to reduce the 2011 assessment to \$4,609,500 in order to account for the existing lack of services to the subject property.
- 4) The Board agreed with the Complainant's request to adjust the assessment relating to the three remnant portions of land and reduced the Respondent's recommendation by an additional \$138,000.
- 5) The Board finds the revised 2011 assessment of \$4,471,500 to be 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.
