



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 43/11

Cushman & Wakefield
1730 - 111 5 Avenue SW
Calgary, AB T2P 3Y6

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 July 13, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
9939082	4804 92 Avenue NW	Plan: 7820294 Block: 5 Lot: 5 Plan: 7820294 Block: 5 Lot: 6 Plan: 7820294 Block: 5 Lot: 5 Plan: 7820294 Block: 5 Lot: 6 Plan: 7820294 Block: 5 Lot: 4	\$7,650,000	Annual New	2011

Before:

Steven Kashuba, Presiding Officer
Judy Shewchuk, Board Member
Ron Funnell, Board Member

Board Officer: Nicole Hartman

Persons Appearing on behalf of Complainant:

Jan Goresht, Cushman & Wakefield

Persons Appearing on behalf of Respondent:

Marty Carpentier, City of Edmonton, Assessor

PRELIMINARY MATTERS

There were no 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, located at 4804 – 92 Avenue NW, is in the Eastgate Business Park, and is zoned as IB – Industrial Business. The lot size is 3.822 acres, with a site coverage of 58%, upon which is located a single-tenant warehouse with a total building area of 103,350 square feet. The current assessment is \$7,650,000.

ISSUE(S)

1. Is the assessment of the subject property based on the correct floor area?

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

It is the submission of the Complainant that the subject property is incorrectly assessed in that the City of Edmonton's Direct Sales Approach Summary (exhibit C-1, page 5) shows that the calculated area of the building is 103,350 square feet while the Annual Realty Assessment Details for 2011 show a net area of 116,045 square feet.

POSITION OF THE RESPONDENT

The Respondent's submission is that the gross area of the subject building on the lot is 116,045 square feet; however, this area includes 12,694 square feet of mezzanine space which at this time is not considered in the valuation of industrial warehouses in the City of Edmonton. As a result, the total building area being valued on this building is 103,350 square feet.

DECISION

It is the decision of the Board to confirm the assessment of the subject property for 2011 at \$7,650,000.

REASONS FOR THE DECISION

1. The Board accepts that the Respondent has correctly assessed the subject property in accordance with the City of Edmonton's policy to value the warehouse upon the total building area excluding the area of the mezzanine space.
2. The Complainant failed to provide any evidence by way of drawings or representations of floor space to prove that the building size is incorrect.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this 26th day of July, 2011, at the City of Edmonton, in the Province of Alberta.

Steven Kashuba, 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: The Standard Life Assurance Company of Canada