



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
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NOTICE OF DECISION NO. 0098 424/10

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 1040997 | Municipal Address 11703 160 Street NW | Legal Description Plan: 8121071 Block: 3 Lot: 10 |
| Assessed Value \$3,277,500 | 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

Steve Radenic, 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 built in 1981 and located in the Alberta Park Industrial subdivision of the City of Edmonton. The property has a total building area of 32,494 square feet, all main floor space and site coverage of 37%.

ISSUES

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

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

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 produced a chart of three sales comparables to support his argument that comparable sales did not support the assessment of the subject (C-3a65, page 11).

The Complainant indicated to the Board that the time adjusted sale price per sq. ft. of the first comparable was higher than the assessment per sq. ft. of the subject. He also noted for the Board that the time adjusted sale price per sq. ft. of the second comparable would have to be adjusted upwards to account for differences in age and site coverage.

The Complainant asked the Board to apply a value of \$82.71 per sq. ft. to the subject.

With respect to the issue of equity, the Complainant presented a chart of equity comparables (C-3a65, page 13). However, he noted that comparable # 2 should be removed as it was the subject. He noted further that the remaining equity comparables had a value within 5% of the subject. Therefore, he asked the Board that the issue of equity not be considered.

POSITION OF THE RESPONDENT

The Respondent supplied a chart of five sales comparables to the Board (R-3a65, page 17). The Respondent also provided a chart of seven equity comparables (R-3a65, page 23). The average value per sq. ft. of these comparables was \$105.20 while the subject was assessed at \$100.86.

The Respondent argued that these comparables supported the assessment of the subject and asked the Board to confirm the assessment of the subject.

DECISION

The decision of the Board is to confirm the assessment of the subject at \$3,277,500.

REASONS FOR THE DECISION

With respect to the issue of the market value of the subject, the Board is not persuaded that the sales comparables provided by the Complainant show that the assessment is not correct. The Complainant indicated that there are only two sales for the Board to consider and the Board considers that this evidence is inconclusive.

The Board notes that, with respect to the issue of equity, the Complainant indicated that the comparables he brought forward support the assessment of the subject.

The Board concludes that the Complainant has not met the onus of showing that the assessment is incorrect or inequitable. Further, the Board is persuaded by the sales and equity comparables brought forward by the Respondent that the assessment of the subject is both correct and equitable.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 4th day of November, 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
564967 Alberta Ltd.