



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 67/11

Camil Nassar, Shield Security Ltd
9261 - 50 Street
Edmonton, AB T6B 3B6

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 July 27, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
4255741	9263 50 Street NW	Plan: 9424117 Unit: 3	\$675,000	Annual New	2011

Before:

Dean Sanduga, Presiding Officer
Ron Funnell, Board Member
Taras Luciw, Board Member

Board Officer: Nicole Hartman

Persons Appearing on behalf of Complainant:

No appearance.

Persons Appearing on behalf of Respondent:

Marty Carpentier, City of Edmonton, Assessor

PRELIMINARY MATTERS

The Complainant submitted a written request to postpone the merit hearing scheduled for July 27, 2011, on the grounds that he will be out of town on the scheduled hearing date but would be available after August 8, 2011 (C-2). The Respondent stated that the City of Edmonton would prefer to go forward with the hearing as scheduled, however, they would be amenable to a later hearing date if the Board decided that a postponement was warranted.

The Board recessed and deliberated. Upon reconvening, the Board stated that they would not grant the postponement request. Pursuant to section 15 (1) of MRAC, the Board found that the Complainant's request did not constitute an exceptional circumstance that would warrant a postponement of the hearing. The merit hearing proceeded.

BACKGROUND

The subject property is a 4,307 square foot Industrial Condominium Warehouse on a 12,117 square foot lot. It is located in southeast Edmonton, in the Eastgate Business Park, with an effective year built of 1994.

ISSUE(S)

Is the assessment of the subject property at \$675,000 fair and equitable?

LEGISLATION

Matters Relation to Assessment Complaints Regulation AR 301/2009 (MRAC);

- s. 15(1) Except in exceptional circumstances as determined by an assessment review board, an assessment review board may not grant a postponement or adjournment of a hearing.
- (2) A request for a postponement or an adjournment must be in writing and contain reasons for the postponement or adjournment, as the case may be.

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

In the absence of the Complainant, the complaint form and sales comparables were entered into evidence as exhibit C-1, containing ten pages.

The Complainant provided six sales comparables of condominium warehouse bays that took place between January 28, 2010 and August 20, 2010. The sales prices on a square foot basis ranged between \$141.73 and \$163.34 per square foot and averaged \$151.70.

Comparable number five, a property within the same complex, sold on January 28, 2010 for a price of \$152.99 per square foot and was identified as the best comparable.

The Complainant requested a reduction of the 2011 assessment to \$484,800.

POSITION OF THE RESPONDENT

The subject property is assessed at \$675,000 using a mass appraisal methodology with sales occurring from January, 2007 through June, 2010 for model development and testing. The factors considered in valuing the condominium warehouse inventory in the City of Edmonton are location, lot size, age and condition of buildings, area of main floor, as well as developed second floor and mezzanine area (R-1, page 7).

The Respondent submitted an Assessment Brief, entered as exhibit R-1, containing 25 pages. The Assessment Brief contained nine sales comparables that occurred between January 14, 2008 and April 29, 2010 and sold on a per square foot basis between \$158.99 and \$179.75 (R-1, page 25). The subject property is assessed at \$156.69 per square foot. All the sales comparables are located in the southeast quadrant of the city.

The Respondent noted the weakness of the Complainant's sales comparables (R-1, page 24) in that comparables one and five are multiple properties and several are not located near the subject property. Furthermore, the Respondent noted that comparables number three, five and six support the subject's 2011 assessment.

DECISION

The decision of the Board is to confirm the 2011 assessment at \$675,000.

REASONS FOR THE DECISION

The Board reviewed the Complainant's sales comparables (C-1, page 10) and noted that sales number three, five and six support the current assessment.

The Board noted that the Complainant based his request for an assessment reduction on a building size of 3,207 square feet whereas the assessment is based on a total size of 4,307 square feet which includes the finished mezzanine area.

The Board placed more weight on the Respondent's sales comparables (R-1, page 25) and on the equity comparables (R-1, page 35).

The Board noted that the Complainant did not attend the hearing and failed to provide sufficient and compelling evidence to alter the assessment.

DISSENTING OPINION AND REASONS

There were no dissenting opinions.

Dated this 2nd day of August, 2011, at the City of Edmonton, in the Province of Alberta.

Dean Sanduga, 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: SHIELD UMBRELLA LTD