



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 758/11

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 24, 2012, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
1111632	21230 109 Avenue NW	Plan: 4511NY Lot: B	\$3,414,500	Annual New	2011

#### Before:

Steven Kashuba, Presiding Officer  
James Wall, Board Member  
Petra Hagemann, Board Member

**Board Officer:** Tannis Lewis

#### Persons Appearing on behalf of Complainant:

Walid Melhem, Senior Consultant, Altus Group

#### Persons Appearing on behalf of Respondent:

Melissa Zayac, Assessor, City of Edmonton  
Steven Radenic, Assessor, City of Edmonton

## **PRELIMINARY MATTERS**

1. At the outset of the hearing the Respondent submitted that they had a recommendation on this complaint to reduce the assessment from \$3,414,500 to \$2,472,000. This request for a reduction in the assessment value comes about as a result of the Respondent's determination that the assessment of the vacant land in the subject property was overstated.

## **BACKGROUND**

2. The subject property, located at 21230 – 109 Avenue NW, is a small warehouse in the Winterburn Industrial Area East zoned as IM. The land size is 396,017 square feet with a building size of 12,880 square feet. The current assessment is \$3,414,500.

## **ISSUE(S)**

3. Since there is a preliminary matter in this hearing which is directed at the assessment value and since both parties agreed to the reduced value, the Board did not consider the issues as presented earlier in the Complaint Form by the Complainant.

## **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. In making reference to the reason through which a reduction in the assessment amount was considered by both parties by way of a Preliminary Matter, the Complainant submitted that at issue was the application of an excessive market value to the vacant land by the Respondent. As a result, the assessment of the subject property should be decreased.

## **POSITION OF THE RESPONDENT**

5. In responding to the rationale used to recommend a reduction in the assessment amount, the Respondent confirmed that the market values applied to the vacant land in the subject property were too high and required a downward adjustment. It is the submission of the Respondent that the reduction in the assessment amount from \$3,414,500 to \$2,472,000 more correctly reflects market values for vacant land.

## **DECISION**

6. It is the decision of the Board to reduce the assessment of the subject property for 2011 from \$3,414,500 to \$2,472,000.

## **REASONS FOR THE DECISION**

7. The Board notes that both parties agreed that the market values applied to the subject property for vacant land were too high and required a downward adjustment in order to more correctly apply current market values to raw land.

## **DISSENTING OPINION AND REASONS**

8. There is no dissenting opinion.

Dated this 17<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: TIMBER BEAR DEVELOPMENTS LTD