



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
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NOTICE OF DECISION NO. 0098 537/10

Altus Group Ltd
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 November 2, 2010 respecting a complaint for:

Roll Number 3138203	Municipal Address 10260 105 Street NW	Legal Description Plan: B2 Block: 5 Lots: 173 & 174
Assessed Value \$1,936,000	Assessment Type Annual New	Assessment Notice for: 2010

Before:

Tom Robert, Presiding Officer
Tom Eapen, Board Member
John Braim, Board Member

Board Officer:

J. Halicki

Persons Appearing: Complainant

Walid Melhem, Agent
Altus Group Ltd.

Persons Appearing: Respondent

John Ball, Assessor
Assessment and Taxation Branch

PRELIMINARY MATTERS

The Complainant and Respondent agreed to bring forward common argument, evidence, and questions from roll #3074358 to this roll.

BACKGROUND

The subject property, an auto service centre located in downtown Edmonton has a lot size of approximately 11,233 sq. ft. zoned EZ; effectively zoned CB2.

ISSUE(S)

1. What is the market value of the subject property?
2. Is the subject property assessed fairly and equitably with similar properties?

LEGISLATION

The Municipal Government Act, R.S.A. 2000, c. M-26;

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 presented five direct sales comparables ranging in value per square foot from \$63.42 to \$144.39 with an average of \$101.47/sq. ft. (C1, pg. 11).

In addition, the Complainant put forward eleven equity comparables ranging in value per square foot from \$45.95 to \$158.87 with an average of \$83.39 (C1, pg. 12).

POSITION OF THE RESPONDENT

The Respondent asserts that the subject property was properly assessed according to the principles of mass appraisal and the commercial vacant land assessment model. The subject's assessed lot value is \$172.30/sq. ft.

Four sales comparables (R1, tab 4), all zoned CB2 and with accompanying land title documentation, were submitted for the Board's consideration ranging in value per square foot from \$175.10 to \$331.48 with an average of \$254.01/sq. ft.

Exhibit R1, also included the Respondent's legal brief including a CARB decision and MGB order related to land assessment.

The Respondent requested the assessment of \$1,936,000 be confirmed.

DECISION

The decision of the Board is to revise the 2010 assessment from \$1,936,000 to \$1,359,500.

REASONS FOR THE DECISION

The Board is of the opinion that the most similar sales comparables were presented by the Complainant. Sales #1, #2 and #5 (C1, pg. 11) are the most similar to the subject property at \$104.67/ sq. ft., \$144.39/sq. ft. and \$113.03/ sq. ft. The indicated value derived from this range is approximately \$121.00/ sq ft indicating an overall value for the land of \$1,359,000. When the minimal value of \$500 (established by the Respondent) is added, the total assessment is revised to \$1,359,500.

In regard to the issue of equity, the Board is not convinced that the equity comparables presented have similar characteristics to the subject in terms of location and zoning.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this tenth day of November, 2010 A.D., at the City of Edmonton, in the Province of Alberta.

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, R.S.A. 2000, c.M-26.

CC: Municipal Government Board
City of Edmonton, Assessment and Taxation Branch
Toms Speedy Muffler Ltd.