



ASSESSMENT REVIEW BOARD

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

July 5, 2010

NOTICE OF DECISION NO. 0098 16/10

Alishan Investments Inc.
8914 60 Avenue
Edmonton AB T6E 6A6

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 Assessment Review Board (ARB) from a hearing held on June 28, 2010 respecting an appeal on the 2010 Annual New Realty Assessment.

Roll Number 9567884	Municipal Address 4635-Eleniak Rd. NW Edmonton	Legal Description Plan 7621700 Block 2 Lot E
Assessed Value \$2,172,000	Assessment Type Annual New	Assessment Year 2010

Before:

Dean Sanduga, Presiding Officer
Mary Sheldon, Board Member
Brian Hetherington, Board Member

Alison Mazoff, Board Officer

Persons Appearing: Complainant

Tom Janzen,
Canadian Valuation Group LTD. (CVG)

Persons Appearing: Respondent

Steve Radenic, City Assessor
Aleisha Bartier, Student at Law
Julia Sproule, Lawyer
Ingrid Johnson, Lawyer

PROCEDURAL MATTERS

The question of bias was raised and all parties indicated that there was no bias

Both the Complainant and the Respondent indicated that there were no preliminary matters.



ISSUES

1. Is the 2010 assessment of the subject property correct when the sales of similar properties are considered?
2. Is the 2010 assessment of the subject property equitable in relation to the 2010 assessments of similar properties?
3. Is the value per sq. ft. of the subject assessed by the Respondent higher than the values derived from sales of similar properties?

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.

BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT

The subject property was described to the Board as a single -tenant warehouse building constructed in 1977, in the South East quadrant of the City and comprising of 19,100 sq. ft. The site coverage was 42%. (Exhibit C-1, page 1). Both parties agreed that the appropriate method of assessing industrial warehouse properties was the direct sales approach.

POSITION OF THE COMPLAINANT

1. The Complainant submitted 13 sales comparables for the Board's consideration, all of which he stated were similar in some respects to the subject. (Exhibit C-1, page 1 with detailed information on pages 4-16). He submitted as well, the City's current assessment per sq. ft. of these properties as equity comparables. (Exhibit C-1, page 1)
2. The Complainant advised the Board that the sales of these properties took place in close proximity to the July 1 valuation date.
3. The Complainant's opinion was that it was most valuable to consider sales close to the valuation date in establishing value in that no time adjustment, or only a minor one, would have to be applied. He further submitted that the six post facto sales which took place after the valuation date should be considered by the Board.

4. The Complainant informed the Board that, while his sales comparables did differ in various respects from the subject, such as in site coverage, building size, age and location, he suggested that these differences could be accounted for by making appropriate upward or downward value adjustments.
5. The Complainant further submitted to the Board that, while some of his comparable sales were located in the North West quadrant of the City, the market in the North West quadrant would be comparable to the market in the South East quadrant.
6. The Complainant submitted a copy of a partial Appraisal Report on the property, (C1, pp 17-20) which had been obtained for the purpose of mortgage financing. It concluded the property had a value of \$1,885,000.
7. The Complainant submitted to the Board that the 2010 assessment for the subject property should be based on \$100.00 per sq. ft. which would result in an assessment of \$1,910,000.

POSITION OF THE RESPONDENT

1. The Respondent submitted to the Board that many of the Complainant's sales comparables were not located in the same quadrant as the subject property, which is the South East quadrant. He further submitted that the North West quadrant was not comparable to the South East quadrant. In addition, he stated that the Complainant's sales comparables were all different in some other respects to the subject.
2. In support of the Respondent's position that the 2010 assessment of the subject was fair and equitable, the Respondent submitted sales comparables for the Board's consideration. (Exhibit R-1, page 17) He pointed out to the Board that these sales comparables were all located in the South East quadrant of the City and of similar size and age to the subject property. The Respondent submitted to the Board that, while these sales were completed in 2007, 2008 and 2009, time adjustments were applied to arrive at a proper time adjusted sales value. The Respondent submitted that the average time adjusted price per sq. ft. of the comparables was \$141.22. The 2010 assessment per sq. ft. of the subject was \$113.72 which was lower than the average time adjusted sale price per sq. ft. of the comparables. This would support the 2010 assessment of the subject property.
3. The Respondent provided equity comparables to the Board. (Exhibit R-1, page 24) This chart showed that the average assessment per square foot of these equity comparables was \$113.62, and that the assessment per sq. ft. of the subject, at \$113.72, was appropriate.
4. The Respondent questioned the validity of the Complainant's partial Appraisal Report on the subject property and its purpose, as well as the unavailability of the report's author to be cross-examined.
5. The Respondent submitted that any post facto sale should not be considered in establishing current assessment year value. (Exhibit R-2, page 22-23)
6. The Respondent submitted to the Board that the 2010 assessment of the subject property was fair and equitable.

FINDINGS

1. The Board is of the opinion that it is more appropriate to compare properties in the same quadrant of the City unless the property is so unique in some respect or respects that few comparables can be found in the quadrant.
2. The Board notes that in accordance with the *Matters relating to Assessment and Taxation Regulation of the Municipal Government Act, Part 1, Sec. 3*,
“Any assessment prepared in accordance with the Act must be an estimate of the value of property on July 1 of the assessment year.”

The Board accepts that, in general, a post facto sale should only be used to establish trends in the marketplace. However, a post facto sale could be used to assist in establishing value if evidence were provided that the parties to the sale agreed to the purchase price prior to the valuation date.

3. The Board is of the opinion that the Complainant's Appraisal Report (C1, pp 17-20) should not be considered, as it was incomplete and was generated for the purpose of re-financing.

DECISION

The Board concludes that the 2010 assessment of the subject property of \$2,172,000 is fair and equitable.

REASONS FOR THE DECISION

1. The Board did not accept the post facto sales comparables presented by the Complainant, as no evidence was provided to the Board that the sales transaction agreements were reached and signed prior to the July 1, 2009 valuation date. (Exhibit C-1, page 1)
2. The Board places less weight on the eight sales comparables presented by the Complainant which are outside the South East quadrant of the City. The Complainant did not provide any evidence as to the comparability of the North West and South East quadrants of the City.
3. As well, the Board is persuaded by the Respondent's sales comparables (R1, p 17) that there were sufficient sales located in the South East quadrant of the City in the relevant time period to make valid comparisons.
4. The Complainant did not supply to the Board any calculations in making the adjustments in arriving at a proposed value for the subject of \$100.00 per sq. ft. or \$1,910,000.
5. The Board notes that when only the sales presented by the Complainant which were located in the South East quadrant of the City were considered, (Complainant's comparables 3,5,6,9 and 13) the average sale price per sq. ft. was \$109.48, which supports the 2010 assessment of the subject property.
6. The Board concludes that the Complainant has failed to prove to the Board that the 2010 Assessment of the subject property is incorrect.

DISSENTING DECISION AND REASONS

There were no dissenting opinions.

Dated this 5th day of July, 2010 at the City of Edmonton, in the Province of Alberta.

Presiding Officer

CC: MUNICIPAL GOVERNMENT BOARD



[Send a copy to all parties on file].