



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 436/11

Altus Group  
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 on November 30, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
9538109	6312 - 50 Street NW	SE 23-52-24-4	\$39,021,500	Annual New	2011

#### Before:

Tom Robert, Presiding Officer  
Judy Shewchuk, Board Member  
Ron Funnell, Board Member

#### Board Officer:

Annet Adetunji

#### Persons Appearing on behalf of Complainant:

Chris Buchanan, Altus Group

#### Persons Appearing on behalf of Respondent:

Blaire Rustulka, Assessor, City of Edmonton

## **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 consists of 59.6 acres (2,596,340 square feet) with 222,989 square feet of buildings/ improvements known as City View Business Park. The value of the improvements was not in issue.

## **ISSUE(S)**

What is the market value of the subject property as of July 1, 2010?

## **LEGISLATION**

### ***Municipal Government Act, RSA 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 evidence including four sales comparables ranging in size from 689,990 to 1,528,520 square feet (15.95 to 35.13 acres) with time adjusted sale prices ranging from \$9.01 to \$12.60 per square foot (\$428,885 to \$550,157 per acre). The Complainant submitted that the best comparable was the 35 acre property at 6703 – 68 Avenue which abuts a major road, as does the subject, and sold for a time adjusted sale price of \$10.04 per square foot.

The Complainant asked that the Board reduce the land portion of the assessment to \$9.00 per square foot (or \$23,367,060) for a total reduction to \$30,603,500.

## **POSITION OF THE RESPONDENT**

The Respondent presented evidence of the same four sales comparables as the Complainant had presented. The Respondent argued that the subject property was “prime plus” property on a major roadway while the comparables are not on major roadways. For that reason, the time adjusted sale prices of the comparables would have to be adjusted upward and would, therefore, support the assessment at \$12.24 per square foot.

The Respondent made reference to an Assessment Review Board ruling from August 2010 which reduced the 2009 assessment to \$11.70 per square foot (\$509,672 per acre).

The Respondent also made reference to evidence (Exhibit R-1, page 24) which showed a 30% adjustment between properties on major arteries compared to interior parcels.

## **DECISION**

The Board reduces the 2011 land assessment to \$28,327,000. The revised total assessment for Roll Number 9538109 is \$35,563,500.

## **REASONS FOR THE DECISION**

The Board was not influenced by the previous year's Assessment Review Board decision as properties are assessed annually as directed by legislation and precedent.

The Board was not persuaded by the Respondent's calculation (exhibit R-1, page 24) which concluded that sales on major arterial roadways versus sales of interior parcels require an adjustment in this case. The Respondent's calculation was based on two sales of properties on major arterial roadways and six interior properties within the area of the subject. The subject parcel is 59.6 acres while the comparables presented were all much smaller.

The Board noted that both parties presented the same direct sales comparables indicating an average time adjusted sale price of \$10.91 per square foot. The closest in size, location, and zoning is situated at 6703 – 68 Avenue. That property is 35 acres (1,530,425 square feet) and sold in August 2007 for a time adjusted sale price of \$10.23 per square foot. As previously noted, the Respondent argued that an adjustment was required to account for the "prime plus" location of the subject. The Board was not persuaded that such an adjustment was required. Accordingly the Board reduces the 2011 land assessment to \$10.91 per square foot for a rounded total of \$28,327,000.

## **DISSENTING OPINION AND REASONS**

There was no dissenting opinion.

Dated this 13<sup>th</sup> day of December, 2011, at the City of Edmonton, in the Province of Alberta.

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Tom Robert, Presiding Officer

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*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, RSA 2000, c M-26.*

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cc: CV Investment Holdings Inc.