



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
EDMONTON AB T5J 2R7
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NOTICE OF DECISION NO. 0098 538/10

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 3169703	Municipal Address 10250 – 106 Street NW	Legal Description Plan: B2 Block: 6 Lots: 173-175
Assessed Value \$3,872,000	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 carryforward common argument, evidence, and questions from roll #3074358 to this roll.

BACKGROUND

The subject property is a restaurant located in the Downtown subdivision. The property has a lot size of approximately 22,469 sq. ft.

ISSUE(S)

1. What is the market value of the subject property?
2. Is the subject 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 sales comparables ranging in value from \$63.42 to \$144.39 with an average of \$101.47/sq. ft. (C1, pg. 13). The Complainant further presented eleven equity comparables ranging in value per square foot from \$45.95 to \$158.87 (average of \$83.39/sq. ft.) (C1, pg. 14).

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 value is \$172.31/sq. ft.

Four sales comparables (R1, tab 4, pg. 31), 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 \$3,872,000 be confirmed.

DECISION

The decision of the Board is to reduce the subject's 2010 assessment from \$3,872,000 to \$2,719,000.

REASONS FOR THE DECISION

The Board is of the opinion that the direct sales comparables as presented by the Complainant are most similar to the subject property. The Board concludes that the Complainant's sales #1, #2, and #5 are most similar to the subject at \$113.03/sq ft, \$144.39/sq ft, and \$104.67/sq. ft. respectively. The indicated value derived from this range appears to be approximately \$121/sq. ft. indicating an overall value for land at \$2,718,749 plus the minimal value for improvements of \$500 (established by the City of Edmonton).

In regard to the issue of equity, the Board gave little consideration to the comparables presented by the Complainant. The range in values, as well as the zoning use and location, were too diverse to draw any comparability to the subject.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this tenth 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
Stark Canada ULC