



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 195/10

Canadian Valuation Group Ltd
1200, 10665 Jasper Avenue
Edmonton AB T5J 3S9

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 7, 2010 respecting a complaint for:

Roll Number 3368404	Municipal Address 11445A Jasper Avenue NW	Legal Description Plan: B3 Block: 14 Lots: 52 and 53 (north area only)
Assessed Value \$681,000	Assessment Type Annual New	Assessment Notice for: 2010

Before:

Ted Sadlowski, Presiding Officer
Terri Mann, Board Member
Brian Frost, Board Member

Board Officer:

J. Halicki

Persons Appearing: Complainant

Tom Janzen, Agent CVG

Persons Appearing: Respondent

Chris Rumsey, Assessor

PRELIMINARY 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.

There were no recommendations from the Respondent.

PROPERTY DESCRIPTION

Located in the Oliver neighbourhood on Jasper Avenue, the subject property consists of approximately 8,539 square feet of commercially zoned land. Site improvements thereon include: paving, sidewalk, curb, gutter, but no building.

ISSUE

Is the 2010 assessment of the subject property too high and in excess of market value?

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

It is the Complainant's position that while the improvement value (\$14,188) is not in question, the land value is in excess of that evidenced by seven sales comparables. His conclusion is that the land should be assessed at \$50 per square foot as opposed to \$78.14 per square foot as established by the Respondent. To that end, seven sales comparables were provided. The total assessment should be \$441,000.

POSITION OF THE RESPONDENT

It is the Respondent's position that the subject's assessment is fair and correct. To support his position, the Respondent provided two sales comparables and supporting sales documentation (R1, pgs. 17-19).

Both comparables are located close in proximity to the subject (Oliver or adjacent neighbourhood). These comparables have an average, time-adjusted sale price of \$83.33 per square foot, supporting the subject's assessment of \$78.14 per square foot.

The Respondent criticized the Complainant's seven sales comparables on the basis that none of these sales were within the same neighbourhood or in adjacent neighbourhoods to the subject. As well, the Respondent noted two of the Complainant's sales comparables are four-to-six times the size of the subject, and no adjustment was made for economies of scale.

DECISION

The decision of the Board is to confirm the 2010 assessment at \$681,000.

REASONS FOR THE DECISION

The Complainant provided seven sales comparables, all recent, (March 2008 to September 2009) none of which were on Jasper Avenue. While the Complainant noted that all were located on major arterial routes, he could not quantify the added significance of the Jasper Avenue location. Accordingly, the Board was not convinced that the Respondent's assessment should be reduced. The Board found the assessment to be fair and equitable.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this eighth day of September, 2010 A.D. 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
City of Edmonton, Assessment and Taxation Branch
307081 Alberta Ltd.