



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 400/11

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 23, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10008227		Plan: 0222511 Block: A	\$1,533,500	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 Group

Persons Appearing on behalf of Respondent:

Darren Nagy, Assessor, City of Edmonton

PRELIMINARY MATTERS

Upon questioning by the Presiding Officer, the parties present indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to this file.

BACKGROUND

The subject property is an irregular shaped parcel of undeveloped land located on the corner of 163 Street and 111 Avenue in the Sheffield Industrial subdivision in the City of Edmonton. It's size is of 86,205 square feet.

ISSUE(S)

Is the 2011 assessment of the subject property at \$1,533,500 fair and equitable?

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 presented a document (C-1) challenging the assessment of the subject property. The map and aerial photograph on C-1, pg 7 illustrates the subject's irregular size. The north and east portions of the property are narrow slivers and would restrict development.

The Complainant submitted 5 comparable sales, 4 of which are located on a major road similar to the subject. These properties range in size from 58,663 to 483,516 square feet. The time adjusted sales prices range from \$10.41 per square foot to \$16.50 per square foot with an average of \$14.90 per square foot.

By applying the \$14.90 per square foot to the size of the subject (86,205 square feet), and applying a 20% reduction for the irregular size of the subject, the Complainant requested a reduced assessment of \$1,077,500 or \$12.50 per square foot.

POSITION OF THE RESPONDENT

The Respondent submitted an assessment brief (R-1) containing information on law and legislation, mass appraisal and sales comparables defending the assessment.

The 5 sales comparables (R-1, pg 19) are similar to the subject in location and size. Their sales date range from August 2006 to August 2009 and their time adjusted sales price per square foot range from \$17.92 to \$21.26. These average \$19.42 per square foot and support the assessment of the subject property.

The Respondent advised the Board that the subject is incorrectly zoned IB. He agrees with the Complainant that a reduction for the irregular shape is warranted, however by applying a reduction (10% rather than 20% was suggested) for the irregular shape, he would also have to change the zoning to CB2 which would in fact increase the assessment. He advised that this will be done for the 2012 assessment year.

The Respondent requests the Board to confirm the 2011 assessment of \$1,533,500.

DECISION

The decision of the Board is to reduce the 2011 assessment from \$1,533,500 to \$1,380,000.

REASONS FOR THE DECISION

The Board examined the Complainant's and the Respondent's sales comparables which were all located in the north west quadrant of the City and most were on a major roadway similar to the subject.

The Board was most persuaded by the Respondent's sales comparables, except for sale #5 which had been agreed to by all parties to be an outlier. The remaining four comparables support the assessment (R-1, pg 19).

The Board reduced the 2011 assessment by 10% to allow for the irregular shape which restricts development in the north and east corner of the subject property (R-1, pg 13).

DISSENTING OPINION AND REASONS

There were no dissenting opinions and reasons

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: STRAITS LAND INC