



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 391/10

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 4994505	Municipal Address 8544 126 Avenue NW	Legal Description Plan: 3018KS Block: 58A Lot: 3
Assessed Value \$2,786,500	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
Steve Lutes, 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 1968 and located in the Yellowhead Corridor subdivision of the City of Edmonton. The property has two buildings with total building area of 35,931 square feet and site coverage of 39%. Building # 1 has finished mezzanine area of 1,926 square feet.

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 issue remained for the Board to decide:

- What is the typical market value of the subject property?

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 four direct sales comparables ranging in value from \$49.20 to \$89.06 per sq. ft. with an average of \$65.10 per sq. ft.

The Complainant argued that based on the sales comparables presented the assessment is incorrect. The Complainant requested a reduction of the assessment to \$65.10 per sq. ft. or \$2,339,000.

POSITION OF THE RESPONDENT

The Respondent presented six direct sales comparables ranging from \$61.66 to \$104.59 per sq. ft. indicating that sales # 2, # 3 and # 4 at \$94.06, \$61.66 and \$104.59 respectively were the same sales presented by the Complainant, but time adjusted applying the Respondent's time adjustment factors.

The Respondent also presented eight equity comparables ranging in value from \$81 to \$103 per sq. ft. The Respondent argued that the assessment is correct and requested confirmation of the assessment at \$2,786,500.

DECISION

The decision of the Board is to confirm the assessment at \$2,786,500.

REASONS FOR THE DECISION

The Board found after analyzing both parties' comparables that comparability to the subject was inconclusive from the attributes of the sales or equity comparables. The ranges in value per sq. ft., as well as the physical attributes of the comparables represented too wide a range for the Board to arrive at a typical value for the subject.

Therefore, pursuant to section 467 of the MGA, the Board confirms the assessment.

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
Kryscon Developments Inc.