



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 527/11

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:
9971652	17817 STONY PLAIN ROAD NW	Plan: 9925444 Block: 8 Lot: 5A	\$11,483,000	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 an “Auto Sales - Major” located in the Place La Rue subdivision of the City of Edmonton with a municipal address at 17817 Stony Plain Road. The property has a building area of 56,978 square feet on a site area of 291,594 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 291,594 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 5 sales of similar properties in Edmonton (C-1, p.10)
- These sales averaged \$16.14 per square foot with a median of \$15.58 per square foot.
- The Complainant indicated that it was necessary to search city wide to find sales of similar property.
- Based on these sales comparables the Complainant requests a revised assessment for the land portion of the subject property of \$16.00 per square foot for a total requested revised assessment of \$10,632,500 (C-1, p. 11).

POSITION OF THE RESPONDENT

- In support of its position that the current assessment of the subject was fair and equitable, the Respondent presented to the Board a chart of 7 sales of land comparable to the land portion of the subject (R-1, page 24). The Respondent indicated to the Board that these comparables were similar to the subject in terms of size and zoning.
- The Respondent submitted that the median time adjusted sale price per square foot of the comparables was \$19.00 and that the median time adjusted sale price per square foot of comparables #1 and #7, located very close to the subject, was \$18.00.
- The Respondent argued that this evidence showed that the assessment per square foot of the land portion of the subject at \$18.92 was fair and equitable and requested that the Board confirm the current assessment of the subject at \$11,483,000.

DECISION

It is the Board's decision to reduce the current assessment to \$10,731,500 based on a reduced land assessment of \$16.34 per square foot.

REASONS FOR THE DECISION

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

The Complainant provided 6 comparables for the Board's consideration. The Board found comparable numbers 1, 2, 3 and 4 could not be considered as these are located in the North-East or South Edmonton. Sale numbers 5 and 6 were given the most weight by the Board along with the Respondent's evidence.

The Respondent presented a total of 7 comparables of which numbers 2, 3, 4, 5 and 6 were not considered by the Board as they are in North-East or South Edmonton locations. The Board placed the most weight on the Respondent's sales comparable numbers 1 and 7 along with the Complainant's evidence.

The Board considered the Complainant's list of comparable sites numbers 5 and 6 along with the Respondent's comparable numbers 1 and 7. The Board found the average time adjusted selling price of these 4 sales to be \$16.87 with a median selling price of \$16.34 per square foot.

The Board placed the most weight on the median price of \$16.34 and reduced the land component of the assessment to \$4,764,646 from the initial assessment of \$5,516,422.

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: TAZ HOLDINGS LTD