



ASSESSMENT REVIEW BOARD

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NOTICE OF DECISION NO. 0098 218/11

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 22, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
7225683	10836 78 Avenue NW	Plan: 4400R Block: 174 Lot: 21 / 22	\$1,109,000	Annual New	2011

Before:

Dean Sanduga, Presiding Officer
Ron Funnell, Board Member
Jasbeer Singh, Board Member

Board Officer:

Annet Adetunji

Persons Appearing on behalf of Complainant:

Peter Smith, Canadian Valuation Group

Persons Appearing on behalf of Respondent:

Abdi Abubaker, Assessor, City of Edmonton
Tanya Smith, Barrister & Solicitor, City of Edmonton

PROCEDURAL 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.

At the commencement of the hearing, the parties agreed to bring forward applicable evidence and argument that was presented to the Board during an appeal hearing in respect of roll number 7095201.

PRELIMINARY MATTERS

The Board was advised by the Respondent that any references to the 2009 rental incomes, expenses or income multipliers should be expunged from the evidentiary submissions. The Complainant concurred.

BACKGROUND

The subject property is a low rise apartment building located in the Queen Alexandra neighborhood in south-central Edmonton. It was built in 1967 and contains 7 bachelor suites and 5 one bedroom suites. The 2011 assessment for the property is \$1,109,000 which equates to \$92,416 per suite.

ISSUE

Is the 2011 assessment of the subject property at \$1,109,000 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 provided the Board an 18 page brief (C-1) containing maps, pictures, sales comparables, assessment details and 2008 rental income in support of his request for a lower assessment. References to the 2009 income on pages 1, 2, 12 and 13 were deleted, as agreed to in

discussions of the preliminary issues. The Complainant's position is that the subject property's 2011 assessment is excessive when compared to the sales of similar properties and the actual income yields in respect of the subject property.

The Complainant highlighted the following salient points of argument in support of the request for a lower 2011 assessment.

- The subject property was unusual in terms of suite-mix in that it had 59% bachelor suites (7 units) and 41% one bedroom suites (5 units).
- Sales comparable #1 (C-1, page 2) was better than the subject property as it commanded an average monthly rent of \$725/suite while the subject property could garner only \$577/suite.
- Because of the unusual suite-mix, it was difficult to find good sales comparables, however, comparable #4 (C-1, page 2) with a time adjusted sale price of \$92,545 was the closest to the subject property.

During cross-examination, the Complainant agreed that;

- The time adjusted sale price in respect of comparable #1 (C-1, page 2) was considerably lower than the other comparables.
- The requested assessment value (\$80,000/suite) was lower than the average of the time adjusted sale price in respect of the six comparables (\$97,702/suite) provided by the Complainant (C-1, page 2).
- The requested lower 2011 assessment value of \$800,000 (C-1, page 2) translated to a per suite value of \$66,660.

The Complainant stressed that in the case of income generating properties, like the subject, income trumped most other considerations.

The Complainant requested for a reduced 2011 assessment of \$800,000.

POSITION OF THE RESPONDENT

The Respondent provided an assessment brief (R-1) and a law and legislation brief (R-2) that included assessment details, pictorial evidence, excerpts from text books, legislation, past decisions by the Municipal Government Board (MGB), sales and equity comparables.

The Respondent argued that:

- The subject was located in a highly desirable part of the city (market area 3) with easy access to educational and health facilities.

- Mass appraisal is used to derive typical values and time adjusted sales occurring from January 2007 through June 2010, which are utilized for comparison and testing purposes.
- The Gross Income Multiplier (GIM) of 10.97 applicable to the subject property was derived from actual sales in the subject's market area and was well within the range of GIM values shown in respect of the Complainant's or the Respondent's sales comparables (C-1, page 2 and R-1, page 56).
- Sales comparable #4 (C-1, page 2) suggested by the Complainant as the closest comparable to the subject, was built in 1947, was divided into two mutually inaccessible sections and was shown to have average monthly rent of \$835/suite, as compared to the typical rent of \$725/suite applied to the subject property.
- The typical rent (\$725/suite) applied to the subject property was well below the CMHC published market rents for bachelor suites in this market area. During cross-examination, the Respondent conceded that CMHC surveys included high-rise buildings that may skew the results, but maintained that these figures adequately reflected the actual market conditions to support the assessed income levels (R-1, page 58).
- The Complainant's 2008 actual rent figures of \$577/suite/mo could not be relied upon or used for the 2011 assessments as the Complainant failed to provide vacancy figures or other supporting information.

DECISION

The Decision of the Board is to confirm the 2011 assessment of the subject property at \$1,109,000 as fair and equitable.

REASONS FOR THE DECISION

1. The Respondent indicated that for the purpose of the 2011 annual assessment, the low-rise apartments were assessed using income approach that adjusts for attributes that impact market value.
2. The Board was not convinced by the Complainant's argument to base the 2011 assessment on the claimed low 2008 actual rental income (\$577/suite/mo) when the legislation requires the Respondent to rely on 'typical' income for the assessment.
3. The Board was not persuaded by the Complainant's position requesting for the 2011 assessment to be lowered to \$66,660/suite, while the average of the comparables provided by the Complainant was shown to be \$97,702 (C-1, page 2).
4. The Board was persuaded by the Respondent's five sales comparables (R-1, pages 54-55), three of which are common with the Complainant's comparables (C-1, page 2), that support the 2011 assessment for the subject property.
5. The equity comparables provided by the Respondent (R-1, page 57) showed that the subject had been treated fairly and equitably for the 2011 assessment.

6. The Board finds that the Complainant failed to provide sufficient evidence to support the requested reduction in the 2011 assessment from \$1,109,000 to \$800,000.
7. The Board finds that the 2011 assessment of \$1,109,000 is fair and equitable.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 6th day of October, 2011, at the City of Edmonton, in the Province of Alberta.

Dean Sanduga, 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: K. Hansen Masonry Ltd.