



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 411/10

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 9553090	Municipal Address 4308 81 Avenue NW	Legal Description Plan: 7520086 Block: 3 Lot: 4 & 5
Assessed Value \$6,020,000	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 single storey large warehouse built in 1975 and located in the Morris Industrial subdivision of the City of Edmonton. The property has a total building area of 73,052 square feet with 43% 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:

- Does the subject property require an adjustment due to the configuration of the building/land?
- 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 argued that a downward adjustment should be made to the subject due to the configuration of the building. It was further argued that higher maintenance costs, as well as inability to optimize total space, due to the building's shape should be factors requiring a reduction in the current value.

The Complainant presented five direct sales comparables ranging in value from \$32.91 to \$119.40 per sq. ft. with an average of \$77.54 per sq. ft.

The Complainant also presented six equity comparables ranging in value from \$68.20 to \$81.65 per sq. ft. with an average of \$75.42 per sq. ft. in support of his argument that the assessment is not fair and equitable.

POSITION OF THE RESPONDENT

The Respondent argued that the Complainant has not provided any evidence in support of the request for adjustment for configuration.

The Respondent argued that the Complainant's sale # 2 was a non-arms length sale while sale # 3 had contamination issues that impacted the sale price. The Respondent further argued that when the City's time adjustment factor is applied to the Complainant's sale # 4 and # 5, the resulting values of \$ 136.09 and \$120.82 per sq. ft. support the assessment of the subject at \$82.41 per sq. ft.

The Respondent presented six equity comparables ranging from \$82.06 to \$88.69 per sq. ft., as well as nine sales comparables ranging in value from \$95.94 to \$136.09 per sq. ft. and argued that the assessment is correct and equitable.

DECISION

The decision of the Board is to confirm the assessment at \$6,020,000.

REASONS FOR THE DECISION

The Board is of the opinion that the direct sales comparables of the Complainant after adjustments, as well as the Respondent's equity and sales comparables support the current 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
SREIT (Nuquest Edmonton) Ltd.