



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 616/11

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 13, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10093161	7355 68 AVENUE NW	Plan: 0725745 Block: 1 Lot: 3	\$2,782,500	Annual New	2011

#### Before:

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

**Board Officer:** Karin Lauderdale

#### Persons Appearing on behalf of Complainant:

Jordan Thachuk, Altus Group

#### Persons Appearing on behalf of Respondent:

Darren Nagy, Assessor, City of Edmonton  
Deanne Bannerman, Assessor, City of Edmonton, observing

## **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 outset 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 "undeveloped land" located in the Roper Industrial subdivision of the City of Edmonton at 7355 68 Avenue.
- The site contains 159,306 square feet, or 3.658 acres, of land with an IB industrial zoning.
- The City of Edmonton time adjustment sales chart was used by both parties to establish a TASP and there was no dispute on this issue from either party.
- The Direct Sales Comparison Approach is the valuation approach used by the Parties to argue against and support of the assessment.

The above background and property description facts were all agreed to by the Parties.

## **ISSUE(S)**

Is the 2011 assessment of the subject property at \$2,782,500 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.*

### **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 supplied the CARB with a 36-page brief (C-1), including assessment methodology used by the Municipality, a legal submission and five sales comparables.

The brief includes the following list of sales comparables:

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP/ SF
1	6408 72 A Ave	July 2007	\$965,000	\$13.43.	71,858	\$1,117,953	\$15.56
2	7104 72 Ave	Mar 2006	\$450,000	\$5.30	84,932	\$961,470	\$11.32
3	5811 72 A Ave	Feb 2006	\$1,435,000	\$5.40	265,716	\$3,185,557	\$11.99
4	6735 75 St	Jul 2005	\$6,410,000	\$2.48	2,580,326	\$9,998,959	\$3.88
5	3603 93 St	Mar 2006	\$420,000	\$7.09	132,289	\$1,880,208	\$14.21
Subj.	7355 68 Ave				159,306	\$2,230,000	
					<b>Requested Rate</b>		<b>\$14.00</b>

The Complainant requested a unit of comparison rate of \$14.00 per square foot and an assessment **\$2,230,000** as the market indicated valuation rate for the subject.

In response to a panel question, the Complainant suggested that his comparable #5 would be the most appropriate.

## **POSITION OF THE RESPONDENT**

The Respondent supplied the CARB with a 70-page brief (R-1), including a 45-page document outlining the City's Law and Legislation and eight sales comparables. The Respondent informed the Board that the subject land had exposure to the busy traffic route of 75 Street and had a 3-way access to the property.

The Respondent presented a list of sales comparables:

Comp	Address	Sale Date	Sale Price	Price/SF	Site Area	TASP	TASP/SF
1	5620 99 St.	Feb 2008	\$2,520,000	\$11.16	225,815	\$3,633,830	\$16.09
2	721 Parsons Rd.	Dec 2009	\$2,650,000	\$20.36	130,157	\$2,650,000	\$20.36
Comp	Address	Sale Date	Sale Price	Price/SF	Site Area	TASP	TASP/SF
3	2704 Ellwood Dr.	Sep 2007	\$2,610,000	\$18.29	142,703	\$2,800,791	\$19.63
4	1004 Ellwood Dr.	Nov 2007	\$3,100,000	\$20.60	150,456	\$3,081,710	\$20.48
5	2304 Ellwood Dr.	Oct 2007	\$3,590,000	\$17.62	203,687	\$3,707,752	\$18.20
6	225 Parsons Rd.	May 2008	\$4,850,000	\$19.53	248,336	\$4,457,150	\$17.95
7	6403 Roper Rd.	Jul 2008	\$2,600,000	\$17.43	149,193	\$2,447,640	\$16.41
8	9304 41 Avenue	Dec 2007	N/A	N/A	102,584	\$1,770,080	\$17.25
				<b>Average</b>	169,116	\$797,003	\$18.30
Subj.	7355 68 Avenue				159,342	\$2,782,500	
					<b>Assessment Rate</b>		<b>\$17.46</b>

The CARB was asked to confirm the 2011 assessment of \$17.46 per square foot or **\$ 2,782,500** as the market indicated value for the subject property.

## **FINDINGS**

- The subject is adjacent to, and influenced by, a major thoroughfare; that of 75<sup>th</sup> Street.
- Each of the Complainant's four sales comparables are for interior parcels uninfluenced by a major thoroughfare.
- The Respondent's comparables are located along or adjacent to major thoroughfares.

## **REASONS FOR THE DECISION**

The CARB considers the comparables provided by the Respondent to be similar to the subject. They are all within a size range of 2.355 acres to 5.701 acres (102,584 square feet to 248,336 square feet). The average size of the eight sales comparables is 3.88 acres (169,116 square feet) which is close to the subject's 3.658 acre (159,306 square feet) size. The indicated sales price per square foot of the Respondent's comparables range from \$16.41 to \$20.48, with the average being \$18.30 per square foot. The subject assessed at \$17.46 per square foot is well supported by the similar comparables.

None of the comparables provided by the Complainant are similar to the subject. The location of the subject with exposure to a major thoroughfare and its proximity to good

access are not measured by the complaint's comparables and each comparison would require an upward adjustment.

A measure of the amount of adjustment was not proffered by the Complainant. The CARB is not persuaded to reduce the assessment to the requested \$14.00 per square foot.

### **DECISION**

The assessment is **confirmed at \$2,782,500.**

Dated this 13<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

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*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: REMINGTON DEVELOPMENT CORPORATION