



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
EDMONTON AB T5J 2R7
(780) 496-5026 FAX (780) 496-8199

NOTICE OF DECISION 0098 611/10

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 23, 2010 respecting a complaint for:

Roll Number 4845756	Municipal Address 7920 118 Avenue NW	Legal Description Plan: 2436AB Block: 7 Lot: 1, etc.
Assessed Value \$527,000	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

Chris Buchanan, Agent
Altus Group Ltd.

Persons Appearing: Respondent

John Ball, Assessor
Assessment and Taxation Branch

Observer:

Ingrid Russell, ARB Staff

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 were reminded they remained under oath.

BACKGROUND

The subject property, located in the Eastwood subdivision, is a drive-in restaurant constructed in 1973. Both parties agree that the excess land portion of the subject is 9,310 ft².

ISSUE

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

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 provided ten direct sales comparables, all located on major arterial roads, ranging in value per square foot from \$9.53 to \$22.21 (C1, pg. 13). The Complainant suggested that comparable #1 (8935 – 127 Avenue) at \$22.21/ft² and comparable #10 (12640 – 82 Street) at \$9.53/ft² were outliers. The average/requested value of the sales is \$14.07/ft². The total value requested is \$405,500 from the current assessment of \$527,000.

POSITION OF THE RESPONDENT

The Respondent presented two sales comparables which were valid sales. The sales indicate a direct, time-adjusted sales value of \$27.07/ft² and \$36.76/ft² (R1, pg. 24). The Respondent indicated that the sale at 9502 – 118 Avenue was the best indicator at \$36.76/ft².

DECISION

The decision of the Board is to confirm the 2010 assessment at \$527,000.

REASONS FOR THE DECISION

The Board is of the opinion that the sales as presented by the Complainant were not as comparable to the subject in terms of location to produce a range of values that would support a reduction in the assessment.

The Respondent's sales/equity comparables appear to support the subject's excess land value. Particularly, the sale at 9502 – 118 Avenue was the most representative of the subject property with sales/equity values per square foot of \$36.76 and \$36.08 respectively.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this tenth day of December, 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
Chiro Foods Ltd.