



## ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL  
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EDMONTON AB T5J 2R7  
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### NOTICE OF DECISION NO. 0098 580/10

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 16, 2010 respecting a complaint for:

<b>Roll Number</b> 9986027	<b>Municipal Address</b> 14403 Miller Blvd. NW	<b>Legal Description</b> Plan: 0024700 Block: 9 Lot: 1
<b>Assessed Value</b> \$4,181,500	<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**

Anthony Patenaude, Agent  
Altus Group Ltd.

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

Peter Bubula, Assessor  
Ryan Heit, Assessor

#### **Observer:**

Jordan Thachuk, Altus Group Ltd.

### **PROCEDURAL MATTERS**

The parties expressed no objection as to the composition of the CARB; Board Members expressed no bias toward this or any of the other accounts appearing on the agenda. The parties providing evidence were sworn-in.

## **BACKGROUND**

The subject property is a one-storey retail building located in the Miller subdivision at 14403 Miller Boulevard. The improvement, built in 2009, is 11,679 ft<sup>2</sup> situated on 144,469 ft<sup>2</sup> of land. The complaint is based solely on the value attributable to the land at \$2,664,800 or \$18.45/ft<sup>2</sup>.

## **ISSUES**

What is the market value of the subject's land?

Is the assessment attributable to land fair and equitable with similar land values?

## **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 put forward fifteen direct land sales ranging in adjusted value per square foot from \$10.01 to \$23.66 with an average of \$16.95/ft<sup>2</sup> and a median of \$16.60/ft<sup>2</sup> (C1, pg. 13). The requested value is \$16.95/ft<sup>2</sup> based on direct sales (\$2,448,300 total).

The Complainant presented twelve equity land comparables ranging in value per square foot from \$14.00 to \$21.50 with an average of \$17.41/ft<sup>2</sup> and a median of \$17.20/ft<sup>2</sup>. The requested value is \$17.41/ft<sup>2</sup> or \$2,517,800 based on equity comparables ( C1, pg. 14).

## **POSITION OF THE RESPONDENT**

The Respondent presented nine sales/equity comparables (including one post-facto sale of March 9, 2010 at \$17.78/ft<sup>2</sup>). Direct sales comparables ranged per square foot from \$14.19 to \$27.07.

The equity assessment comparables for the same nine sales ranged per square foot from \$15.24 to \$27.87. (R-1, page 34).

## **DECISION**

The decision of the Board is to confirm the total 2010 assessment at \$4,181,500.

## **REASONS FOR THE DECISION**

The Board is of the opinion that the sales as presented by the Respondent are similar to the subject in terms of location, size, and other similar attributes such as access. Sales/equity comparables #3, #4, and #8 have a range in assessed value per square foot from \$15.25 to \$19.63 and are all located close to the subject. The assessed value of \$18.43/ft<sup>2</sup> appears to fall within an acceptable range of these comparables.

The Board further is of the view that the requested value of the Complainant's request value is within approximately five percent of the current land assessment and, therefore, is of the opinion that the assessment should not be altered.

In regard to the equity comparables as presented by the Complainant, it was noted that some of these comparables were considered as excess land and further, it appears they too fall within the five percent value range.

## **DISSENTING OPINION AND REASONS**

There were no dissenting opinions.

Dated this twenty-second 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  
Melcor Developments Ltd.