



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION      0098 362/10

Avenue Salvage Service Ltd  
5720 125A Avenue NW  
Edmonton, AB T5W 1V3

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 02, 2010, respecting a complaint for:

<b>Roll Number</b> 1223742	<b>Municipal Address</b> 5736 125A Avenue NW	<b>Legal Description</b> Plan: 8222594 Block: 4 Lot: 4
<b>Assessed Value</b> \$517,500	<b>Assessment Type</b> Annual - New	<b>Assessment Notice for</b> 2010

#### Before:

Ted Sadlowski, Presiding Officer  
Petra Hagemann, Board Member  
Howard Worrell, Board Member

**Board Officer:** Annet N. Adetunji

#### Persons Appearing: Complainant

None

#### Persons Appearing: Respondent

Blaire Rustulka, Assessment & Taxation Branch

## **PRELIMINARY MATTERS**

The Respondent raised a preliminary issue regarding the failure of the Complainant to disclose evidence to the Respondent by September 20, 2010. The Board recessed to discuss this issue. It was found that the Complainant had submitted a list of seven statements that were attached to the original complaint form. The Respondent requested that the Board confirm the assessment or dismiss the complaint.

## **DECISION ON PRELIMINARY MATTER**

The Board denied the Respondent's request to dismiss the complaint. The Board considered the attachment to the Complaint Form (dated March 5, 2010) and proceeded with the hearing in the absence of the Complainant.

## **BACKGROUND**

The subject property is an .862 acre parcel of land located at 5736 – 125A Avenue in Industrial Heights district 2360 in north east Edmonton. It is fenced and has a small building and a Bell Mobility tower on its south west corner. The balance of the property is used for storage.

## **ISSUE(S)**

1. Is the assessment of the subject property in excess of market value?
2. Should the subject property be classified as vacant industrial land?

## **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 did not attend the hearing and did not submit a detailed brief to the CARB or to the Respondent. The Board took into evidence C1, the Complaint form including Schedule A which outlines details of the complaint.

The Complainant submits that the subject property is unserviced, unimproved bare land except for fencing. It is used to store salvaged auto parts. A 17.28 square meter structure and a tower owned by Bell Mobility occupy a small area in the corner of the subject property. Bell pays \$5000 per year in rent. Given the low site coverage, the subject property should be reclassified as vacant land.

The Complainant submits the increase in assessment from \$463,000 to \$517,500 in the last 2 years doesn't reflect the decline in the market since 2007. Although no sales comparables were provided, the Complainant requests a reduction in the assessment from \$148.28 to \$122.80 per square meter or \$428,572.

### **POSITION OF THE RESPONDENT**

The Respondent provided an aerial map (R1, page 8), of the subject property showing its location in an industrial subdivision. This map also showed a building and numerous vehicles on the property.

The Respondent confirmed a recent site visit and made note of utility services along the frontage of the subject property. The Respondent provided 4 land sales comparables (R1, page 11) of similar vacant land. These comparable sales with Network support showed a time adjusted value ranging from \$12.18 to \$13.95 per sq. ft. or \$530,791 to \$607,570 per acre. The Respondent also provided a land equity analysis for eight parcels of vacant land in the same neighborhood (R1, page 12) as the subject property. This analysis showed assessment values in the range of \$12.78 to \$15.95 per sq. ft. or \$556,638 to \$694,999.

Both the direct sales comparables and equity analysis support the land assessment of \$494,542. The Respondent requested confirmation of the 2010 assessment for a total \$517,500 which includes the improvement of \$23,072 and the land value of \$494,592.

### **DECISION**

The decision of the Board is to confirm the 2010 assessment of the subject property at \$517,500.

### **REASONS FOR THE DECISION**

1. The Board was persuaded that the subject property is serviced land. It has power, pavement, gutters, a gas line, and water.
2. The Board heard that the property has a Bell Tower on it and a small building to service the Tower. Lease payments of \$5000 per year are made to the owner of the subject property.
3. The Respondent submitted four sales comparables (R-1, pg 11) but the Board placed little weight on the comparables as only one was in close proximity to the subject property.
4. The Respondent submitted eight equity comparables (R-1, pg 12) located in the same industrial subdivision as the subject property. Their lot sizes ranged from .118 to 1.17 acres. The size of the subject is .862 acres and is in the range of the comparables. The assessments range from \$12.78 to \$15.95 per sq. ft. The subject's assessment is 13.17 per sq. ft. which is also in the range of the comparables.

5. The Board finds that the assessment is fair and equitable.

### **DISSENTING OPINIONS AND REASONS**

There were no dissenting opinions.

Dated this 3<sup>rd</sup> day of November, 2010, 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.*

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cc: Municipal Government Board  
Gina Ferri