



## 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 539/10

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:

<b>Roll Number</b> 3169802	<b>Municipal Address</b> 10242 – 106 Street NW	<b>Legal Description</b> Plan: B2 Block: 6 Lot: 176
<b>Assessed Value</b> \$1,190,500	<b>Assessment Type</b> Annual New	<b>Assessment Notice for:</b> 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 Downtwon subdivision. The property has a lot size of approximately 7,493 sq. ft. The value of the improvements are not in dispute.

## **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 sales comparables ranging in value per square foot from \$63.44 to \$144.23 with a requested value of \$125/sq. ft. (C1, pg. 8).

The Complainant further presented five equity comparables ranging in value from \$64.54 to \$123.84 per square foot with an average of \$96.98/sq. ft. (C1, pg. 10).

## **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 at \$158.87/sq. ft. (R1, tab 4, pg. 31).

The Respondent presented four sales comparables ranging in value per square foot from \$175.10 to \$331.48 when time adjusted, and provided an average of \$254.01/sq. ft.

The Board noted no equity argument was advanced by the Respondent.

## **DECISION**

The decision of the Board is to reduce the subject's 2010 assessment from \$1,190,500 to \$937,500 (rounded).

## **REASONS FOR THE DECISION**

The Board is of the opinion that the sales comparables as presented by the Complainant are most similar to the subject property. The Board concludes that sales #1, #4, and #5 are most similar to the subject, when time adjusted, at \$104.85, \$144.23, and \$113.21 per square foot respectively. The subject's requested amount of \$125.00/sq. ft. falls well within this range.

In regard to the issue of equity, the Board noted that all the equity comparables support a reduction in value and comparable #1 at \$123.84/sq. ft., similar in size and close to the subject in terms of location, supports the reduced value of \$125.00/sq. ft.

## **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.

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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.*

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CC: Municipal Government Board  
City of Edmonton, Assessment and Taxation Branch  
Stark Canada ULC