



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 747/11

ALTUS GROUP LTD  
17327 - 106A Avenue NW  
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 January 20, 2012, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
8480428	9746 - 47 Avenue NW	Plan: 7721481 Block: 2 Lot: 10	\$3,845,000	Annual New	2011

#### Before:

Steven Kashuba, Presiding Officer  
Judy Shewchuk, Board Member  
Ron Funnell, Board Member

**Board Officer:** Jason Morris

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

Walid Melhem, Altus Group

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

Marty Carpentier, Assessor, City of Edmonton  
Tanya Smith, Law Branch, City of Edmonton

#### **PRELIMINARY MATTERS**

1. At the request of the Respondent, the witnesses were put under oath. The parties indicated that they had no objection to the composition of the Board..

## **BACKGROUND**

2. The subject property is a medium industrial warehouse located at municipal address 9746 – 47 Avenue NW in the Papaschase Industrial neighbourhood of southeast Edmonton. Located on a lot of 84,927 square feet (1.95 acres), the warehouse is a single building consisting of 36,048 square feet on the main floor area and a total of 42,806 square feet of building area. The property is assessed using the direct sales comparable method, and the 2011 assessment is \$3,845,000.

## **ISSUE(S)**

3. Sales comparables of similar properties do not support the current assessment.

## **LEGISLATION**

### ***Municipal Government Act, RSA 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**

4. The Complainant presented six sales comparables (Exhibit C-1, page 8) with time adjusted sales prices ranging from \$70.01 to \$118.52 per square foot for the total leasable area. Four properties are single-building while two are two-building properties. Based on the sales comparables the Complainant submitted that the assessment of the subject property should be reduced from \$89.82 to \$83.00 per square foot for a total of \$3,552,500.

## **POSITION OF THE RESPONDENT**

5. The Respondent presented six sales comparables (Exhibit R-1, page 20) with time adjusted sales prices ranging from \$91.52 to \$124.68 per square foot for the total area of the buildings. The Respondent submitted that the assessment of \$89.82 per square foot falls below the range of time adjusted sale prices and therefore supports the assessment.
6. The Respondent's sales comparables #2, #3, and #4 were the same as the Complainant's sales comparables #4, #5, and #6. The Respondent criticized the Complainant's comparables #1 and #3 as they were larger than the subject and consisted of two buildings while the subject has one building. The Respondent submitted that the Complainant's sales comparables #4, #5, and #6 support the assessment of the subject.

7. The Respondent also presented seven equity comparables (Exhibit R-1, page 27) with assessments ranging from \$85.73 to \$94.27 per square foot for the total area of the buildings. The Respondent submitted that the equity comparables also supported the assessment of the subject at \$89.82 per square foot and asked that the Board confirm the 2011 assessment at \$3,845,000.
8. The Respondent drew the Board's attention to their law and legislation brief (Exhibit R-2, pages 15 – 16) and asked the Board to include the *market value within a range* and the *5% range* factors when deliberating on its decision. The Respondent submitted that the average time-adjusted sales price of the Complainant's sales comparables was \$86.57 per square foot, which is within 5% of the assessment.

## **DECISION**

9. It is the decision of the Board to confirm the assessment of the subject property for 2011 at \$3,845,000.

## **REASONS FOR THE DECISION**

10. Three of the six sales comparables presented by the Complainant were also presented by the Respondent. These sales comparables support the current assessment.
11. Of the remaining three sales comparables presented by the Complainant, two contain two buildings and therefore bring into question the element of their comparability.
12. The Board finds that the Complainant did not provide sufficient or compelling evidence to support a reduction in the assessment.
13. Although not at issue, the Board notes that the equity comparables presented by the Respondent support the assessment.

## **DISSENTING OPINION AND REASONS**

There were no dissenting opinions or reasons.

Dated this 15<sup>th</sup> day of February, 2012, at the City of Edmonton, in the Province of Alberta.

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Steven Kashuba, 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: 988368 ALBERTA LTD