



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 392/11

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 21, 2011, respecting a complaint for:

| Roll Number | Municipal Address | Legal Description | Assessed Value | Assessment Type | Assessment Notice for: |
|-------------|---------------------|-------------------------|----------------|-----------------|------------------------|
| 9967343 | 11603 163 Street NW | Plan: 9921832 Lot: 1 | \$316,000 | Annual New | 2011 |

Before:

Dean Sanduga, Presiding Officer
Petra Hagemann, Board Member
Tom Eapen, Board Member

Board Officer: Karin Lauderdale

Persons Appearing on behalf of Complainant:

Jordan Thachuk, Altus

Persons Appearing on behalf of Respondent:

Darren Nagy, Assessor, City of Edmonton

BACKGROUND

The subject property is a narrow strip of land running along the East side of 163 Street north of 116 Avenue. It is approximately 19,471 square feet located in the Alberta Park Industrial neighbourhood of northwest Edmonton. The property is currently used primarily as a boulevard and a row of parking.

ISSUE(S)

Is the 2011 assessment of the subject property correctly valued at \$316,000?

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 submitted a brief challenging the assessment (C-1). The Board was advised that the subject property is a narrow sliver of land and due to its shape makes it useless for development and therefore has no market value. The highest and best use of the subject is clearly its current use, which is a single row of parking.

The Complainant submitted 5 equity comparables all located in Bulyea Heights. These properties are walkways between residential homes. They are zoned RF1 (parkland) and average 2,800 square feet in size. The assessments of these parcels average \$.40 per square foot.

The Complainant request the assessment of the subject property be reduced from \$316,000 to \$7,500 (\$.40 per square foot).

POSITION OF THE RESPONDENT

The Respondent submitted a brief (R-1) containing law and legislation documentation, reference to the Mass appraisal process and 7 equity comparables (R-1, pg 19) defending the assessment of the subject property. These properties are similar to the subject in size, and location. They are assessed at \$6.48 per square foot. They differ from the subject in that they are zoned IM (utility lots).

The Respondent recommended a reduction from \$316,000 to \$126,500 to correct the zoning to utility lot.

DECISION

The decision of the Board is to accept the recommendation of the Respondent and reduce the assessment from \$316,000 to \$126,500.

REASONS FOR THE DECISION

The Board examined the Complainant's equity comparables and determined that they are dissimilar to the subject property in size, location and use. Their use is a walkway whereas the subject is used for parking. These comparables are zoned as parkland whereas the subject has been rezoned as a utility lot.

The Board reviewed the Respondents equity comparables which are similar to the subject in size, zoning, location and use. These properties average \$6.48 per square foot.

The Board is satisfied that the change in zoning of the subject to utility lot is correct in that it represents its current limited use and accepts the reduction in assessment to reflect this.

DISSENTING OPINION AND REASONS

There were no dissenting decisions.

Dated this 1st day of December, 2011, at the City of Edmonton, in the Province of Alberta.

Dean Sanduga, 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, RSA 2000, c M-26.

cc: SREIT (NUQUEST EDMONTON) LTD