



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 227/11

John C. Manning
c/o 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 19, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
8634750	9760 - 60 Avenue NW	Plan: 1269MC Block:9 Lot:5 /7	\$3,073,500	Annual New	2011

Before:

Hatem Naboulsi, Presiding Officer
Judy Shewchuk, Board Member
Ron Funnell, Board Member

Board Officer:

Annet Adetunji

Persons Appearing on behalf of Complainant:

Tom Janzen, Canadian Valuation Group

Persons Appearing on behalf of Respondent:

Suzanne Magdiak, City of Edmonton, Assessor

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.

BACKGROUND

The subject property is a multi-tenant office/warehouse complex consisting of two buildings built in 1977/78. It is located at 9760 – 60 Avenue in the Coronet Industrial neighborhood and has a total of 25,369 square feet, including 5,172 square feet of finished mezzanine on a 65,769.641 square foot lot for a site coverage of 31%. The 2011 assessment of the subject property is \$3,073,500 which equates to \$121.15 per square foot.

ISSUE

Is the 2011 assessment of the subject property at \$3,073,500 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 presented five sales and assessment comparables ranging in time adjusted sale price from \$91.09 to \$110.24 per square foot and assessment from \$101.12 to \$132.07. The Complainant asked that the assessment be reduced to \$100 per square foot for a total of \$2,536,500.

Of their five comparables, the Complainant emphasized #3, and #5:

Comparable #3 at 7703/15 – 69 Street, a building of 15,800 square feet, built in 1975, with 36% site coverage, sold in July 2009 for a time adjusted sale price of \$106.84 per square foot and assessed at \$109.76 per square foot;

Comparable #5 at 5820 – 96 Street, a building of 10,000 square feet, built in 1979, with 45% site coverage, sold in August 2010 for a time adjusted sale price of \$100.00 per square foot and assessed at \$116.41 per square foot.

The Complainant criticized the Respondent's comparables as being dated – six out of seven were from 2007 and one was from 2008. The Complainant also criticized the Respondent's sales comparables #1, #5, and #7 as they are situated on main roadways whereas the subject is not.

The Complainant also presented rebuttal evidence which listed the assessments of six of the Respondent's seven sales comparables. These ranged from \$84.31 to \$135.07 per square foot, therefore, the Complainant argued that this supports a reduction in assessment of the subject.

POSITION OF THE RESPONDENT

The Respondent presented seven sales comparables, all located in the southeast quadrant, ranging in time adjusted sale prices from \$118.52 to \$139.52 per square foot. The building sizes ranged from 14,483 to 40,400 square feet and the site coverages ranged from 33% to 42%.

In support of the assessment, eight equity comparables were also presented.

The Respondent criticized the Complainant's comparable #4 at 9719 – 63 Avenue as requiring major renovations after the sale and comparable #5 as being a non-arms-length sale and therefore invalid. The Complainant's comparables #4 and #5 were also criticized as being post facto.

DECISION

The decision of the Board is to reduce the 2011 assessment from \$3,073,500 to \$2,758,500.

REASONS FOR THE DECISION

The Board finds that the Complainant's sales comparables #3 and #5 did not provide sufficient evidence to justify a reduction to \$100.00 per square foot. However, the Board was persuaded by the Complainant's rebuttal evidence which demonstrated that the average assessment of six of the Respondent's seven sales comparables was \$108.75 per square foot (There was no assessment figure for the Respondent's sales comparable #6). Accordingly, in the interest of fairness and equity, the Board reduces the assessment to \$2,758,500.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 7th day of October, 2011, at the City of Edmonton, in the Province of Alberta.

Hatem Naboulsi, 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: Canadian Valuation Group
Managed Developments Ltd