



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 138/10

Altus Group Ltd
17327 - 106A Avenue
Edmonton, AB T5S 1M7

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 11, 2010 respecting a complaint for:

Roll Number	Assessed Value	Municipal Address	Legal Description	Assessment Type	Assessment Notice for
9990012	481,500	11403 Kingsway NW	Plan: 0123315 Block: 21 Lot: 2	Annual New	2010

Before:

Lillian Lundgren, Presiding Officer
Petra Hagemann, Board Member
Howard Worrell, Board Member

Board Officer: Annet N. Adetunji

Persons Appearing: Complainant

John Trelford, Altus Group

Persons Appearing: Respondent

Chris Rumsey, Assessment and Taxation Branch
Tanya Smith, Law Branch

BACKGROUND

The property located at 11403 Kingsway NW is a 15,832 square feet corner lot which is used for parking by the Save-On development. It can only be accessed internally from the adjacent Save-On lot. It is assessed at \$481,500 or \$30.41/ sq. ft.

ISSUES

- 1) What is the correct rate per square foot of the subject property?
- 2) Should the subject property receive a reduction for no access?

The only issues brought forward in the hearing before the Composite Assessment Review Board (CARB) are those referred to above, therefore the CARB has not addressed any of the other issues initially raised by the Complainant on Schedule 1.

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

With respect to the correct rate per square foot, the Complainant argues that the subject assessment of \$30.41/ sq. ft. is too high. The Complainant provided the Board with five sales comparables with an average time adjusted sale price of \$22.15/ sq. ft. The Complainant requested a reduction to \$350,500 or \$22.15/ sq. ft.

With respect to the equity, the Complainant submitted three assessment comparables that ranged in assessment value from \$22.61/ sq. ft. to \$23.90/ sq. ft. The average of these comparables was \$23.90/ sq. ft. The Complainant requested a reduction to \$368,500 or \$23.29/ sq. ft.

POSITION OF THE RESPONDENT

The Respondent submitted three sales comparables with an average time adjusted sale price of \$29.60/ sq. ft. that supported the 2010 assessment of \$30.41/ sq. ft.

The Respondent submitted five assessment comparables that ranged in assessment value from \$22.28/ sq. ft. to \$52.41/ sq. ft. These five assessment comparables averaged \$37.08/ sq. ft. that supported the 2010 assessment of \$30.41/ sq. ft.

In summary, the Respondent referred to section 467(3) of the MGA and requested the Board confirms the assessment at \$481,200 or \$30.41/ sq. ft.

FINDINGS

1. The base rate used to assess the subject property is correct.
2. The subject property should receive a reduction for the site influence factor of no access.

DECISION

The complaint is allowed and the property assessment is reduced to \$385,500.

REASONS FOR THE DECISION

During the course of the hearing, the Respondent recommended a reduction to \$385,500 because the lack of access was not recognized in the 2010 assessment. The Board accepts the recommendation because it fairly reflects the reduced value of the subject property with no access.

DISSENTING DECISION AND REASONS

None.

Dated this 18th day of August, 2010 at the City of Edmonton, in the Province of Alberta.

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.

CC: Municipal Government Board
1254115 Ontario Inc.