



## **ASSESSMENT REVIEW BOARD**

MAIN FLOOR CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON AB T5J 2R7  
(780) 496-5026 FAX (780) 496-8199

### **NOTICE OF DECISION NO. 0098 540/10**

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> 3222403	<b>Municipal Address</b> 10241 109 Street NW	<b>Legal Description</b> Plan: B2 Block: 8 Lots: 107-109
<b>Assessed Value</b> \$3,337,500	<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

### **PROCEDURAL MATTERS**

The parties were reminded that they remained under oath; Board Members expressed no bias with respect to this roll.

### **PRELIMINARY MATTERS**

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

## **BACKGROUND**

The subject property, built in 1929 and located in downtown Edmonton, is a three-storey retail/wholesale structure known as the 109 Street Building. It is situated on a lot of approximately 21,008 sq. ft. with an effective zoning of 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 land assessment of subject property equates to \$158.86/sq. ft.

Five land sale comparables averaging \$101.47/sq. ft. (C1, pg. 12) and supporting *Network* data sales sheets (C1, pgs. 24-28) were included.

The Complainant also provided ten equity comparables averaging \$75.85/sq. ft. (C1, pg. 13). Valuation summaries were also included.

The Complainant requested the 2010 assessment be reduced to \$1,593,500.

## **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 Respondent provided four sales comparables (R1, pg. 33), all zoned CB2 and with accompanying land title documentation, for the Board's consideration. The ranged from \$175.10 to \$331.48/sq. ft. and averaged \$254.01/sq. ft.

Exhibit R1, also included the Respondent's legal brief including a Calgary CARB 1036/2010P (R1, pg. 150) noting, "The Board does not have jurisdiction to direct the use of a particular approach to value in determining an assessment."

The Respondent requested the assessment of \$3,337,500 be confirmed.

## **DECISION**

The decision of the Board is to confirm the 2010 assessment at \$3,337,500.

## **REASONS FOR THE DECISION**

The subject property is located in the downtown core. It is the policy of the Respondent (City of Edmonton) to place a minimal value on downtown core buildings which do not represent the highest and best use of the land. The Board is of the opinion that the subject falls within this consideration.

The Board reviewed all direct sales comparables presented by both parties. The Board is of the opinion that all of the comparables presented represent, on average, a typical market value per square foot acknowledging that the sales are affected by market conditions and physical characteristics which may be different from the subject.

The indicated, overall median value of these limited amounts of sales is approximately \$177/sq. ft. which supports the current assessed value of \$158.86/sq. ft.

In regard to the issue of equity, the Board concludes that the comparables presented by the Complainant are not sufficiently similar in terms of physical characteristics, zoning, or use.

## **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  
Mayiz Enterprises Ltd.