



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 581/10

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:

Roll Number 7223860	Municipal Address 10834 82 Avenue NW	Legal Description Plan: N4000R Block: 170 Lot: 10, etc.
Assessed Value \$734,000	Assessment Type Annual New	Assessment Notice for: 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

John Ball, Assessor
Assessment and Taxation Branch

Observer:

Jordan Thachuk, Altus Group Ltd.

Observers:

Ryan Heit, Assessor
Peter Bubula, Assessor

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 located at 10834 – 82 Avenue is a one-storey retail building, built in 1948 and located in the Garneau subdivision. The assessment at \$734,000 comprises both land and building. The complaint concerns only land value, which the Complainant has indicated to be \$690,000 (rounded) or \$158.54/ft² (4,353 ft²)(C1, pg. 10). The Respondent indicates the assessed value via the building at \$317.35/ft² and via the land at \$168.63/ft²; both values indicating a total of \$734,000 (R1, pg. 25).

ISSUE

What is the market value of the land portion of the subject property?

Is the subject land value assessed fairly and equitably?

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 presented five direct sales comparables: three on 82 Avenue and two on 104 Street indicating a range of \$48.34/ft² to \$102.88/ft² with an average of \$69.09/ft² or a requested land value of \$300,731 plus a requested building value of \$43,951 for a total reduced value of \$344,500 (rounded).

The Complainant also indicated that two similar properties located on 82 Avenue were reduced at a recent CARB hearing to \$102.87/ft² (C1, pgs. 24-31). The value of the subject based on these decisions would be \$43,951 (building) and \$447,756 (land) for a total of \$491,500.

The Complainant put forward eight land equity assessment comparables ranging from \$54.33/ft² to \$93.28/ft² with an average of \$71.05/ft² indicating a requested land value of \$309,263 or a total value including building of \$353,000 (rounded).

POSITION OF THE RESPONDENT

The Respondent presented three direct sales comparables located on 82 Avenue, all within three blocks of the subject. The values range, based on assessed value per square foot from \$199.02 to \$803.48 all based on values inclusive of buildings.

DECISION

The decision of the Board is to confirm the total 2010 assessment at \$734,000.

REASONS FOR THE DECISION

The Board is of the opinion that the Complainant's sales evidence was not sufficiently comparable in terms of location and size.

The sales comparables presented on 104 Street are not similar in terms of location, size, and condition to the subject. Sale #1 at 7301/03 – 104 Street is 15,035 ft² located on a different arterial road some distance from the subject.

Sale #3 at 7724 – 104 Street is a former gas bar site where there were contamination issues on a historical basis and is located on a different arterial road some distance from the subject.

Sale #2 at 10201 – 82 Avenue is 40,328 ft² and has a narrow elongated shape; it is located some five or six blocks from the subject.

Sale #4 at 10159 – 82 Avenue is a 14,531 ft² site improved with an older, two bay building used as a restaurant.

Sale #5 at 9913 – 82 Avenue is located approximately six to seven blocks east of the subject.

In regard to the issue of equity, the Board is of the view that the assessment comparables presented were not sufficiently comparable to the subject in terms of size and location.

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.

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: Municipal Government Board
City of Edmonton, Assessment and Taxation Branch
Wrights Garneau Bakery Ltd.