



## ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON, ALBERTA T5J 2R7  
(780) 496-5026 FAX (780) 496-8199

### NOTICE OF DECISION NO. 0098 312/10

Altus Group Ltd.  
17327 106A Avenue  
Edmonton, AB T5S 1M7

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 20, 2010 respecting a complaint for:

<b>Roll Number</b> 9995677	<b>Municipal Address</b> 6805 82 Avenue NW	<b>Legal Description</b> Plan: 0222233 Block: 1 Lot: 4
<b>Assessed Value</b> \$8,494,000	<b>Assessment Type</b> Annual New	<b>Assessment Notice for:</b> 2010

#### Before:

Jack Schmidt, Presiding Officer  
Howard Worrell, Board Member  
Petra Hagemann, Board Member

#### Board Officer:

J. Halicki

#### Persons Appearing: Complainant

Chris Buchanan, Agent  
Senior Consultant, Altus Group Ltd.

#### Persons Appearing: Respondent

Shelley Milligan, Assessor  
Assessment and Taxation Branch

### **PRELIMINARY MATTERS**

Upon questioning by the Presiding Officer, the parties indicated no objection to the CARB's composition.

### **ISSUE(S)**

Is the land value in the assessment too high?

### **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.

## **BACKGROUND**

Located in the Gainer Industrial subdivision, the subject property, known as Bulldog East 1106, comprises approximately 5.631 acres or 245,310 sq ft and is zoned IB. It is a commercial property: “mini-warehouse/single family dwelling”.

## **COMPLAINANT’S POSITION**

The Complainant submitted seven land sales comparables (C1, pg. 11) and related *Network* data sheets (C1, Appendix) to demonstrate that the subject’s assessment was excessive when compared to similar properties. The sales comparables averaged \$10.43/sq. ft. compared to the subject’s assessment at \$13.69/square foot.

In summary, the Complainant requested that the assessment be reduced from \$8,494,000 to \$7,693,500 (C1, pg. 12).

## **RESPONDENT’S POSITION**

Seven land sales comparables (R1, pg. 9) were provided showing an average, time-adjusted sale price of \$15.42/ sq. ft. that supports the land assessment of \$13.69/sq. ft. or \$ 3,357,914.

The Respondent requested that the land assessment of \$3,357,914 and the building assessment of \$5,136,114 totaling \$8,494,000 be confirmed.

## **FINDINGS**

The land assessment is not too high.

## **DECISION**

The decision of the Board is to deny the complaint.

## **REASONS FOR THE DECISION**

Although the sales comparables presented by the Complainant are similar in size to the subject property, they were of a different zoning designation with the exception of one property located at 3904-53 Avenue. This sale required a substantial time adjustment factor. In addition, it was

encumbered by three utility rights-of-way easements which may have negatively affected its value. As a result, the Board placed less weight on the Complainant's sales comparables.

The seven sales comparables provided by the Respondent, although generally smaller in size, were more current and had the same zoning as the subject property. These comparables had an average time-adjusted sales price of \$15.42/sq. ft. compared to subject's land assessment of \$13.69/square foot. The Board was persuaded that the best evidence was that which was provided by the Respondent. Based on the above, the Board accepts that the land component of the assessment is reasonable.

Accordingly, the assessment is confirmed at \$ 8,494,000.

### **DISSENTING DECISION AND REASONS**

There were no dissenting decisions/reasons.

Dated this twenty-seventh day of October, 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  
Shamrock Property Management Limited