



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 602/11

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:
1118777	20103 111 Avenue NW	Plan: 7822069 Block: 3 Lot: 7	\$383,500	Annual Revised	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. The 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 this 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 5-9 shown on the SCHEDULE OF ISSUES (C-1, pg 3) page will not be argued.

BACKGROUND

The subject property of this appeal is a 61,555 sq. ft. lot of undeveloped land in the Winterburn Industrial Area East. It is located on the corner of 111 Avenue and 201 Street, East of Winterburn Road and West of the Anthony Henday freeway. The property is zoned IM and is presently used for storage.

ISSUE

Is the assessment of roll number 1118777 at \$383,500 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 advised the CARB that the City of Edmonton's coding of the land as an interior lot was in error, as it is a corner lot. This is shown on the map and aerial photo in the Complainant's brief (C1 – p 7). He also told the Board that the property was sold in 2007 for \$2.17 per sq. ft., which he suggested supported his claim for an assessment of \$4.85 per sq. ft, or a requested total assessment of \$298,500.

To support his request, the Complainant presented to the Board a chart of five comparable sales, which are shown below:

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP per SF
1	11103 205 St.	Apr 2009	\$550,000	\$5.14	106,954	\$550,000	\$5.14
2	20404 113 Ave	Jun 2010	\$1,300,000	\$5.02	259,203	\$1,300,000	\$5.02
3	21910 and 22004 Stony Plain Rd.	Feb 2008	\$1,000,000	\$4.76	210,136	\$1,019,800	\$4.85
4	20204 113 Ave	Aug 2009	\$1,000,000	\$4.65	215,178	\$1,000,000	\$4.65
5	11230 201 St.	Feb 2008	\$655,000	\$4.39	149,080	\$580,527	\$3.89
Subj.	20103 111 Ave				61,555	\$298,500	
					Requested Rate		\$4.85

POSITION OF THE RESPONDENT

The Respondent presented the Board with a chart of seven comparable sales that took place between April 2007 and April 2010, which showed an average time-adjusted price per sq. ft. of \$7.06, which he suggested supported the City's assessment of \$383,500 with a per sq. ft. assessment of \$6.23. He pointed out to the Board that all of his comparable sales had either IM or IB zoning and that three were similar in size to the subject property.

The Respondent's chart of seven comparable sales, which are shown below:

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP per SF
1	22507 112 Ave	Apr 2007	\$700,000	\$5.40	129,722	\$779,580	\$6.01
2	22403 112 Ave	Oct 2007	\$343,500	\$5.59	61,420	\$354,767	\$5.78
3	21635 115 Ave	Oct 2007	\$1,000,000	\$6.83	146,318	\$1,032,800	\$7.06

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP per SF
4	22603 112 Ave	Oct 2007	\$800,000	\$5.08	127,457	\$826,240	\$6.48
5	11220 224 St	Aug 2008	\$540,000	\$8.95	60,287	\$514,566	\$8.54
6	11010 Winterburn Rd.	Oct 2009	\$2,100,000	\$6.02	348,567	\$2,100,000	\$6.02
7	11260 228 St	Apr 2010	\$370,000	\$9.52	38,856	\$370,000	\$9.52
				Average	130,375	\$853,993	\$7.06
Subj.	20103 111 Ave				61,550	\$383,500	
					Assessment Rate		\$6.23

FINDINGS

- The subject is a corner lot.
- The Complainant's comparables are all larger in size. They range from 1.75 to 4.25 times larger than the subject.
- The Respondent identified the sales comparables at 22403 – 112 Avenue and 11220 – 224 Street with indicated rates of \$5.78 per square foot and \$8.54 per square foot respectively as the best comparables.
- The Complainant identified the sales comparable at 11103 - 205 Street with an indicated rate of \$5.14 as the best comparable.

REASONS FOR THE DECISION

The CARB gave consideration to both parties' comparables especially the three identified as the best comparables by each party. The assessment rate is within the range of suggested rates by the parties' best comparables. The range is between \$5.14 and \$8.54 per square foot. The Complainant's request is for an assessment unit of comparison rate of \$4.85 which is below the rates offered by the parties as the best comparable rates. The Complainant's best comparable lacks similarity in size to the subject.

The CARB is not persuaded to alter the assessment based on the evidence provided.

DECISION

The assessment of roll number 1118777 **is confirmed at \$383,500.**

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: George Spiridakis