



## **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 409/10**

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:

<b>Roll Number</b> 9532888	<b>Municipal Address</b> 5105 75 Street NW	<b>Legal Description</b> Plan: 5085TR Block:1 Lot: 4
<b>Assessed Value</b> \$7,354,000	<b>Assessment Type</b> Annual – New	<b>Assessment Notice for:</b> 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**

Suzanne Magdiak, 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 large warehouse built in 1972 and located in the Roper Industrial subdivision of Edmonton. The property has a building area of 61,240 square feet with site coverage of 16%

## **ISSUES**

The Complainant had attached a schedule listing numerous issues to the complaint form. However, most of those issues had been abandoned and the issues left to be decided were as follows:

- When compared to comparable property assessments, is the subject property's assessment equitable?
- Based on comparable sales, is the assessment deemed to be reflective of market value?

## **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**

In support of his position that the assessment of the subject was not equitable based on the assessments of comparable properties, the Complainant produced a chart of four equity

comparables (C-3a45, page 11). The Complainant indicated that these were not good comparables to the subject. In particular, some were not located on major roadways which would make these properties less comparable to the subject.

The Complainant also presented a chart of three sales comparables to the Board (C-3a45, page 9). He indicated to the Board that these were not good comparables, as one had higher site coverage and one was not located on a major roadway.

### **POSITION OF THE RESPONDENT**

The Respondent submitted to the Board that the assessment of the subject was correct. In support of this position he presented a chart of sales of seven comparable properties (R-3a45, page 20).

The Respondent also provided a chart of seven equity comparables to the Board (R-3a45, page 20).

The Respondent submitted to the Board that the range of values per sq. ft. for both the sales and equity comparables supported the assessment of the subject.

### **DECISION**

The decision of the Board is to confirm the assessment of the subject at \$7,354,000.

### **REASONS FOR THE DECISION**

The evidence for this hearing was presented to the Board and a very cursory presentation was given by both parties. The parties agree that the assessment is correct.

The Board therefore concludes that the 2010 assessment of the subject should be confirmed at \$7,354,000.

### **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.

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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  
SREIT (West No 1) Ltd.