



ASSESSMENT REVIEW BOARD

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NOTICE OF DECISION NO. 0098 69/11

St. Regis Group Inc.
18113 - 107 Avenue NW
Edmonton, AB T5S 1K4

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:
1527050	18113 107 Avenue NW	Plan: 8022583 Unit: 5	\$525,000	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:

Ed Guertin

Persons Appearing on behalf of Respondent:

Marty Carpentier, City of Edmonton, Assessor

PRELIMINARY MATTERS

In the course of the Complainant's evidence, the Complainant submitted seven pages of new evidence. The Respondent objected to the new evidence and requested the Board not to allow any evidence that has not been disclosed in a timely manner, pursuant to section 9 (1) MRAC.

The Board recessed to consider the status of the Complainant's new evidence. The hearing was called back to order and the parties were notified that the Board's decision was not to allow the new evidence.

BACKGROUND

The subject security is a condominium warehouse bay containing 2,400 square feet of main floor space plus 1,335 square feet of finished mezzanine space for a total of 3,735 square feet, and a lot size of 6,421 square feet. The property has an effective year built of 1979.

ISSUE(S)

Is the 2011 assessment on the subject property correct when comparing to other similar properties?

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.

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

s. 9(1) A composite assessment review board must not hear any matter in support of an issue that is not identified on the complaint form.

(2) A composite assessment review board must not hear any evidence that has not been disclosed in accordance with section 8.

POSITION OF THE COMPLAINANT

The Complainant previously submitted a cover letter dated June 13, 2011 with a copy of the complaint form and 25 pages of title transfers of properties including industrial flex, warehouse condo, warehouse office and light industrial manufacturing. This evidence, containing a total of 29 pages, was entered as exhibit C-1.

In the cover letter dated June 13, 2011 the Complainant requested that the 2011 assessment be reduced to \$295,000.

The Complainant admitted that he failed to follow the instructions in the Assessment Review Board letter dated May 3, 2011.

POSITION OF THE RESPONDENT

The Respondent submitted a 2011 Assessment Brief, entered as exhibit R-1, containing 59 pages and also presented Property Assessment Law and Legislation containing 42 pages.

The subject property is assessed at \$525,000 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 provided nine sales comparables (R-1, page 47) that sold for between \$139.35 and \$165.30 per square foot that were time adjusted to the valuation date of July 1, 2010, and support the subject assessment. The subject is assessed at \$140.56 per square foot. The sales comparables are similar in location, size and site coverage.

The Respondent also provided 33 equity comparables of similar properties (R-1, page 59) whose assessments average \$143.21 per square foot which support the subject assessment of \$140.55 per square foot.

The Respondent requested a confirmation of the 2011 assessment in the amount of \$525,000.

DECISION

The decision of the Board is to confirm the 2011 assessment in the amount of \$525,000.

REASONS FOR THE DECISION

The Board placed less weight on the title transfer list submitted by the Complainant, as it contains different types of properties without any specific details comparing them to the subject property (C-1, pages 5 to 29).

The Board is persuaded by the Respondent's sales comparables (R-1, page 47) which indicate sale prices ranging from \$139.35 to \$165.30 per square foot. The subject assessment is based on \$140.56 per square foot.

The Board also noted the Respondent's equity comparables (R-1, page 59) which clearly indicate that the subject is fairly assessed.

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.
