



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 416/10

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 25, 2010 respecting a complaint for:

Roll Number 9988077	Municipal Address 9450 45 Avenue NW	Legal Description Plan: 0121263 Block: 3 Lot: 20A
Assessed Value \$5,813,000	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

Joel Schmaus, 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 medium warehouse with three buildings constructed between 1982 and 2002. The property is located in the Papaschase Industrial subdivision of the City of Edmonton and has a total building area of 45,444 square feet. The subject has 22% 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 issue remained for the Board to decide:

- 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 presented five equity comparables ranging in value from \$108.46 to \$116.65 per sq. ft. The main floor space only average was \$114.95 per sq. ft while total floor space average was \$112.26 per sq. ft.

Comparables # 2 and # 5 built in 1973 and 1974 respectively are considered inferior to the subject, which was built between 1982 and 2002. Comparable # 1 at \$116.65 per sq. ft. is closest to the subject in terms of site area, building size and site coverage.

The Complainant argued that the comparables presented indicated a value of \$112.26 per sq. ft. based on which he requested a reduction of the assessment to \$5,101,500.

POSITION OF THE RESPONDENT

The Respondent presented 18 equity comparables ranging in value from \$123 to \$191 per sq. ft, all smaller than the subject. Comparable # 14, though smaller as indicated, was considered most comparable to the subject at \$159 per sq. ft.

The Respondent argued that the subject falls to the lower end of the range of assessment comparables presented, and requested confirmation of the assessment at \$5,813,000

DECISION

The decision of the Board is to confirm the assessment at \$5,813,000.

REASONS FOR THE DECISION

The Board is of the opinion that when determining a question of fairness and equity alone, the assessment equity comparables must meet a high standard of comparability.

The Board is further of the opinion that the parties did not provide sufficient evidence as to comparability for the Board to determine an acceptable value range.

The Board is not convinced that the Complainant has satisfied the burden of proof required to revise the assessment, and pursuant to section 467(3) of the MGA confirms the assessment.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 25th 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
Masada Enterprises Corporation