



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 361/11

ALTUS GROUP  
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 November 14, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
7097934	10631 - 82 Avenue NW	Plan: 5809KS Block: 64 Lot: 7	\$929,500	Annual New	2011

#### Before:

Tom Robert, Presiding Officer  
Judy Shewchuk, Board Member  
Ron Funnell, Board Member

**Board Officer:** Segun Kaffo

#### Persons Appearing on behalf of Complainant:

John Trelford  
Jordan Thachuk

#### Persons Appearing on behalf of Respondent:

Chris Rumsey

## **BACKGROUND**

The subject property is undeveloped land consisting of 8,672 square feet and zoned CB2. The site fronts onto Whyte Avenue (82 Avenue) and is currently used for parking.

## **ISSUE(S)**

What is the market value of the subject property as of July 1, 2010?

## **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 provided seven direct sales comparables ranging in time adjusted sale price from \$69.29 to \$112.04 per square foot. The average was \$91.93, the median was \$97.78, and the requested amount was \$93.00 per square foot. The 2011 assessment per square foot was \$107.19.

The Complainant argued that all comparables sales within the area should be considered in arriving at a value for the subject property.

## **POSITION OF THE RESPONDENT**

The Respondent argued that 82<sup>nd</sup> Avenue is a market unto itself and that only sales comparables on 82<sup>nd</sup> Avenue should be considered in arriving at a value for the subject. The Respondent submitted two sales comparables, the average of which was a time adjusted sale price of \$111.27 per square foot, supporting the assessment of \$107.19 per square foot.

## **DECISION**

The Board's decision is to confirm the 2010 assessment of \$929,500.

## **REASONS FOR THE DECISION**

The Board was persuaded by the Respondent's evidence in support of the 2011 assessment of \$107.19 per square foot. The Board agrees that 82<sup>nd</sup> Avenue is a market area which can only be determined by sales on 82<sup>nd</sup> Avenue.

## **DISSENTING OPINION AND REASONS**

There were no dissenting opinions.

Dated this 21<sup>st</sup> day of November, 2011, at the City of Edmonton, in the Province of Alberta.

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Tom Robert, Presiding Officer

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*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.*

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cc: WHEATON INVESTMENTS LTD