



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 195/11

CVG
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 26, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
4048641	13704 170 Street NW	SE 28-53-25-4	\$2,341,500	Annual New	2011

Before:

Tom Robert, Presiding Officer
Dale Doan, Board Member
George Zaharia, Board Member

Board Officer:

Annet Adetunji

Persons Appearing on behalf of Complainant:

Tom Janzen, Canadian Valuation Group

Persons Appearing on behalf of Respondent:

Darren Nagy, Assessor, City of Edmonton

BACKGROUND

The subject property is located in the Mistatim Industrial area at 13704 – 170 Street NW. The zoning of the property is IL/1B. The land area consists of 6.06 acres. The improvements consist of paving with an assessment value of \$18,906 (the improvements' value is not under appeal). The site is used in conjunction with the property directly north.

ISSUE

What is the market value of the subject land as of July 1, 2010?

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 presented twelve sales comparables ranging in value, per time adjusted sale price, from \$174,522 to \$283,018 per acre. The Complainant put most consideration to sales number 6, 10, 11 and 12. These values ranged from \$182,366 to \$283,018. The Complainant's requested value is \$210,000 per acre or a total assessment of \$1,272,500.

The Complainant further argued that the subject site was a former dry waste land fill area and this would have a negative effect on the market value.

POSITION OF THE RESPONDENT

The Respondent provided four direct sales comparables ranging in value (time adjusted) from \$307,472 to \$541,662 per acre. The Respondent advised that no evidence as to the former use of the subject site had been provided. The Respondent asked the Board to confirm the assessment of the subject property at \$2,341,500.

DECISION

The decision of the Board is to confirm the 2011 assessment of the subject property at \$2,341,500.

REASONS FOR THE DECISION

The Board has determined that the sales comparables as presented by the Complainant were not supportive of the requested reduction. The sales as determined by the Complainant as most comparable were inferior in terms of location. The subject is located on 170 Street and 137 Avenue.

The Board was persuaded by the Respondent's sale number 3 at 12150 Meridian Street, as more comparable to the subject in terms of location on an arterial roadway. Further support for the assessed value of the land was found in the range of size and location of the three comparables.

The Board is of the view that there was insufficient evidence in regard to any impact on the subject in respect to its former use.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this 27th day of September, 2011, at the City of Edmonton, in the Province of Alberta.

Tom Robert, 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: One Seventy Street Developments Ltd