



## **ASSESSMENT REVIEW BOARD**

MAIN FLOOR CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON AB T5J 2R7  
(780) 496-5026 FAX (780) 496-8199

### **NOTICE OF DECISION NO. 0098 478/10**

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:

<b>Roll Number</b> 9997056	<b>Municipal Address</b> 15108 131 Avenue NW	<b>Legal Description</b> Plan: 0224531 Block: 104 Lot: 6
<b>Assessed Value</b> \$5,091,000	<b>Assessment Type</b> Annual – New	<b>Assessment Notice for:</b> 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**

Kevin Xu, Assessor  
Aleisha Bartier, 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 2002 and located in the Mistatim Industrial subdivision of the City of Edmonton. The property has a total building area of 23,150 square feet and site coverage of 8%.

## **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 subject property assessed fair and equitable when compared 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 \$160.03 to \$211.91 per sq. ft. with an average of \$179.06 per sq. ft. (\$194.63 per sq. ft. on main floor only).

The Complainant argued that the assessment of the subject is not fair and equitable based on the comparables presented. The Complainant requested a reduction of the assessment to \$179.05 per sq. ft. or \$4,145,000.

## **POSITION OF THE RESPONDENT**

The Respondent presented four direct sales comparables ranging in value from \$151.16 to \$393.14 per sq. ft. with an average of \$267.52 per sq. ft.

Further, the Respondent presented four equity comparables ranging in value from \$177.12 to \$282.82 per sq. ft. with an average of \$220.32 per sq. ft.

The Respondent argued that the assessment of the subject at \$219.91 per sq. ft. (\$5,091,000) is fair and equitable and requested confirmation of the current assessment.

## **DECISION**

The decision of the Board is to confirm the assessment at \$5,091,000.

## **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 of the opinion that the most similar equity comparable to the subject appears to be the Complainant's comparable # 2 at \$211.91 per sq. ft. with same site coverage, although newer at 2005 compared to 2002 for the subject, and with similar size and site coverage.

Further, the Respondent's equity comparables # 3 and # 4 similar in size and site coverage to the subject, though somewhat newer at 2007, and valued at \$282.82 and \$220.07 per sq. ft. respectively, also support the assessed value.

The Board finds that the comparables of both parties, with adjustments appear to support the assessed value of \$219.91 per sq. ft.

## **DISSENTING OPINION AND REASONS**

There was no dissenting opinion.

Dated this 10th day of November, 2010, at the City of Edmonton, in the Province of Alberta.

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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.*

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CC: Municipal Government Board  
Ayotte Properties Ltd.