



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 329/10

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 between August 23 and October 21, 2010 respecting a complaint for:

Roll Number 9517103	Municipal Address 7237 Girard Road NW	Legal Description Plan: 4626NY Block: 3 Lot: 6
Assessed Value \$1,454,500	Assessment Type Annual – New	Assessment Notice for: 2010

Before:

Tom Robert, Presiding Officer
Dale Doan, Board Member
Mary Sheldon, Board Member

Board Officer:

Segun Kaffo

Persons Appearing: Complainant

Walid Melhem

Persons Appearing: Respondent

Mary-Alice Lesyk, Assessor
Stephen Leroux, Assessor
Veronika Ferenc, Law Branch

PROCEDURAL MATTERS

Upon questioning by the Presiding Officer, the parties indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to the file.

All parties giving evidence during the proceedings were sworn by the Board Officer.

PRELIMINARY MATTERS

The parties agreed that all evidence, submissions and argument on Roll # 8480097 would be carried forward to this file to the extent that matters were relevant to this file. In particular, the Complainant chose not to pursue arguments with respect to the evidence he had provided regarding the income approach to value.

The Complainant and the Respondent presented to the Board differing time adjustment figures for industrial warehouses based on the Complainant's submission that some data used in the preparation of the Respondent's time adjustment model was faulty. The Board reviewed the data from the Complainant used in the preparation of his time adjustment figures and was of the opinion that the data used was somewhat questionable (Exhibit C-2). In any event, the differences between the time adjustment charts used by the parties for industrial warehouses were small and in many cases of little significance. Therefore, the Board has accepted the time adjustment figures used by the Respondent.

BACKGROUND

The subject property is a medium warehouse built in 1972 and located in the Girard Industrial subdivision of Edmonton. The property has a building area of 10,496 square feet with site coverage of 30%.

ISSUES

The Complainant had attached a schedule listing numerous issues to the complaint form. However, most of those issues had been abandoned and the issues left to be decided were as follows:

- What is the typical market value of the subject property?
- Is the assessment of the subject fair and equitable when compared to the assessments of comparable properties?

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 submitted four sales comparables with an average time adjusted sale price of \$98.89 per sq. ft. (C-3ff, page 10). The Complainant requested that sale # 4 be excluded because the property had been purchased by a previous tenant.

The Complainant argued that four of the Respondent's sales comparables are not at typical market value, and in fact are high sales when compared with the rest of the market.

The Complainant also provided the Board with four equity comparables with an average assessment of \$105.73 per sq. ft. (C-3ff, page 12). The Complainant submitted to the Board that based on the equity comparables, a value of \$105.71 per sq. ft ought to be applied to the subject, resulting in a requested assessment value of \$1,109,500.

POSITION OF THE RESPONDENT

The Respondent provided the Board with four sales comparables (R-3ff, page 18). Of these, sale #1 was considered to be on a main arterial road and not comparable to the subject. The time adjusted sale price range of the remaining sales comparables was \$141.74 to \$152.28 per sq. ft.

The Respondent also provided eleven equity comparables with a range in assessed value of \$136 to \$156 per sq. ft. (R-3ff, page 23). The Respondent indicated that the assessment of the subject at \$139 per sq. ft was at the lower end of this range.

The Respondent argued that the best sales comparables were used in arriving at the value for the subject and requested confirmation of the assessment.

DECISION

The decision of the Board is to confirm the assessment of the subject property at \$1,454,500.

REASONS FOR THE DECISION

The Board is of the opinion that the sales comparables provided by the Respondent best represent the value of the subject property. The main floor area, lot size and main floor attribute of the Respondent's comparables are more similar to the subject.

The Complainant's equity comparables #2, #3 and #4 when adjusted for size errors support the assessment of the subject property (R-3ff, pages 31 – 33).

The Board concludes that there was insufficient evidence put forward by the Complainant on which to reduce the assessment. The Board therefore confirms the 2010 assessment of the subject at \$1,454,500.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 25th 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
Romland Holding Developments Ltd.