



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
EDMONTON, ALBERTA T5J 2R7
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July 13, 2010

NOTICE OF DECISION NO. 0098 61/10

Alberta Property Tax and Assessment Solutions
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Sherwood Park, Alberta
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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 Assessment Review Board (ARB) from a hearing held on July 13, 2010 respecting an appeal on the 2010 Annual New Realty Assessment.

Roll Number 4277471	Municipal Address 18104 105 Ave	Legal Description Plan: 9520285 Block: 4 Lot: 2
Assessed Value \$2,073,500	Assessment Type Annual New	Assessment Year 2010

Before:

Tom Robert, Presiding Officer
Thomas Eapen, Board Member
John Braim, Board Member

Persons Appearing: Complainant
Michelle Warwa-Hander, APTAS

Persons Appearing: Respondent
Mary Alice Lesyk, Assessor, City of Edmonton
Steve Lutes, Lawyer, City of Edmonton

PROCEDURAL MATTERS

The Respondents submit that some of the documentation (photos from Complainant) were not disclosed properly but will not be requesting the suppression of that evidence.

ISSUES

Is the assessment of the subject property equitably assessed with similar property adhering to s. 467(3) of the Municipal Government Act?

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.

BACKGROUND

The subject property is a multi tenant industrial warehouse located at 18104 105th Ave. It was built in 2002 and is approximately 12,548 sq. ft., +/- 10 sq. ft. (the size is disputed by the Respondent, with a recommended assessment of 2, 054, 000 to reflect the size adjustment).

POSITION OF THE COMPLAINANT

The Complainant put forward 17 equity comparables, within the same area as the subject, varying in size, age and land size. Three of the comparables (18103 105th Ave., 18130 105th Ave., and 18004 105th Ave) relied upon a range in value from \$135.63 to \$139.52 respectively. Further, two equity comparables, close to the same square footage and site coverage (18004, 107th Ave. and 18003 105th Ave.) indicated assessment per sq. ft. of \$146.97 and \$150.25.

The Complainant further submitted an income proforma as a testonly as well as several sales comparables to support the equity argument.

POSITION OF THE RESPONDENT

The Respondent submitted seven sales comparables ranging in value from \$159 to \$222/ sq. ft. The comparables were of similar land size, building size and condition.

Further the Respondent submitted four equity comparables indicating a range of \$167 to \$190/ sq. ft.

DECISION

The Board reduces the assessment from \$2,073,500 to \$1,882,000.

REASONS FOR THE DECISION

The Board is of the opinion that the best comparable properties to the subject in terms of location, size, building square footage and year appear to be 18003-105 Ave. (\$150/sq. ft.) and 18004 107 Ave. (\$146/sq. ft.).

Dated this 13th day of July, 2010 at the City of Edmonton, in the Province of Alberta.

Presiding Officer

CC: Delta Square Developments Ltd.

