



ASSESSMENT REVIEW BOARD

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NOTICE OF DECISION 0098 246/10

Robert Papuha
254598 Alberta Ltd
12930 87 Street NW
Edmonton, AB T5E 3E1

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 09, 2010 respecting a complaint for:

Roll Number 2125409	Municipal Address 10311 148 Street NW	Legal Description Plan: 7601AE Block: 8 Lot: 38 / 39
Assessed Value \$605,000	Assessment Type Annual - New	Assessment Notice for 2010

Before:

Hatem Naboulsi, Presiding Officer
Jim Wall, Board Member
Jasbeer Singh, Board Member

Board Officer: Annet N. Adetunji

Persons Appearing: Complainant

Robert Papuha
Al Papuha

Persons Appearing: Respondent

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PRELIMINARY MATTER

The parties present indicated no objection to the composition of the Board. The Board members indicated no bias with respect to this file.

BACKGROUND

The subject property is a 4-plex rental unit with an average suite size of 1,300 square feet built in 1977 and in average condition. It is located in the Grovenor area.

ISSUE

What is the appropriate assessment of the subject property?

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

The Complainant provided 2 sales comparables;

(1) 10306 156 Street; 4-Plex; 4 x 2 BR; garage; separate meters; listed for \$549,000 and sold for \$500,000 in August 2008 (C1, page 7).

(2) 5918 118 Avenue; 4-Plex; 2 x Bachelor and 4 x 2 BR; no garage; separate meters; listed for \$440,000 and sold for \$425,000 in February 2009 (C1, page 11).

The Complainant provided 3 listings which ranged from \$575,000 to \$629,000. A letter of opinion from a realtor indicating a value of between \$550,000 and \$560,000 for the subject property (C1, page 15) was submitted as evidence. The Complainant provided land titles transfer information from July 2007 to July 2009 (CI, pages 18 – 35) and MLS statistics (C1, pages 36-40).

The Complainant requested the Board reduce the assessment to a range between \$500,000 and \$515,000.

POSITION OF THE RESPONDENT

The Respondent recommended confirmation of the 2010 assessment of \$605,000 based on 7 sales comparables (R1, page 53) and 8 equity comparables (R1, page 52).

The Respondent provided evidence to demonstrate that the comparables provided by the Complainant aren't comparable to the subject in terms of condition and location. In addition, the Respondent provided evidence to support the assessment through the application of a gross income multiplier (GIM).

DECISION

The Board confirms the 2010 assessment for the subject property at \$605,000.

REASONS FOR THE DECISION

The Board finds that the Complainant's first sales comparable, is located close to the subject in terms of distance but is inferior in location and condition to the subject property as demonstrated by photographic evidence (R1, page 33).

The Board finds the second sales comparable provided by the Complainant to be different from the subject in terms of location and suite mix.

The 3 listings (C1, pages 8-10) submitted by the Complainant are given very little consideration by the Board.

The Board gave no weight to the transfer information and the MLS statistics provided by the Complainant (C1, pages 18-35).

The Board finds that the equity and sales comparables provided by the Respondent (R1, pages 52-53) support the assessment of the subject property.

The Board also finds that the value derived through the application of the City's GIM to the CMHC rent rates, the actual rents provided by the Complainant and the City's projected rental rates, support the assessment.

DISSENTING OPINIONS AND REASONS

None.

Dated this 10th day of September, 2010, 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