



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 515/10

Canadian Valuation Group
1200 10665 Jasper Avenue
Edmonton, AB T5J 3S9

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 October 20, 2010, respecting a complaint for:

Roll Number 10020390	Municipal Address 8311 93 Avenue NW	Legal Description Plan: 0423030 Block: 26 Lot: 22
Assessed Value \$8,378,000	Assessment Type Annual - New	Assessment Notice for 2010

Before:

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

Board Officer: Annet N. Adetunji

Persons Appearing: Complainant

Tom Janzen, Canadian Valuation Group

Persons Appearing: Respondent

Devon Chew, Assessor, City of Edmonton
Tanya Smith, Barrister and Solicitor, City of
Edmonton

PRELIMINARY MATTERS

1. Upon questioning by the Presiding Officer, the parties indicated no objection to the composition of the Board.
2. In addition, the Board advised the parties that the Board was not aware of any circumstances that would raise an apprehension of bias with respect to this file.
3. The Board had those individuals providing testimony either sworn or affirmed.

BACKGROUND

The subject property is a 70 row housing unit located in the Holyrood neighborhood (Market area 8). It was built in 1954 and is in fair condition. The total 2010 assessed value for the property is \$8,378,000 which equates to \$119,685 per unit.

ISSUE

Is the assessment of the subject property in excess of its market value?

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

At the commencement of the hearing, the Complainant informed the Board they were not persuing the argument pertaining to the equity issue or multiplier used by the Respondent put forth in the complaint reasons.

The position of the Complainant is that the capitalization rate (cap rate) is the best method of estimating the market value of the subject row houses for assessment purposes, as rental producing apartment properties are most commonly bought and sold on the overall capitalization approach in which a rate of return (cap rate) is applied to the net income after the operating expenses have been deducted (Exhibit C-1, page 2).

The Complainant advised the Board that a report by Cushman and Wakefield (C-1, page 18) shows cap rates for multi-family properties were 8.10% in 2004, 7.40% in 2005 and 6.7% in 2009. The Complainant provided evidence to the Board on low rise apartment sales in 2004, 2005 and 2009. The average cap rate for 2004(C-2) for low rise apartments and row houses was 8.07% and 7.85% respectively. In addition, the Complainant gave evidence to the Board on the

years 2005 (C-3) and 2009 (C-4). Based on the evidence of the three years, the Complainant thought it reasonable to conclude that the cap rate applied to row houses is 0.20% lower than the cap rate applied to low rise apartments. The Complainant then deduced that a cap rate of 6.75% should be considered appropriate for the subject property as the subject property is older than the low rise sales.

The Complainant stated that the expenses shown on the 2008 income statement equate to \$5,517 per unit. The Complainant advised the Board that two older row houses complexes where the owner pays the utilities have total expenses of \$5,582 and \$6,445 per unit. The Complainant thought that \$5,500 expenses per suite should be appropriate to operate the subject property.

The Complainant did not disagree with the Respondent's estimate of potential typical income and vacancy which had been applied to the subject building. The Complainant used the Respondent's potential gross income, deducted the Respondent's vacancy and then deducted the Complainant's estimate of typical expenses per suite. The Complainant applied a cap rate of 6.75% to the net operating margin of \$339,893 to produce a value of \$5,035,452 or \$71,935 per suite.

The Complainant requested a 2010 assessment of \$5,035,000 based on the City's potential income.

POSITION OF THE RESPONDENT

The Respondent produced a binder for the row house multi-residential properties under appeal on October 20, 2010. The binder has 12 tabs and is 160 pages. The Respondent reviewed the binder with the Board.

The Respondent advised the Board that the Gross Income Multiplier (GIM) is the correct method of estimating the value of the subject property and was the method used. A GIM is predicted by a model developed from the analysis of validated sales. The model is applied to the entire row house inventory to produce an estimated typical GIM for each property as of July 1, 2009 (Exhibit R-1, page 7).

The Respondent advised the Board of the valuation specifications and significant variables regarding the model. The Respondent advised that the City determined a City-wide typical vacancy of 4% would be used on all row houses.

The Respondent advised the Board that the multi-residential model does distinguish different values for the various types of multi-residential properties. The rates established are market based due to the analysis of sales and income/expense properties.

The Respondent reviewed some sections of the Appraisal of Real Estate with the Board;

Tab 2, page 16, "Deriving capitalization rates from comparable sales is the preferred technique when sufficient data on sales of similar, competitive properties is available. Data on each property's sale price, income, expenses, financing terms, and market conditions at the time of sale is needed. In addition, the appraiser must make certain the net operating income of each comparable property is calculated and estimated in the same way that the net operating income of the subject property is estimated."

Tab 2 page 18, An overall capitalization rate provides compelling evidence of value when a series of conditions are met:

- Data must be drawn from properties that are physically similar to the property being appraised and from similar (preferably competing) markets. Where significant differences exist for a given comparable, its indications are afforded less weight or may be discarded entirely.
- Sale properties used as sources for calculating overall capitalization rates should have current date of sale and future market expectations, including income and expense patterns and likely value trends, that are comparable to those affecting the subject property.
- Income and expenses must be estimated on the same basis for the subject property and all comparable properties.
- The comparable property's price must reflect market terms, or an adjustment for cash equivalency must be possible.
- If adjustments are considered necessary for differences between a comparable and the subject property, they should be made separately from the process of calculating the overall capitalization rate and should be based on market evidence.

