



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 524/11

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 23, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
7097611	10565-82 AVENUE NW	Plan: I Block: 63 Lot: 13 / 14 / 15 / 16 / 17 / 18	\$2,075,500	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:

Shelly Milligan, 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 Queen Alexandra subdivision of the City of Edmonton with a municipal address of 10565-82 Avenue. The property has a building area of 4,424 square feet on a site area of 26,152 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 26,152 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 five sales of similar properties on the south side of Edmonton (C-1, p.10).
- The Complainant’s sales comparables resulted in an average sales price of \$53.12 per square foot and a median sales price of \$49.57 per square foot.
- The Complainant maintained that the five sales of properties used indicated a value lower than the current assessment, and requested a revised assessment for the land of \$60.00 per square foot for a total requested assessment of \$1,681,500 for the subject property (C-1, p. 10).

COMPLAINANT'S REBUTTAL

- The Complainant further argued that none of the properties presented by the Respondent were comparable to the subject in that two were located in a different area of the city and all were significantly smaller in size (C-2, p.2).

POSITION OF THE RESPONDENT

- The Respondent provided the Board with the 4 sales of land which, in the opinion of the Respondent, were similar to the subject.
- The Respondent acknowledged that comparable #3 was in a different location in Edmonton and would not be a good comparable. However, the Respondent argued that the average time adjusted sale price per square foot of the remaining comparables at \$107.97 was relevant. In particular, the Respondent pointed out to the Board that the time adjusted sale price per square foot of comparable #4, a property in a very similar location, was \$112.03.
- The current assessment per square foot of the subject land was \$75.07. The Respondent argued that the evidence it had presented showed that this assessment was not correct and recommended that the assessment per square foot of the subject land be increased to \$100.10.
- The Respondent argued further that increasing the assessment of the subject land to \$100.10 per square foot would be fair and equitable and requested that the Board increase the assessment of the subject to \$2,730,000.

DECISION

The Board's decision is to increase the current assessment to \$2,730,000 based on an adjusted land value of \$100.10 per square foot.

REASONS FOR THE DECISION

The Board found that of the 5 comparable sales presented by the Complainant, sales number 1 and 4 were deemed to be inferior locations on 104 street 9 blocks south of 82 Ave and could not be considered comparable. Sale number 3 is located in Ritchie and is not close in proximity or size of the subject and could not be considered as comparable. Sale number 2 at 10159 82 Ave. was considered too small at 14,531 square feet and located on the east end of the "Whyte Ave" strip and could not be considered comparable. Sale number 4 located at 10201 82 Ave. was not considered due to its location at the east end of the "Whyte Ave" strip.

The Board found that of the 4 comparable sales presented by the Respondent, sales number 1 and 3 were located in downtown locations and not comparable to the subject. Sale number 2 was not considered as it was a site close to 99 Street along 82 Ave and in the subject's market area.

The Board placed the most weight on the sale located at 10813 82 Avenue which is less than 3 blocks from the subject. This sale at \$112.03 was the closest to the subject and appeared as the best comparable.

The Board agreed that 82 Ave. west of 103 Street is a much stronger location in terms of market value than 82 Ave. east of 103 Street. The subject's frontage on 82 Ave. has a very unique appeal in the market place and should be valued higher than locations closer to 99 Street and 82 Ave.

The request by the Respondent was granted due to the inequity between the three sites along 82 Avenue. Two sites at 10615-82 Ave and 10705-82 Ave were both land assessed at \$100.10 per square foot while the subject was incorrectly assessed at \$75.08 per square foot.

DISSENTING OPINION AND REASONS

There were no dissenting opinions regarding this decision.

Dated this 14th 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: WHEATON INVESTMENTS LTD