



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 193/11

Maged S Abdou
#901-9930-113 street, NW
Edmonton, AB T5K 1N6

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 September 28, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
6545008	12803 65 Street NW	Plan: 2552S Block: 7 Lot: 1	\$41,500	Annual New	2011

Before:

Robert Mowbrey, Presiding Officer
Brian Carbol, Board Member
Mary Sheldon, Board Member

Board Officer: Jason Morris

Persons Appearing on behalf of Complainant:

Maged S Abdou

Persons Appearing on behalf of Respondent:

Jerry Sumka, Assessor, City of Edmonton

PRELIMINARY MATTERS

Recommendation

The Respondent indicated that there was a recommendation from the City that the subject property's assessment be set to \$33,000 in view of the fact that the subject property should be categorized as a utility lot. The Complainant indicated that recommended assessment was not acceptable and that he wished to proceed with the merit hearing.

Disclosure of Evidence

The Respondent advised the Board that the Complainant had not provided any disclosure as required. The Complainant indicated that he would be relying on the attachment to his complaint form as well as some photographs and a print out of some municipal requirements. The Board recessed, deliberated and determined that the Complainant could proceed with this evidence.

PROCUDURAL MATTERS

Upon questioning by the Presiding Officer, the parties indicated no objection to the composition of the Board. In addition, the members of the Board indicated no bias with respect to this file.

BACKGROUND

The subject property is a remnant, triangular, utility lot located at 12803 65 Street NW in the Belvedere neighborhood of northeast Edmonton. It is approximately 3,350 square feet. It is zoned as RA9. The 2011 assessment for the subject property is \$41,500.

ISSUE(S)

Is the assessment of the subject property 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 advised the Board that he had purchased the subject in June, 2007 for \$7,000. The subject is a small lot located next to a complex in which the Complainant owns a unit. The Complainant uses the subject for parking his vehicles. The Complainant submitted to the Board that the subject could not be used for building as a result of its small size and triangular

configuration. The Complainant referred to Exhibit C-2 , municipal bylaw requirements, that the subject was unsuitable for development purposes.

The Complainant attached to the complaint form a list of the assessments for the subject for the years between 2007 and 2011 (C-1, page 1). The assessment for the previous year was \$13,500. In the opinion of the Complainant, the very substantial increase in the assessment for current year to \$41,500 was unwarranted and inequitable.

The Complainant objected to the comparables presented by the Respondent in that the lots were configured differently, had different zoning and were not in close proximity to the subject.

The Complainant requested that the Board reduce the assessment of the subject to between \$10,000 and \$12,000.

POSITION OF THE RESPONDENT

The Respondent submitted to the Board that each year's assessment is independent of the previous year's assessment and that the fact that there was a significant increase for this assessment year is not, in itself, indicative of an error in the assessment.

The Respondent advised the Board that the subject was difficult to categorize. The decision had been made for the 2011 assessment year to assess the subject as a utility lot or remnant property.

The Respondent provided to the Board details of the sales of three comparable properties (R-1, page 12). The Respondent submitted to the Board that the recommended assessed value per square foot of the subject was \$9.85, well below the range per square foot of the comparables. The mean value per square foot of the comparables was \$48.19.

The Respondent requested that the Board accept the recommended assessment value for the subject at \$33,000.

DECISION

Roll Number	Original Assessment	New Assessment
6545008	\$41,500	\$13,500

The decision of the Board is to reduce the current assessment of the subject from the recommended assessment of \$33, 000 to \$13,500.

REASONS FOR THE DECISION

The Board was not persuaded by the evidence presented by the Respondent in terms of the comparables selected. These comparables lacked similarity to the subject in terms of location , size and lot configuration. As well, the Board is of the opinion that the Respondent failed to

articulate the rationale for categorizing the subject in the current assessment year as a remnant property and to adequately explain the effect of this categorization on the assessment.

The Board notes that both parties submitted to the Board that the subject had very limited use as a result of its size and lot configuration.

The Board is cognizant of the fact that in general, a previous year's assessment has little or no bearing on the current year's assessment. However in this case, the Board notes the submission of the Complainant that the current increase in the subject assessment is extreme. The increase from the previous year's assessment to the current assessment of \$41,500 represents a 207% increase or an increase of 144% from the previous year to the recommended assessment of \$33,000. In the opinion of the Board, this increase is excessive and extreme and is an indication that there could be an error in the assessment.

As such, the Board is not persuaded by the evidence put forward by the Respondent to support the current assessment and the Board finds the extreme increase in the assessment for the subject puzzling and arbitrary.

Therefore, the Board reduces the current recommended assessment of the subject at \$33,000 to the previous year's assessment of \$13,500. The Board considers that an assessment of \$13,500 for the subject property to be fair and equitable.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this 28th day of September, 2011, at the City of Edmonton, in the Province of Alberta.

Robert Mowbrey, 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: