



ASSESSMENT REVIEW BOARD

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10019 103 Avenue
Edmonton AB T5J 0G9
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NOTICE OF DECISION NO. 0098 599/11

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 December 12, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10003485	11104 184 Street NW	Plan: 0227409 Block: 2 Lot: 10A	\$717,500	Annual New	2011

Before:

Don Marchand, Presiding Officer
Brian Hetherington, Board Member
Howard Worrell, Board Member

Board Officer:

Annet Adetunji

Persons Appearing on behalf of Complainant:

Jordan Thachuk, Altus Group

Persons Appearing on behalf of Respondent:

Darren Nagy, Assessor, City of Edmonton

PRELIMINARY MATTERS

This roll number was part of a series of roll numbers heard by the CARB over three days starting December 12, 2011 and concluding December 14, 2011. Both Parties at the onset of the hearings made an oath to tell the truth. This was subsequently confirmed at each day's hearing by each party. Further, no objection was raised as to the composition of the CARB panel. In addition, the Board members indicated no bias with respect to this file.

No preliminary matters were raised by the Parties. At the outset of the hearing the CARB was advised by the Complainant that the only common issue that applies to the subject complaint is the one itemized as:

4. *the assessment of the subject property is in excess of its market value for assessment purposes*

and that the remaining common issues itemized as numbers 1-3 and 5 - 8 shown on the SCHEDULE OF ISSUES (C-1, pg 3) page will not be argued.

BACKGROUND

The subject property is a 48,888 sq. ft. lot of undeveloped land on the corner of 184 Street and 111 Avenue in the White Industrial subdivision of northwest Edmonton. The land is zoned IB and has a 2011 assessment of \$717,500.

ISSUE(S)

Is the assessment of Roll number 10003485 at \$717,500 correct?

LEGISLATION

The CARB in its deliberations gave consideration to the:

Municipal Government Act, RSA 2000, c M-26

1(1) *In this Act,*

- (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;*

289(2) *Each assessment must reflect*

- (a) *the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and*
- (b) *the valuation and other standards set out in the regulations for that property.*

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.*

- (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.*

Matters Relating to Assessment and Taxation Regulation (AR 220/2004)

2. An assessment of property based on market value

- (a) must be prepared using mass appraisal,*
- (b) must be an estimate of the value of the fee simple estate in the property, and*
- (c) must reflect typical market conditions for properties similar to that property*

POSITION OF THE COMPLAINANT

The Complainant presented the Board with a 34-page brief (C-1) outlining support of his request for a reduction in the assessment of the subject property **to \$537,500**, or \$11.00 per sq. ft.

To support his request, he presented the Board with the following chart of three sales comparables that were completed between July 2006 and November 2010:

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP/ SF
1	18910 111 Ave.	Jul 2006	\$1,634,550	\$5.85	279,431	\$2,996,784	\$10.72
2	10504 184 St.	Nov 2010	\$3,927,000	\$12.66	310,182	\$3,927,000	\$12.66
3	18911 111 Ave	Aug 2009	\$1,524,750	\$10.96	139,100	\$1,524,750	\$10.96
Subj.	11104 184 St.				48,888	\$537,500	
					Requested Rate		\$11.00

POSITION OF THE RESPONDENT

The Respondent presented the Board with a 67-page brief (R-1), including a 43-page City of Edmonton Law & Legislation document. The brief included a chart of five sales comparables, which he suggested supported the City's assessment of \$14.68 with a total assessment of \$717,500.

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP/ SF
1	18104 114 Ave	Jun 2010	\$768,750	\$14.37	53,492	\$768,750	\$14.37
2	17505 109A Ave	Dec 2006	\$550,000	\$5.59	52,054	\$832,810	\$16.00
3	17604 108 Ave	Mar 2007	\$925,000	\$11.45	80,760	\$1,248,750	\$15.46
4	15120 123 Ave	Jul 2006	\$745,200	\$8.26	90,256	\$1,366,250	\$15.14
5	10941 166A St	Mar 2008	\$2,139,000	\$16.21	131,943	\$1,918,683	\$14.54
				<i>Average</i>	<i>81,701</i>	<i>\$1,227,049</i>	<i>\$15.10</i>
Subj.	11104 184 St.				48,874	\$717,500	
					Assessment rate		\$14.68

FINDINGS

- All three of the Complainant's comparables are industrial parcels that range from 2.75 to 6.25 times larger in size than the subject property.

- The Complainant identified the sales comparable at 10504 – 184 Street, which sold with a unit of comparison rate of \$12.66 per square foot as his best comparable. This comparable is 6.25 times larger than the subject.
- The Respondent's sales comparables at 18104 - 114 Avenue and 17505 – 109A Avenue are very similar in size to the subject and have units of comparison rates of \$14.37 and \$16.00 per square foot respectively.

REASONS FOR THE DECISION

The CARB is not persuaded to alter the assessment based on the evidence provided. The Complainant's comparable lacks similarity in size to the subject.

The CARB gives weight to the Respondent's comparable that are most similar in size, location and land use. They are the Respondent's sales comparable at 18104 - 114 Avenue and 17505 – 109A Avenue as they are most similar in size to the subject, and have unit of comparison rates of \$14.37 and \$16.00 per square foot which support the assessment rate of \$14.68.

DECISION

The assessment of roll number 10003485 **is confirmed at \$717,500.**

Dated this 5th day of January, 2012, at the City of Edmonton, in the Province of Alberta.

D. H. Marchand, 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: Canadian Property Holdings (Alberta) Inc