



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 321/11

CVG
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 2, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
9944124	10712 99 STREET NW	Plan: EF Lot: 116 / Plan: EF Lot: 117	\$745,500	Annual New	2011

Before:

Tom Robert, Presiding Officer
Brian Hetherington, Board Member
Howard Worrell, Board Member

Board Officer: Karin Lauderdale

Persons Appearing on behalf of Complainant:

Tom Janzen, CVG

Persons Appearing on behalf of Respondent:

Jerry Sumka, Assessor, City of Edmonton

PRELIMINARY MATTERS

The Complainant and Respondent indicated that they had no objection to the constitution of the Board. The Board Members indicated that they had no bias with regard to the matter before them.

BACKGROUND

The subject property is a parking lot located in the McCauley neighbourhood of central Edmonton. The site contains 11,138 square feet and the land assessment equates to \$65.06 per square foot. The assessment includes \$21,314 for site improvements.

ISSUE(S)

Is the 2011 assessment of the subject property 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

The Complainant told the Board that the land in question is used as a parking lot for the adjacent Brick store, and is immediately east of the 101 Street store. He informed the Board that the 2011 assessment of the subject property represents an increase of 10.7%, while the City's commercial land time-adjustment charts shows a decrease of about 11.5% from July 2009 to July 2010 (C1, page 1)

A total of 11 comparable sales – concluded between May 2006 and August 2010 - were presented to the Board for consideration, with two of the sales being the same property sold twice, 18 months apart (C1 pages 1-2). Detailed breakdowns of these sales and their respective values per sq. ft. were also presented (C1 pages 6-21). The first 5 sales were properties in the immediate vicinity of the subject, while the other 6 were in west- central Edmonton and were presented to illustrate the differences in assessment values between those on major thoroughfares and those that were located on quieter roads. He suggested that the differences in valuation for the properties on the major thoroughfares and those on interior parcels was approximately 41% and asked the Board to use this difference in setting a revised assessment for the subject property.

In closing his presentation, he asked the Board to apply a rate of \$40 per square foot, based on the factor that the land has an interior location. Adding the improvement value, he suggested would provide a total value of \$466,834, and he asked the assessment be reduced to \$466,500.

In a rebuttal document (C2), the Complainant suggested that 4 of the 5 sales comparables presented by the Respondent were located on 101 Street, which is a major thoroughfare and have a resulting premium assessment.

POSITION OF THE RESPONDENT

The Respondent presented a 21-page brief (R1) to the Board, which included an aerial photograph and map of the location (R1 page 10). He presented 5 comparable sales from the immediate vicinity (R1 page 15) which showed an average time-adjusted sale price of \$75.57 per sq. ft, compared to the assessment for the subject property of \$65.06 per sq. ft. The Respondent pointed out to the Board that four of the comparable properties were on the same block.

The Respondent also presented a chart of 6 equity comparables (R1 page 16), which were also taken from the same McCauley neighbourhood. These equity comparables, which shared the same CB2 zoning as the subject property, had an average assessment of \$68.91 per sq. ft. compared to the subject property's assessment of \$65.06.

He asked the Board to consider that assessments are made on a yearly basis and have no reference to the previous year, and suggested that the Complainant was using "apples and oranges" in making his comparisons.

DECISION

Roll Number	Original Assessment	New Assessment
9944124	\$745,500	

REASONS FOR THE DECISION

The Board was persuaded by the adjusted sales comparables with the same or similar zoning presented by both parties.

The Complainant presented 11 sales comparables with adjustments for major road way location. The Board is of the view that there is not a sufficient number of similar comparables to establish a percentage adjustment of 40% for major roads versus secondary roads. The sales comparables presented by the Complainant, in various locations within Edmonton and with similar zoning range in value from \$64.02 to \$73.35.

The Board was persuaded by the Respondent's sales comparables, which were the same zoning and within close proximity to the subject location. These comparables ranged in value from \$52.55 to \$97.40. The Respondent also presented six assessment equity comparables which ranged in value from \$66.59 to \$69.62, all within the same area and zoning of the subject property. Based on this evidence the Board confirms the 2011 assessment.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 2nd day of November, 2011, at the City of Edmonton, in the Province of Alberta.

Tom Robert, 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: THE BRICK GP LTD