



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 495/10

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 November 8, 2010 respecting a complaint for:

Roll Number 8993453	Municipal Address 9320 – 51 Avenue NW	Legal Description Plan: 1930R Lot: 4
Assessed Value \$5,647,000	Assessment Type Annual New	Assessment Notice for: 2010

Before:

Tom Robert, Presiding Officer
Tom Eapen, Board Member
John Braim, Board Member

Board Officer:

J. Halicki

Persons Appearing: Complainant

Chris Buchanan, Agent
Altus Group Ltd.

Persons Appearing: Respondent

John Ball, Assessor
Guo He, Assessor
Assessment and Taxation Branch

PRELIMINARY MATTERS

The parties expressed no objection to the composition of the CARB; Board Members expressed no bias toward this file. The parties providing evidence were sworn-in.

BACKGROUND

The subject property comprises a Bubbles Car Wash facility located on the north side of 51 Avenue just west of 91 Street. The property extends to 218,803 sq. ft. (5.23 acres) of IB zoned land improved with a car wash and a retail facility. The improvements and associated land are not in dispute and form no part of this appeal. The amount of land under dispute contains

148,418 sq. ft. (3.41 acres), and is referred to as “excess land”. The subject excess land is assessed at \$20.63/sq. ft.

ISSUE(S)

Is the subject property assessed fairly and equitably 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 provided the Board with a chart of five commercial land sales (C-1, page 13) ranging in size from 4.62 acres to 17.13 acres. They were mainly CSC zoning (land use designation) which has a higher value per unit of area than the zoning of the subject property. The unit rate varied from \$12.99/ sq. ft. to \$23.04/sq. ft. with an average price of \$17.43/sq. ft. and a median price of \$17.05/sq. ft.

The Complainant also provided a chart of six industrial land sales (C-1, page 15) in the southeast industrial district ranging in size from 680,000 sq. ft. to 1,497,125 sq. ft. (15.61 acres to 34 acres). They were zoned IM and IB. The unit rate varied from \$7.09/sq. ft. to \$11.00/sq. ft. with an average price of \$9.47/sq. ft. and a median price of \$9.86/sq. ft.

In addition, the Complainant provided a chart of equity comparables (C-1, page 14) ranging in size from 19,388 sq. ft. to 499,500 sq. ft. (0.45 acres to 11.46 acres). The properties ranged in price from \$15.00/sq. ft. to \$21.50/sq. ft. with an average of \$17.41/sq. ft. and a median of \$17.20/sq. ft.

POSITION OF THE RESPONDENT

The Respondent provided a chart of two land sales (R-1, page 27) ranging in size from 83,333 sq. ft. to 745,747 sq. ft. and zoned IH and CSC respectively. The unit rate was \$26.10/sq. ft. and \$18.07/sq. ft. respectively.

The Respondent provided an equity comparable chart with four sales of parcels of land. They were all IB zoned parcels like the subject, with unit rates ranging from \$20.00/sq. ft. to \$30.00/sq. ft.

DECISION

The decision of the Board is to reduce the 2010 assessment from \$5,647,000 to \$5,256,500

REASONS FOR THE DECISION

1. The Board was persuaded by a combination of the Complainant's commercial land sales and the Complainant's equity comparables. The commercial land sales comparables are considered to be superior in terms of zoning (land use) and the equity comparables are reasonably compatible with the subject property in terms of both zoning and size.
2. The Board was not persuaded by the Respondent's comparable land sales as there were only two sales one of which was substantially larger than the subject although it supports a reduction in the assessment.
3. The Board also placed less weight on the Respondent's equity comparables as the sizes were unknown and it was difficult for the Board to compare with the subject.
4. The Board noted there was a common equity comparable used by both the Complainant and the Respondent. It indicated \$18.07/sq. ft. and supports a reduction.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this tenth day of November, 2010 A.D., 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
City of Edmonton, Assessment and Taxation Branch
Bubbles International Car Wash Corp.