



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 619/11

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:
9960586	9544 54 Avenue NW	Plan: 9824893 Block: 19 Lot: E	\$1,421,500	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**

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. 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 Coronet Industrial subdivision of the City of Edmonton and located at 9544 - 54 Avenue.
- The site contains 89,283 square feet, or 2.05 acres, of land with an IM industrial zoning.
- A revised 2011 assessment was presented by the Respondent but subsequently refused by the Complainant.
- 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 agreed to by both Parties.

## **ISSUE(S)**

Is the 2011 assessment of \$1,421,500 for the subject property 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 presented the Board with a 35-page brief (C-1) in support of his complaint that the subject property had been assessed in excess of market value. To support his application, he included in his brief a chart of four comparable properties, which are presented in detail in the chart below:

Comp	Address	Sale Date	Sale Price	Price/sq. ft	Site Area	TASP	TASP /SF
1	9518 54 Avenue	Nov 2006	\$680,000	\$7.58	80,749	\$1,069,844	\$11.92
2*	3703 56 Avenue	July 2008	\$1,525,000	\$14.35	106,292	\$1,453,173	\$13.67
3	5654 36 Street	Feb 2008	\$1,050,000	\$14.36	73,102	\$930,615	\$12.73
4	6433 20 Street	Oct 2007	\$950,000	\$10.91	87,080	\$981,160	\$11.27
<i>Averages</i>			<i>\$1,051,250</i>		<i>89,056</i>	<i>\$1,108,698</i>	<i>\$12.40</i>
Subj.					89,281	\$1,071,000	
					<b>Requested Rate</b>		<b>\$12.00</b>

\*Included by both parties in charts of comparables.

The Complainant requested a unit of comparison rate of \$12.00 per square foot and an assessment **\$1,071,000** as the market indicated valuation rate for the subject.

In response to a panel question, he suggested that his comparable #1 would be the most appropriate.

## **POSITION OF THE RESPONDENT**

The Respondent presented the Board with a 68-page brief (R-1), including a 43-page City of Edmonton Law and Legislation document. At the outset of his presentation, the Respondent informed the Board that the City was recommending a reduction in the assessment of the subject property from the original \$1,421,500 to **\$1,230,000**.

The Respondent presented the Board with the following chart of his proposed sales comparables:

Comp	Address	Sale Date	Sale Price	Price/sq. ft.	Site Area	TASP	TASP per SF
1	6408 72A Ave.	July 2007	\$965,000		71,874	\$677,547.27	\$15.55
2	5654 36 Street	Feb 2008	\$1,075,000		73,094	\$554,597.74	\$12.73
3	42 <sup>nd</sup> St & 69 Ave.	Aug 2008	\$1,200,000		74,270	\$670,662.76	\$15.40
4	4804 55 Avenue	Feb 2008	\$1,411,000		82,982	\$656,466.67	\$15.07
5	4803 55 Avenue	Feb 2008	\$1,365,000		84,724	\$622,005.14	\$14.28
6*	3703 56 Avenue	Jul 2008	\$1,525,000		106,286	\$588,375.00	\$13.51
7	3603 93 Street	Mar 2006	\$880,000		132,292	\$619,100.43	\$14.21
Averages					89,360	\$1,285,890	\$14.39
Subj.	9544 54 Avenue				89,281	\$1,230,000	
					<b>Recommended Assessment Rate</b>		<b>\$13.77</b>

*\*Included in both parties' comparables*

The Respondent advised that his comparable #4 and #5 would be the most comparable.

## **FINDINGS**

- The Respondent has revised the subject's assessment rate of \$15.92 per square foot to a recommended revised rate of \$13.27 per square foot for the subject.
- Both parties submitted as a similar comparable roll number 10131943 at 3703 - 56 Avenue. The Complainant's concluded a rate of \$13.67 per square foot and the Respondent concluded a rate of \$13.51 per square foot for this comparable.
- The Complainant identified the sales comparable at 9518 – 54 Avenue with an indicated rate of \$11.92 per square foot as the best comparable.
- The Respondent identified the sale comparables at 4804 and 4803 - 55 Avenue with indicated rates of \$15.07 and \$14.28 per square foot respectively as the two best comparables.

## **REASONS FOR THE DECISION**

The CARB gave consideration to both parties' comparables. They all represent the subject with a similarity in their significant factors. The Respondent's comparables are two years more current and are located within a closer proximity to the subject.

The requested rate of \$12.00 per square foot is on the low end of the range of indicators provided by both parties. The CARB accepts the recommended revised assessment rate of \$13.77 per square foot for the subject.

## **DECISION**

The assessment of roll number 9960586 **is revised to \$1,230,000.**

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: ENERCON PRODUCTS LTD