



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
EDMONTON AB T5J 2R7
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NOTICE OF DECISION NO. 0098 432/10

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 1553700	Municipal Address 17511 107 Avenue NW	Legal Description Plan: 7621205 Block: 6 Lot: 1
Assessed Value \$2,600,500	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

Mary-Alice Lesyk, 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 medium warehouse built in 1980 and located in the McNamara Industrial subdivision of the City of Edmonton. The property has a total building area of 25,216 square feet with site coverage of 31%.

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:

- Is the assessment of the subject property fair and equitable when compared to similar properties?
- Is the subject property in "good" or "average" condition?

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 from \$89.08 to \$100.94 per sq. ft. with an average of \$94.62 per sq. ft. The subject is assessed at \$103.13 per sq. ft.

The Complainant argued that the subject is not on a major roadway as described in the assessment record.

Further, the Complainant argued that the subject is in “average” condition not “good” condition as shown in the assessment record.

POSITION OF THE RESPONDENT

The Respondent presented ten equity comparables ranging in value from \$102 to \$110 per sq. ft.

The Respondent argued that there has been no evidence presented in regard to the issue of “condition” and further there is no value attributable to the difference.

Further, the Respondent argued that there was no evidence presented in regard to the subject being on a major roadway.

The Respondent requested the Board to confirm the current assessment.

DECISION

The decision of the Board is to confirm the current assessment at \$2,600,500.

REASONS FOR THE DECISION

The Board is of the opinion that the best equity comparables presented by both parties fall within the \$100.94 to \$109 per sq. ft. range which supports the current assessment.

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
J .K. McKenzie Holdings Ltd.