



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
EDMONTON AB T5J 2R7
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NOTICE OF DECISION NO. 0098 285/10

R & R Property Management Ltd.
7505-72 A Street NW
Edmonton AB T6B 1Z3

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 October 14, 2010, respecting a complaint for:

Roll Number 10096435	Municipal Address 5704-99 Street NW	Legal Description Plan:0726763 Block: 1 Lot: 1
Assessed Value \$938,000	Assessment Type Annual New	Assessment Notice for: 2010

Before:

Ted Sadlowski, Presiding Officer
Brian Frost, Board Member
Francis Ng, Board Member

Board Officer: Vince Paniak

Persons Appearing: Complainant
Brad Roberts

Persons Appearing: Respondent
Gordon Petrunik, Assessment Branch

PRELIMINARY MATTERS

The Board administered the oath to both witnesses.

The Respondent raised a preliminary matter that the Complainant did not submit disclosure pursuant to the Regulation.

The Complainant indicated he submitted his disclosure within the time frame allowed, by Canada Post, to the Assessment Review Board only. However, the Board finds there is nothing on the record to confirm the submission was received by the Assessment Review Board (ARB). The Complainant acknowledged he did not submit his disclosure to the Assessment and Taxation Branch.

The Board's Decision was to not allow any evidence from the Complainant. This is in accordance with Sections 8 and 9 of *Matters Relating To Assessment Complaints Regulation. AR 310/2009*.

ISSUE(S)

The assessment is too high.

BACKGROUND

The property was purchased in January 2009.

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 property was formerly an old rail spur with a long narrow shape. Its frontage to 99 Street is only 98 feet wide. The complainant submitted that it should be assessed as "Remnant Lot".

POSITION OF THE RESPONDENT

The property is fairly assessed and the property has already received a 15% discount for its unique shape. Based on the recent sales of the neighboring properties, the Respondent submits that the assessment is fair and correct.

DECISION

The Board decision is to confirm the 2010 assessment at \$938,000.

REASONS FOR THE DECISION

1. The Board heard no evidence from the Complainant.
2. The Respondent submitted a disclosure to the Board (R-1). The Respondent provided three sales comparables (R-1, p.15). The time adjusted sale price per acre was \$759,662. The assessment per acre was \$646,948 resulting in an Assessment to Sales Ratio (ASR) of .8516. This supports the assessment of the subject property at \$938,000.
3. The Board is persuaded that the 2010 assessment is fair and equitable.

DISSENTING OPINIONS AND REASONS

There was no dissenting decision.

Dated this 14th day of October, 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