



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 315/11

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 November 7, 2011, respecting a complaint for:

| Roll Number | Municipal Address | Legal Description | Assessed Value | Assessment Type | Assessment Notice for: |
|-------------|---------------------|--------------------------------|----------------|-----------------|------------------------|
| 2702116 | 12225 107 Avenue NW | Plan: RN22 Block: 7 Lot: 1 / 2 | \$1,496,000 | Annual New | 2011 |

Before:

Steven Kashuba, Presiding Officer
Francis Ng, Board Member
John Braim, Board Member

Board Officer:

Annet Adetunji

Persons Appearing on behalf of Complainant:

Peter Smith, Canadian Valuation Group

Persons Appearing on behalf of Respondent:

Abdi Abubakar, Assessor, City of Edmonton
Ken Eliuk, Assessor, City of Edmonton

PRELIMINARY MATTERS

At the outset of the hearing, the parties indicated that they had met prior to the hearing for the purpose of examining the issues with a view of seeking a resolution to the complaint. As a result of this meeting, both parties agreed to a recommendation as set forth in the position of the respective parties.

BACKGROUND

The subject property is a commercial retail property located at 12225 - 107 Avenue NW in the Westmount neighborhood. The main floor consists of 5,534 square feet of retail space, a similar amount of office space on the second floor, and 4,034.98 square feet of storage space. The current assessment of \$1,496,000 is based upon a rental value of \$13.50 per square foot for the main floor and \$6.75 per square foot for the upper floor.

ISSUE

The rental rate per square foot as applied by the City is too high.

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

It is the submission of the Complainant that the income stream as applied to the subject property by the City in their Pro-Forma is too high and at variance with the income stream of similar properties. In this regard, the Complainant made reference a meeting of the parties prior to the hearing at which time the Respondent presented to the Complainant a revised Pro-forma (Exhibit R-1, page 22) in which a blended rental rate of \$11.50 per square foot for the main floor and \$5.75 per square foot for the upper floor is applied.

POSITION OF THE RESPONDENT

It is the submission of the Respondent that the subject property is over-assessed in comparison to similar properties and that this should be corrected. As a result, it is the recommendation of the Respondent that the revised Pro-forma as presented in Exhibit R-1, page 22 replace the original Pro-forma as presented in Exhibit R-1, page 21. By applying a blended rate of \$11.5 on the main floor and \$5.75 per square foot on the upper floor (Exhibit R-1, page 22), an assessment value of \$1,259,000 is derived.

DECISION

It is the decision of the Board to reduce the assessment of the subject property for 2011 from \$1,496,000 to \$1,259,000.

REASONS FOR THE DECISION

The Board notes that the Respondent took the opportunity of discussing the complaint with the Complainant in advance of the hearing at which time a revised Pro-forma was presented by the Respondent and accepted by the Complainant. As a result, the Board accepts the revision.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 8th day of November, 2011, at the City of Edmonton, in the Province of Alberta.

Steven Kashuba, 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: CVG
A & A HOLDINGS LTD