



ASSESSMENT REVIEW BOARD

Churchill Building
10019 103 Avenue
Edmonton AB T5J 0G9
Phone: (780) 496-5026

NOTICE OF DECISION NO. 0098 58/11

AEC International Inc.
#112, 1212 1st Street SE
Calgary, AB T2G 2H8

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 July 18, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10010187	18485 Stony Plain Road	Plan: 0324226 Block: 1 Lot: 5	\$43,600,500	Annual New	2011

Before:

Hatem Naboulsi, Presiding Officer
Dale Doan, Board Member
George Zaharia, Board Member

Board Officer: Nicole Hartman

Persons Appearing on behalf of Complainant:

Cameron Hall, AEC International Inc. (although present, Mr. Hall did not participate in the hearing)

Persons Appearing on behalf of Respondent:

Cameron Ashmore, City of Edmonton, Law Branch
Frank Wong, City of Edmonton, Assessor

PROCEDURAL MATTERS

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

PRELIMINARY MATTERS

There were no preliminary matters.

BACKGROUND

The subject property, known as Wal-Mart West End, located at 18515 Stony Plain Road, is part of a power centre containing 265,725 square feet. Wal-Mart is the major tenant within this power centre, occupying 208,443 square feet.

ISSUE(S)

What is the correct size of the subject property?

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

1. There was no dispute regarding the market rent applied to the anchor tenant space.
2. The Complainant was present at the hearing but requested that the hearing proceed as if he were not present. The Complainant did not provide any disclosure at the hearing; however, the Board was able to obtain a copy of the Complainant's disclosure from the Respondent and this disclosure was entered as Exhibit C-1. On page 4 of C-1, the Complainant provided a copy of an AUTOCAD drawing of the subject prepared September 7, 2007 indicating that the correct size should be 199,505 square feet instead of 208,443 square feet as reported by the Respondent.
3. The Complainant requested that the assessment of the Wal-Mart space, the anchor tenant, be revised based on a reduced square footage from 208,443 to 199,505 square feet.

POSITION OF THE RESPONDENT

1. The Respondent presented a brief marked R-1 showing that the size of the subject as reported by Rio Can Property Services, the management company for the power centre, is 208,443 square feet based on the rent roll as of March 1, 2010 (R-1, page 20).
2. The Respondent requested that the Board confirm the 2011 assessment of the subject property at \$43,600,500.

DECISION

The decision of the Board is to confirm the 2011 assessment at \$43,600,500.

REASONS FOR THE DECISION

1. The Board placed little weight on the Complainant's evidence as the drawing was unclear, difficult to read, and no dimensions could be determined to confirm the overall area. Although a total area of 199,505 square feet was indicated in handwriting at the bottom of the drawing, the drawing was dated September 7, 2007 and there was no evidence presented to reduce the square footage utilized by the Respondent.
2. The Board placed greater weight on the Respondent's evidence that relied on the Rent Roll provided by the management company of the power centre that indicated the size of the Wal-Mart space was 208,443 square feet.
3. Based on the evidence and arguments, the Board is persuaded that the 208,443 square feet is the correct size of the Wal-Mart space and confirms the 2011 assessment at \$43,600,500 as fair and equitable.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 2nd day of August, 2011, at the City of Edmonton, in the Province of Alberta.

Hatem Naboulsi, 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: Riocan Holdings Inc.
Sun Life Insurance (Canada) Limited