



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 535/11

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 24, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10087519	17708-111 AVENUE NW	Plan: 0722170 Block: 1 Lot: 7	\$5,625,500	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 Armstrong Industrial subdivision of the City of Edmonton with a municipal address of 17708-111 Avenue. The property has a building area of 23,507 square feet on a site area of 97,604 square feet. The land is currently zoned IB 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 97,604 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 on busy roadways in northwest Edmonton (C-1, p.10).
- The Complainant’s sales comparables resulted in an average sales price of \$14.19 per square foot and a median sales price of \$14.07 per square foot.
- The Complainant maintained that the 5 sales of similar properties used as comparables indicated a value lower than the current assessment, and requested a revised assessment for the land of \$14.00 per square foot for a total requested assessment of \$5,512,500 (C-1, p. 11).

COMPLAINANT'S REBUTTAL

- The Complainant further argued that of the 4 properties presented by the City of Edmonton, one is a property that is significantly smaller than the subject property (C-2, p 2).
- The Complainant also noted that of the 4 properties listed by the City of Edmonton only two had assessments of land; one other could not be found and the other had since been developed (C-2, p.2).
- The Complainant added that both sales listed by the City of Edmonton are for higher than their assessments indicating that these are potentially high sales (C-2, p. 2).

POSITION OF THE RESPONDENT

- The Respondent presented 4 sales of comparable land to the Board in support of its position that the current assessment of the subject was fair and equitable (R-1, page 27). The Board was advised that all these comparables were zoned industrial and ranged in size from approximately 1 acre to approximately 3 acres.
- The median time adjusted sale price per square foot of these comparables was \$19.50 and the assessment per square foot of the subject was \$18.23. The Respondent advised the Board that in his opinion, the comparable #2 was the most similar in terms of size and exposure. The time adjusted sale price per square foot of that comparable was \$18.92.
- The Respondent argued that this evidence demonstrated that the current assessment of the subject land at \$18.23 per square foot was fair and equitable.
- The Respondent requested that the Board confirm the current assessment of the subject at \$5,625,500.

DECISION

It is the Board's decision to confirm the assessment at \$5,625,500

REASONS FOR THE DECISION

The Complainant provided a list of 5 time adjusted comparable sales in high traffic locations. The Board found that of the 5 comparable sales, sale number 1 was post-facto and could not be considered. Sale number 5 could not be considered due to the number of utility right of ways (95) and restrictive covenants (5) placed on the site. The remaining 3 sales averaged \$15.25 per square foot. As a result the Complainant requested a change to the assessment from \$14.00 (initially requested) to \$15.25.

The Respondent presented 4 time adjusted comparable sales in high traffic locations. The board placed the most weight on these 4 as they all were in high profile location similar to the subject. Sale number 3 was considered by the Board, even though it is a smaller site, as the price per square foot is consistent with the others. The closest comparable considered is the site at 11004 177 street which has a time adjusted selling price of \$18.92 per square foot. This sale carried the most weight.

The Board felt that the Complainant did not provide the necessary evidence to substantiate a change to the current assessment.

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: DUCOR DEVELOPMENT CORPORATION