



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 709/11 (AMENDMENT) amends 0098 546/11

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 an amendment of the decision of the Composite Assessment Review Board (CARB) from a hearing held on November 23, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
1560804	17456-102 Avenue NW	Plan: 7722579 Block: 4 Lot: 5	\$2,724,000	Annual New	2011

**This amendment corrects the reference to 2010 assessment under the decision header to 2011 assessment.**

#### **Before:**

Warren Garten, Presiding Officer  
Brian Carbol, Board Member  
Mary Sheldon, Board Member

**Board Officer:** Segun Kaffo

#### **Persons Appearing on behalf of Complainant:**

Walid Melhem

#### **Persons Appearing on behalf of Respondent:**

Shelly Milligan, Assessor, City of Edmonton

## **PRELIMINARY MATTERS**

Upon questioning by the Presiding Officer, the parties indicated no objection to the composition of the Board. In addition, the Board Members indicated no bias with respect to this file.

No other preliminary matters were brought forward before the Board

## **BACKGROUND**

The subject property is a medium auto located in the auto sales – major located in the Stone Industrial subdivision of the City of Edmonton with a municipal address of 17456-102 Avenue. The property has a building area of 20,771 square feet on a site area of 69,214 square feet. The land is currently zoned IB and has full municipal servicing.

## **ISSUE(S)**

The main merit issue before the board is market value of the land (only) using the Direct Sales Comparison Approach to Value of the subject parcel totaling 69,214 Square Feet.

## **LEGISLATION**

### ***Municipal Government Act, RSA 2000, c M-26***

s. 1(1)(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.

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, using the Land Value Direct Sales Comparison Approach, presented seven sales of similar properties with interior locations, not on busy roadways that are in the vicinity of the subject.
- The Complainant argued that of the four comparables that were presented by the Respondent three were on busier roadways with only one sale of a property similar to the subject.
- The Complainant further maintained that all seven of the sales of properties used by the Complainant indicated a value lower than the current assessment, specifically the

requested amount of \$14.25 per square foot for a total requested assessment value of \$2,399,500 for the subject property.

### **REBUTTAL (C-2, p.2)**

- The Complainant noted that 3 of the 4 properties presented by the Respondent are located on busier roadways, which would positively impact the value of the comparables.
- The Complainant added that the Respondent has only presented one sale of a property similar to the subject, whereas the Complainant has presented 7 sales of properties similar to the subject; all indicating a value lower than the current assessment.

### **POSITION OF THE RESPONDENT**

- The Respondent presented to the Board 4 sales of lands comparable to the subject land in support of its position that the current assessment of the subject was fair and equitable (R-1, page 29).
- In particular, the Respondent pointed out to the Board that comparable #1 was an interior lot similar to the subject.
- The Respondent advised the Board that average time adjusted sale price per square foot of the comparables was \$19.79 while the median time adjusted sale price per square foot was \$19.50.
- In the opinion of the Respondent these average and median time adjusted sale prices per square foot of these comparables demonstrated that the assessment of the subject land at \$18.90 was fair and equitable.
- The Respondent requested that the Board confirm the assessment of the subject at \$2,724,000.

### **DECISION**

The Board's decision is to reduce the 2011 assessment to \$2,399,500 based on a land value of \$14.25 per square foot.

### **REASONS FOR THE DECISION**

In reaching its decision, the Board considered all argument and evidence. The board found that most of the sales comparables provided by the Complainant best reflected the size, location and characteristics of the subject property. As a result, the Board placed the most weight on Complainant's 7 sales comparable.

These 7 sales comparables averaged 70,194 square feet with an average time adjusted price of \$14.36 per square foot and a median time adjusted price of \$14.35 per square foot. All sites were located in interior sites with low traffic volumes.

The Board found that upon review of comparable land sales provided by the Respondent, all comparable sales in the evidence package were located on major traffic arteries or at the corner of major traffic arteries. These comparables did not reflect a similar location as the subject. The

subject is located in an interior lot and has poor site visibility which will have the effect of lowering the value of the land compared to sales used by the Respondent.

**DISSENTING OPINION AND REASONS**

There were no dissenting opinions regarding this decision.

Dated this 31<sup>st</sup> day of January, 2011, at the City of Edmonton, in the Province of Alberta.

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Warren Garten, 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: TAZ HOLDINGS LTD