The Respondent stated that the Complainant did not give any evidence or vacancy allowance in the disclosure to dispute the vacancy rate used by the City. The income conversion factor, whether cap rate or GIM, should be applied to the same type of income for the comparables as the subject. When buying a property, a purchaser will consider the opportunity to increase rents when negotiating the purchase price. With the income increased to market, a purchaser can't pay the same multiple as when the rents are low as the potential to increase rents is no longer there.

One cannot simply take an average of cap rates from sales - a cap rate reflects specific characteristics of the sale. This includes:

- Income level (risk to the income stream) and
- Required rate of return to the investor (based on the income in place and the physical attributes of the property, such as age, condition and size of the overall investment).

The Respondent provided the Board with a chart detailing five sales of larger investment walk-up apartment buildings (Exhibit R-2, page 31) that had sold in 2009 (2 sales) , 2008 (2 sales) and 2007(1 sale). The Respondent had chosen to focus on large investment low-rise sales, because of the lack of recent row housing sales, and because these properties will attract similar investors because of the scale of the developments. The first sales analysis chart (page 31) shows GIMs and potential gross income and vacancy rates calculated for the sales and the subject property using the unadjusted sale prices. For the sales, the Network reported income and expenses were used, but for the subject property, the income and expenses were stabilized on the request for information for the property that the owner sends in to the City. The Respondent produced a expense per suite of \$3,700 based on actual rents for the subject property. The analysis produced a GIM of 11.18 and a cap rate of 5.85%. When applying these figures to the effective gross income and net operating income, the calculations support the assessment (Exhibit R-2, page 33).

The second sales analysis chart (Exhibit R-2, page 30) shows GIMs and cap rates for the sales and the subject property using the time adjusted sale prices and the City's estimate of potential gross income for both the sales and the subject property. The Respondent produced a chart showing typical expenses for a row house with upward adjustment for size and age. The typical

expenses came to \$2600 per suite (Exhibit R-2, page 30). The analysis produced a GIM of 11.56 and a cap rate of 6.48%. When applying these rates to the effective gross income and the net operating income, the resulting calculations support the assessment (Exhibit R-2, page 32).

The Respondent provided the Board with a sales chart (Exhibit R-1, page 30) that detailed the four most recent row-housing sales. The comparables had a median time adjusted sale price of \$162,178 per suite. The average time adjusted sale price per suite was \$164,686. Both the median and average time adjusted sale price per suite support the assessment per suite of \$119,686.

The Respondent advised the Board that the Complainant's methodology was flawed and indicates a misleading representation of value.

DECISION

The decision of the Board is to confirm the 2010 assessment of \$8,378,000 as fair and equitable.

REASONS FOR THE DECISION

1. The Board put little weight on the recent sales of row housing put forth by the Respondent. Two of the sales were dated (2005), but the subject property was much older and only in fair condition as opposed to average condition for the four comparables.
2. The Board placed little weight on the Complainant's third party support information from Cushman and Wakefield as it covered the entire City of Edmonton and it was not broken down into areas. In addition, the report was not broken down into specific types of multi-family properties such as high rise, low rise and row houses. Third party publications are problematic evidence for a number of reasons. The market data used to construct the reports was not in evidence, upon which the Board can determine the reliability and comparability to the subject property.
3. The Board accepts that the cap rate approach is an accepted methodology for valuation. However, the Board was not persuaded by the Complainant's use of the cap rate approach (C-1, page 2). The Complainant had supplied five comparable sales to the subject property to derive a cap rate for it. However, the Board did note that, not all were comparable due to the size and location differential. The Board questioned the usefulness of a comparable property in St. Albert.
4. In addition, the Board was not persuaded by the Complainant's analysis in respect of "typical" expenses. The Complainant had supplied two older comparables (C-1, page 1), but the Board noted there was little evidence or documentation on the comparable expenses to support the figures.
5. The Board notes that the landlord pays all the utilities for the subject property, resulting in the GIM method being unreliable in this case.

6. The Board concluded that the Complainant is using inconsistent methodology to value the subject property. The Complainant is applying GIMs and cap rates derived from the Network's reported actual income to the Respondent's typical income. This inconsistency results in an unreliable estimate of market value. The Board believes that, under appraisal theory, typical income, vacancy and cap rates should be derived and applied in the same consistent manner.
7. The Board therefore concludes that while the Respondent did not provide great evidence to support the assessment, it is up to the Complainant to provide sufficient or compelling evidence to alter the assessment. The Complainant failed to do so.

DISSENTING OPINIONS AND REASONS

There was no dissenting opinion.

Dated this 16th day of November, 2010, at the City of Edmonton, in the Province of Alberta.

Robert Mowbrey
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
410087 Alberta Ltd.
424363 Alberta Ltd.