



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 603/11

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:
9957120	10332 174 Street NW	Plan: 9823053 Block: 9 Lot: 18	\$1,006,500	Annual New	2011
9957121	10412 174 Street NW	Plan: 9823053 Block: 9 Lot: 19	\$1,006,000	Annual New	2011

#### Before:

Don Marchand, Presiding Officer  
Brian Hetherington, 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**

These roll numbers were 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 two quorum 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 Board and both parties agreed that these two matters should be heard together, as the two adjoining lots were of almost identical size and were both used for storing cars. The southern most of the two lots measured six sq. ft. larger than its northerly neighbour and was assessed \$500,000 more. The comparable sales presented by both parties were identical for the two properties.

Each of the two properties are interior lots of land occupying slightly more than 71,480 sq. ft. of land located to the west of 174 Street in the Stone Industrial neighbourhood of West Edmonton, and are used to store cars belonging to a nearby auto dealership.

## **ISSUE(S)**

Are the assessments of the roll numbers 9957120 and 9957121 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 chart of five comparable sales, which he said supported his request for an assessment of \$768,000 on each of the two properties. He said that the median assessment per sq. ft. of these comparables was \$10.72, which supported his request for an assessment of \$10.75.

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP/SF
1	18911 111 Ave.	Aug 2009	\$1,524,750	\$10.96	139,070	\$1,524,750	\$10.96
2	10304/36 180 St.	Mar 2008	\$735,000	\$11.16	65,776	\$659,295	\$10.02
3	10315 180 St.	Dec 2007	\$740,000	\$9.68	76,475	\$708,832	\$9.26
4	18910 111 Ave	Jul 2006	\$1,634,550	\$5.85	279,431	\$2,996,784	\$10.72
5	11315 174 St.	Jun 2006	\$590,000	\$6.77	87,120	\$1,123,891	\$12.90
					<b>Requested Rate</b>		
Subj.	10332 and 10412 174 St.				71,487	\$768,000	<b>\$10.75</b>

### **POSITION OF THE RESPONDENT**

The Respondent presented the Board with a chart of five comparable sales, which occurred between July, 2006 and June 2010, which had an average time-adjusted sale price per sq. ft. of \$15.10, which he suggested supported the City's assessment of \$1,006,000 for Account # 9957121 and \$1,006,500 for Account #9957120.

He told the Board that there were not many sales in the area, but suggested that his sale #3 was the best comparable, based on zoning and size.

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	\$10.56	52,054	\$832,810	\$16.00
3	17604 108 Ave	Mar 2007	\$925,000	\$11.45	80,760	\$1,248,750	\$15.46

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP/ SF
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>Averages</i>	<i>81,701</i>	<i>\$1,227,049</i>	<i>\$15.10</i>
Subj.	10412 174 St				71,482	\$1,006,000	
	10332 174 St				71,482	\$1,006,500	
					<b>Recommended Rate</b>		<b>\$14.07</b>
					<b>Recommended Rate</b>		<b>\$14.08</b>

## **FINDINGS**

- The subject properties' adjoining lots are 71,482 (lot 18) and 71,887 (lot 19) square feet respectively, and are considered to be similar, one to the other, except for the slight difference in size.
- Each party provided the same chart of comparables for each roll under complaint.
- The Complainant identified the sales comparable at 11315 – 174 street with indicated rates of \$12.90 per square foot as the best comparable.
- The Respondent identified the sales comparable at 17604 – 108 avenue with an indicated rate of \$15.46 as the best comparable.
- The CARB gives most weight to the sales comparable identified by the each of the parties as the best comparables.
- The two of the sales comparables provided by the Parties are slightly larger in size when compared to the subject.

## **REASONS FOR THE DECISION**

The CARB gave consideration to both parties' comparables and gave most weight to those comparables that both parties have identified as having the most similar significant factors - location, size, and land use.

The CARB is not persuaded to reduce the assessment to the requested \$10.75 per square foot when the most comparable properties indicate being sold at a time adjusted rate of \$12.90 and \$15.46 per square foot.

The CARB accepts assessment rate of \$14.08 per square foot for Lot 18 and \$15.17 per square foot for Lot 19 as being reasonable based on the comparables provided to the CARB.

## **DECISION**

The assessment of roll number's 9957120 and 9957121 are **confirmed at 1,006,500 and \$1,006,000** respectively.

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

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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.*

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cc: Taz Holdings Ltd