



## **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 561/10**

Canadian Valuation Group  
1200 10665 Jasper Avenue  
Edmonton, AB T5J 3S9

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 9, 2010 respecting a complaint for:

<b>Roll Number</b> 4874327	<b>Municipal Address</b> 7940 Yellowhead Trail NW	<b>Legal Description</b> Plan: 3354RS Lot: 10
<b>Assessed Value</b> \$1,493,500	<b>Assessment Type</b> Annual - New	<b>Assessment Notice for</b> 2010

#### **Before:**

Rob Reimer, Presiding Officer  
George Zaharia, Board Member  
Judy Shewchuk, Board Member

**Board Officer:** Annet N. Adetunji

#### **Persons Appearing: Complainant**

Tom Janzen, CVG

#### **Persons Appearing: Respondent**

Marty Carpentier, Assessment & Taxation Branch

#### **PRELIMINARY MATTERS**

Upon questioning by the Presiding Officer, the parties present indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to this file.

#### **BACKGROUND**

The subject property is a single tenant office/warehouse building consisting of 14,400 square feet, including 1,044 square feet of office space. It is located in northeast Edmonton, was built in 1977, and occupies a .83 acre site for a site coverage of 42%.

## **ISSUES**

1. Is the 2010 assessment of the subject property fair and equitable?
2. Is the 2010 assessment of the subject property supported by the sales of 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 submitted five sales comparables summarized on page 1 of exhibit C-1. These comparables range from 13,788 to 26,042 square feet and illustrate time adjusted sale prices ranging from \$61.64 to \$87.52 per square foot. The site coverages are between 33% and 56%.

The sales comparables included the sale of the subject property, in May of 2006, for a time adjusted sale price of \$75.07 per square foot. The Complainant stressed, that in his opinion, the arms length sale of the subject property is the best indicator of market value.

The Complainant asked the Board to reduce the assessment to \$1,080,000 or \$75 per square foot.

## **POSITION OF THE RESPONDENT**

The Respondent submitted six sales comparables, summarized on page 16 of exhibit R-1, showing time adjusted sale prices from \$94.83 to \$158.10 per square foot. The comparables range in size from 10,050 to 20,296 square feet with site coverages ranging from 27% to 56%.

On page 25 of exhibit R-1 the Respondent questioned the validity of the 2006 sale of the subject property.

The Respondent also submitted six equity comparables, summarized on page 24 of exhibit R-1, showing assessments ranging from \$102.79 to \$108.95 per square foot.

The Respondent asked the Board to confirm the assessment of \$1,493,500.

## **DECISION**

The decision of the Board is to reduce the 2010 assessment to \$1,080,000.

## **REASONS FOR THE DECISION**

The Board carefully reviewed the sales comparables submitted by the Complainant. In particular the Board reviewed the May 2006 sale of the subject property. The Board is of the opinion that this sale was a valid, arms length transaction and agrees with the Complainant that the time adjusted sale of the subject property is the best indication of its market value.

The Board noted that all of the Respondent's sales comparables are situated in northwest Edmonton while the subject property is in the northeast.

The Board also noted that the subject property has a gravel yard and parking area while most of the Respondent's comparables have paved yards and parking areas.

The Board is persuaded, based on the evidence and argument, that the 2010 reduced assessment of \$1,080,000 is fair and equitable.

## **DISSENTING OPINION AND REASONS**

There were no dissenting opinions.

Dated this 24<sup>th</sup> day of November, 2010, 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  
William A. C. Rowe  
Desert North Developments Ltd.