



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 144/10

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 10, 2010 respecting a complaint for:

Roll Number	Assessed Value	Municipal Address	Legal Description	Assessment Type	Assessment Notice for
10039876	1,143,000	3803 144 Avenue NW	Plan:0525513 Block: 6 Lot: 53	Annual New	2010
10039877	982,000	3703 144 Avenue NW	Plan:0525513 Block: 6 Lot: 54	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 Group
Tanya Smith, Law Branch

PRELIMINARY MATTERS

There were no preliminary matters raised by either party which have not been dealt with in previous hearings.

BACKGROUND

The two subject properties are vacant parcels of land with effective zoning of CNC and are located in the Clareview Campus subdivision adjacent to one another.

3803 144 Avenue NW is a 51,795 square foot lot assessed at \$1,143,000 (\$22.07/ sq. ft.).

3703 144 Avenue NW is a 43,123 square foot lot assessed at \$982,000 (\$22.27/ sq. ft.).

ISSUE

What is the correct rate per square foot for the subject properties?

The only issue that the Complainant brought forward in the hearing before the Composite Assessment Review Board (CARB) is the issue 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

The Complainant contends that the vacant land rate used to prepare the assessments is above market value, and in support of this contention, the Complainant submitted seven sales comparables which average \$12.05/ sq. ft. The subject parcels are assessed using \$22.07/ sq. ft. and \$22.77/ sq. ft.

POSITION OF THE RESPONDENT

The Respondent submitted three sales comparables which average \$22.32/ sq. ft. which the Respondent argues, support the vacant land rates used to calculate the assessment.

FINDINGS

The rates per square foot used to prepare the assessments are correct.

DECISION

The complaints are denied and the 2010 property assessments are confirmed.

REASONS FOR THE DECISION

The Board reviewed the Complainant's sales comparables and finds that the sales are comparable in terms of size and zoning, however, there are other characteristics that make the sales less comparable to the subject properties. It is noted that two of the properties sold twice. The differences are noted as follows:

12640 82 Street NW is an irregular L-shaped lot with the encumbrances of a restrictive covenant easement.

12518 97 Street NW has a utility right of way, cell tower, and limited access.

8735 127 Avenue NW backs onto railyards.

8903 127 Avenue NW backs onto railyards, has two utility rights of way and a restrictive covenant easement.

8815 127 Avenue NW backs onto railyards.

While the Respondent argues that the railyards may have a negative influence on the sale price of the sold properties backing onto the railyards, the Complainant countered with the possibility that the properties may be more valuable because they have access to spur lines. Neither party presented documentary evidence in support of their argument, however, it is the responsibility of the Complainant to demonstrate that the proximity to the railyards had no negative affect on the value of these properties. The subject properties do not back onto the railyards, and are not similar in this regard to the three properties that do back onto the railyards.

The Board also reviewed the Respondent's sales comparables and finds that the sales comparables are good comparables to the two subject properties. The average time adjusted sale price for the three sales is \$22.32/ sq. ft. and is the best evidence of value for the subject properties.

Accordingly, the two property assessments are confirmed.

DISSENTING DECISION AND REASONS

There was no dissenting decision.

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
Alldritt Land Corporation.