



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 521/11

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 21, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
3185642	16104-121A AVENUE NW	Plan: 8332ET Block: 3 Lot: 2 /3/4	\$17,745,000	Annual New	2011

Before:

Warren Garten, Presiding Officer
Brian Carbol, Board Member
Mary Sheldon, Board Member

Board Officer: Segun Kaffo

Persons Appearing on behalf of Complainant:

Walid Melhem, Altus Group

Persons Appearing on behalf of Respondent:

Doug McLennan, Assessor, City of Edmonton
Scott Hyde, Assistant Assessor, City of Edmonton

PRELIMINARY 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 this file.

No other preliminary matters were brought forward before the Board

BACKGROUND

The subject property is a “large warehouse” located in the Hawin Park Estate industrial subdivision of the City of Edmonton with a municipal address at 16104-121A Avenue. The property has a building area of 372,328 square feet on a site area of 583,727 square feet. The land is currently zoned IM and has full municipal servicing.

ISSUE(S)

The main merit issue before the board is market value of the land (only) using the Direct Sales Comparison Approach to Value of the subject parcel totaling 583,727 Square Feet.

LEGISLATION

Municipal Government Act, RSA 2000, c M-26

s. 1(1)(n) ‘market value’ means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer.

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, using the Land Value Direct Sales Comparison Approach, presented 4 sales of similar properties in northwest Edmonton (C-1, p.11).
- The Complainant noted that these comparables were smaller than the subject.
- The Complainant indicated that the best comparable was #2 at 11330 189 Street NW.
- The Complainant’s sales comparables resulted in an average sales price of \$11.08 per square foot and a median sales price of \$11.08 per square foot.

- The Complainant maintained that the 4 sales of similar properties used as comparables indicated a value lower than the current assessment, and requested a revised assessment for the land of \$10.00 per square foot for a total requested assessment of \$17,056,500 for the subject property (C-1, p. 12).

COMPLAINANT'S REBUTTAL

- The Complainant argued that since the subject property is larger than the Respondent's sales comparables, the subject property assessment should be adjusted to \$10.00 per square foot.
- The Complainant maintained that the Respondents sale #3 should not be used as there is a problem with the size (should be 11.6 acres not 7 acres as is in the Respondent's evidence). Also it is "muddy" due to a transfer back of part of the property at no cost to the vendor.

POSITION OF THE RESPONDENT

- In support of its position that the current assessment of the subject was fair and equitable, the Respondent provided a chart of 4 sales of land comparable to the land portion of the subject (R-1, page 25). The Respondent noted that his comparable #1 was the same as the comparable #2 presented by the Complainant and that his comparable #4 was the same as the Complainant's comparable #1. The Respondent noted further that the details of the sale of his comparable #3 were somewhat cloudy, thus making this comparable of lesser value in establishing the value of the subject.
- The Respondent argued that the median time adjusted sale price of the comparables, excluding #3, was \$11.79 and that this supported the assessment of the subject at \$11.18 per square foot.
- The Respondent requested that the Board confirm the current assessment of the subject at \$17,745,000.

DECISION

It is the Board's decision to confirm the current assessment at \$17,745,000

REASONS FOR THE DECISION

In reaching its decision, the Board considered all argument and evidence.

The Complainant provided to the Board 4 time adjusted sales comparables for consideration. The Board found that the Complainant's comparables could all be considered and the average along with the median are calculated to be \$11.08 per square foot. The Complainant had 2 sales (numbers 1 and 2) that were common with the Respondent.

The Respondent presented a total of 4 comparables of which number 3 could not be considered as there was no back up documentation in support of the sale. Common to both the Complainant and the Respondent were sales comparable numbers 1 and 4 of the Respondent.

The Board found that there was not enough convincing evidence to support a reduction of the assessment of the land from the existing \$11.18 per square foot.

DISSENTING OPINION AND REASONS

There were no dissenting opinions regarding this decision.

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

Warren Garten, 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, RSA 2000, c M-26.

cc: LOBLAW PROPERTIES WEST INC