



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 523/11

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:
3788239	9670-125A AVENUE NW	Plan: 9123450 Lot: 19C	\$2,767,500	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

#### Persons Appearing on behalf of Respondent:

Doug McLennan, Assessor, City of Edmonton  
Scott Hyde, 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 an “auto sales - major” located in the Yellowhead Corridor subdivision of the City of Edmonton with a municipal address at 9670-125A Avenue. The property has a building area of 45,666 square feet on a site area of 82,054 square feet. The land is currently zoned CB2 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 82,054 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 8 sales of similar properties in north Edmonton in close proximity to the subject property (C-1, p.10).
- The Complainant’s sales comparables resulted in an average sales price of \$13.62 per square foot and a median sales price of \$12.82 per square foot.

- The Complainant maintained that the 8 sales of similar properties used as comparables indicated a value lower than the current assessment, and requested a revised assessment for the land of \$14.50 per square foot for a total requested assessment of \$2,152,500 (C-1, p. 11).

### **COMPLAINANT'S REBUTTAL (C-2, p. 2)**

- The Complainant further argued that 3 of the 7 sales presented by the Respondent are located in a different area of the city.
- The Complainant added that the subject property is on a part of 97<sup>th</sup> Street with limited exposure and access due to the railroad underpass and Yellowhead Trail access, which makes the property inferior to the many locations on 97<sup>th</sup> Street.

### **POSITION OF THE RESPONDENT**

- In support of its position that the current assessment of the subject was fair and equitable, the Respondent provided to the Board a chart of 7 sales of land comparable to the subject (R-1, page 30). During questioning the Respondent noted that some of the comparables were in different locations in the city.
- The Respondent noted that the time adjusted sale price per square foot of these comparables ranged from \$18.86 to \$40.35 with the median being \$21.26.
- The Respondent argued that this evidence supported the assessment per square foot of the subject at \$21.99.
- The Respondent submitted that the current assessment of the land portion of the subject at \$21.99 was fair and equitable and requested that the Board confirm the assessment at \$2,767,500.

### **DECISION**

It is the Board's decision to reduce the current assessment to \$2,497,000 based on a reduced land assessment of \$18.70.

### **REASONS FOR THE DECISION**

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

The Complainant's argument that the visibility of the subject was impaired from the north due to the grade and bridge was taken into consideration, as the sale of the neighbouring site across the street from the subject was included as an acceptable comparable.

The Complainant provided 8 comparables for the Board's consideration. The Board found that the Complainant's comparable numbers 1, 3, 5, 6, 7 and 8 could not be considered as the location of all sites are on 127 Avenue which is deemed to be an interior site and not a good comparison. As a result the Board placed the most weight on Complainant's sales comparable numbers 2 and 4 in addition to the Respondent's evidence.

The Respondent presented a total of 7 comparables of which number 3, 5 and 6 were not considered by the Board as they are in West End or Downtown locations. Comparable number 7 was removed from the list as this site is located on an extremely high traffic location at the corner of 97 Street and 137 Ave. The Board placed the most weight on the Respondent's sales comparable numbers 1, 2 and 4.

The Board considered the Complainant's comparable numbers 2 and 4 along with the Respondent's comparable numbers 1, 2 and 4. The Board found the average time adjusted selling price of these 5 sales to be \$17.28 with a median selling price of \$18.70.

The Board placed the most weight on the median price of \$18.70 per square foot which reduces the land component of the assessment to \$1,534,466 from the initial assessment of \$1,804,765.

### **DISSENTING OPINION AND REASONS**

There were no dissenting opinions regarding this decision.

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

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Warren Garten, 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: ALEXANDER & ELIZABETH HOLDINGS LIMITED.