



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 NO. 0098 372/10

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 1074871	Municipal Address 2010 80 Avenue NW	Legal Description Plan: 8020358 Block: 1 Lot: 6
Assessed Value \$1,671,000	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

Marty Carpentier, Assessor
Tanya Smith, 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 1981 and located in the Southeast (Annexed) Industrial subdivision of the City of Edmonton. The property has a total building area of 12,874 square feet with 28% site coverage.

ISSUES

The Complainant had attached a schedule listing numerous issues to the complaint form. However, most of those issues were abandoned and only the following issues remained for the Board to decide:

- What is the typical market value of the subject property?
- Is the assessment of the subject property fair and equitable in comparison with similar 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 presented five direct sales comparables ranging in value from \$78.43 to \$123.13 per sq. ft. with an average of \$100.26 per sq. ft. (C-3a39, page 12). The subject is assessed at \$129.80 per sq. ft.

Further, the Complainant presented five equity comparables which range in value, after size corrections from \$115 to \$134.95 per sq. ft.

The Complainant argued that the subject which is considered in “fair” condition should fall to the bottom of the ranges indicated by the sales and equity comparables, because all the comparables are in “average” condition.

POSITION OF THE RESPONDENT

The Respondent presented four direct sales comparables ranging from \$141.74 to \$152.28 per sq. ft. (R-3a39, page 17).

Further, the Respondent provided seven equity comparables ranging in value from \$136.11 to \$142.50 per sq. ft.

The Respondent argued that the subject is in “fair” condition, and that both the sales and equity comparables analyses have taken this factor into consideration. The Respondent submitted that all of the comparables are of higher value, and when consideration for condition is recognized, these comparables fall within the range of the subject.

DECISION

The decision of the Board is to confirm the current assessment at \$1,671,000.

REASONS FOR THE DECISION

The Board is of the opinion that when consideration is given to all of the comparables presented by both parties, given the fact that the subject is considered “fair” versus the comparables all at “average”, there is a value difference which would indicate that the subject’s condition is recognized in the valuation. The equity comparables from both parties indicate a higher value range than the subject

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 26th 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
Paragon Investments Ltd.