



ASSESSMENT REVIEW BOARD

Churchill Building
10019 103 Avenue
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NOTICE OF DECISION NO. 0098 545/11

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 23, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
7138506	10705-82 Avenue NW	Plan: RN4 Block: 131 Lot: 1/ 2 / 27 / 28 / 29 30 /	\$4,954,500	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 Queen Alexandra subdivision of the City of Edmonton with a municipal address of 10705-82 Avenue. The property has a building area of 26,695 square feet on a site area of 43,510 square feet. The land is currently zoned CB2 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 43,510 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 five sales of similar properties on the south side of Edmonton.
- The Complainant’s sales comparables resulted in an average sales price of \$53.50 per square foot and a median sales price of \$51.40 per square foot.
- The Complainant maintained that the five sales of properties used indicated a value lower than the current assessment, and requested a revised assessment for the land of \$60.00 per square foot for a total requested assessment of \$3,203,500 for the subject property (C1, p. 10).

COMPLAINANT'S REBUTTAL

- The Complainant further argued that none of the properties presented by the Respondent were comparable to the subject in that two were located in a different area of the city and all were significantly smaller in size (C-2, p.2).

POSITION OF THE RESPONDENT

- The Respondent presented to the Board 4 sales of land parcels comparable to the subject (R-1, page 27). The Respondent did advise the Board that the comparables were all much smaller to the subject and # 2 and #4 did not have the same frontage onto 82nd Avenue as that possessed by the subject.
- Nevertheless, the Respondent argued that the time adjusted sale prices per square foot of the comparables had a median value of approximately \$104 per square foot and that this supported the assessment of the subject at \$96.99 per square foot.
- The Respondent argued that this evidence showed that the current assessment of the subject was fair and equitable and requested that the Board confirm the assessment of the subject at \$4,954,500.

DECISION

The Board's decision is to confirm the current assessment at \$4,954,500.

REASONS FOR THE DECISION

The Board found that of the 5 comparable sales presented by the Complainant, sale number 1 and 4 were deemed to be inferior locations on 104 Street, 9 blocks south of 82 Ave and could not be considered comparable. Sale number 3 is located in Ritchie and is not close in proximity or size of the subject and could not be considered as comparable. Sale number 2 at 10159 82 Ave. was considered too small at 14,531 Square Feet and located on the east end of the "Whyte Ave" strip and could not be considered comparable. Sale number 4 located at 10201 82 Ave. was not considered due to its location at the east end of the "Whyte Ave" strip.

The Board agreed that 82 Ave. west of 103 Street is a much stronger location in terms of market value than 82 Ave. east of 103 Street. The subject's frontage on 82 Ave. has a very unique appeal in the market place and should be valued higher than locations closer to 99 Street and 82 Ave.

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: WHEATON INVESTMENTS LTD