



## ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL  
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### NOTICE OF DECISION NO. 0098 196/10

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:

<b>Roll Number</b> 5247507	<b>Municipal Address</b> 12621 Victoria Trail NW	<b>Legal Description</b> Plan: 7722150 Block: 47 Lot: 2
<b>Assessed Value</b> \$1,353,500	<b>Assessment Type</b> Annual New	<b>Assessment Notice for:</b> 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 Ltd.

#### **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**

The subject property, located in the Canon Ridge neighbourhood in northeast Edmonton, consists of approximately 1.552 acres of commercially zoned, undeveloped land.

## **ISSUE**

Is the 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**

Based on evidence reflected in six sales (C1, pg. 2), a value of \$16 per square foot (\$1,081,000) would be more representative of the 2010 assessed property value.

The Complainant criticized the Respondent's sales comparables (R1, p.16) as most were dated, therefore requiring significant adjustments. He noted the Respondent did not provide documentation to support his time adjustment.

The Complainant noted that while his sales #3 and #5 best compared to the subject in terms of size, they were better located in higher traffic locations and thus represented the upper end of value.

## **POSITION OF THE RESPONDENT**

The Respondent is of the position that the assessment is fair and correct. To support his position, the Respondent provided nine sales comparables and supporting sales documentation (R1, p. 16).

The Respondent noted that all of the comparables were located in northeast Edmonton as is the subject. The Respondent noted that the comparable sale #2 was particularly similar to the subject in size, zoning, and neighbourhood. The average time-adjusted sale price of the comparables is \$24.25 per square foot including adjustments for shape of the property.

The Respondent criticized the sales comparables provided by the Complainant because they were not located in close proximity to the subject: six sales being some eighty blocks distant.

## **DECISION**

The decision of the Board is to reduce the assessment to \$1,081,000.

## **REASONS FOR THE DECISION**

The Board was persuaded by the Complainant's comparables #3 and #6 (C1, pg. 1). They were located in north Edmonton on a major arterial roadway with higher traffic volumes than the subject property and were approximately the same size. Comparable #3 was sold in August 2008 for \$16.40 per square foot; comparable #6 was sold in August 2009 at \$16.86 per square foot and was seen as a good indicator of a trend. The Complainant submitted that because both of these comparables were on arterial roadways with greater traffic than the subject, the respective assessments of these comparables represented the upper limit of value that should be applied for the subject. The Board accepted this.

The Board was not persuaded by the Respondent's position that the Complainant's comparables were not sufficiently near the subject to be valid comparables, instead accepting the Complainant's position that the traffic count carried the greatest weight.

The Board did not find the Respondent's comparables persuasive because of the significant time adjustments utilized, particularly in the absence of time adjustment data.

The Board is persuaded that the reduction is fair and equitable.

## **DISSENTING OPINION AND REASONS**

There was no dissenting opinion.

Dated this seventh day of September, 2010 A.D. at the City of Edmonton, in the Province of Alberta.

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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  
Gold Bar Investments Ltd.