

Edmonton Composite Assessment Review Board

Citation: CVG v The City of Edmonton, 2012 ECARB 1539

Assessment Roll Number: 1117522
Municipal Address: 10825 214 Street NW
Assessment Year: 2012
Assessment Type: Annual New

Between:

CVG

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF
Robert Mowbrey, Presiding Officer
Jack Jones, Board Member
Pam Gill, Board Member

Preliminary Matters

[1] Each of the parties stated that they had no objection to the composition of the Board. Each Board Member indicated that they had no bias with respect to this matter.

Background

[2] The subject is a 1978 industrial property located in Edmonton's Winterburn Industrial Area East. The subject property consists of single tenant office/warehouse with a total of 6,015 sq.ft., which amounts to a 10% site coverage. The 2012 assessment is for \$877,500.

Issue

[3] Is the subject property assessed correctly?

Legislation

[4] The Municipal Government Act reads:

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

[5] The Complainant presented evidence in a 16-page brief (C-1) and a 3-page rebuttal (C-2) and argument for the Board’s review and consideration.

[6] The 2012 assessment of the subject is \$145.89/sq.ft. The Complainant presented four sales comparables (C-1, page 1) that supported a lower assessment. More weight was placed on sales comparables 2, 3 and 4, which sold for \$147.63/sq.ft, \$139.33/sq.ft. and \$119.4/sq.ft, respectively. These properties were similar in age, size and site coverage to the subject.

[7] The Complainant argued that based on his sales comparables a market value of \$130.00/sq.ft. would be reasonable.

[8] In his rebuttal, the Complainant produced the 2012 assessment amounts (C-2, page 1) for two of the seven sales comparables produced by the Respondent (sales comparables 5 and 6, R-1, page 9). These two properties were assessed at \$136.06/sq.ft and \$134.04/sq.ft. The purpose of the rebuttal was to show that there was a discrepancy between the Respondent’s sales prices and assessment amounts.

[9] In summary, the Complainant requested the 2012 assessment be reduced from \$877,500 to \$781,950.

Position of the Respondent

[10] The Respondent presented evidence (R-1 and R-2) and argument for the Board's review and consideration.

[11] The Respondent provided seven sales comparables (R-1, page 9) that ranged from \$142.77/sq.ft. to \$247.79/sq.ft. and averaged \$178.12/sq.ft. These comparables had a median of \$177.72/sq.ft. The Respondent argued that these comparables supported the subject's assessment at \$145.89/sq.ft. Two of the sales took place in the Winterburn area.

[12] Nine equity comparables were also provided (R-1, page 17) that ranged from \$136.06/sq.ft. to \$157.32/sq.ft. These averaged \$147.11/sq.ft., and were presented in support of the subject's assessment. All nine were located in the Winterburn area.

[13] The Respondent addressed the Complainant's comparables, stating that the first comparable was quite large and the other three required an upward adjustment for land value.

[14] In summary, the Respondent requested that the 2012 assessment of the subject property at \$1,236,500 be confirmed.

Decision

[15] The Board confirms the 2012 assessment of the subject property at \$877,500.

Reasons for the Decision

[16] After review and consideration of the evidence and argument presented by both parties, the Board determined that the 2012 assessment of the subject property at \$877,500 is appropriate.

[17] The Board placed the greatest weight on the equity comparables presented by the Respondent, especially #2, #6, #7 and #9 (R-1, page 17). These four comparables averaged to \$142.11/sq.ft. and supported the 2012 assessment as the comparables were similar to the subject property with respect to age, size, location and site coverage.

[18] The Board also found the Complainant's comparable #4 (C-1, page 1) to be a good indicator of value, especially when the assessment was examined. This comparable was very similar in size, age, location and site coverage to the subject and was thus a very good indicator of market value. The assessment of this comparable was \$141.00/sq.ft., compared to the subject property's assessment of \$145.89/sq.ft.

[19] The Board also found the sales comparables presented by the Respondent (R-1, page 9) to be persuasive and found that they also supported the assessment of the subject.

[20] The remainder of the Complainant's comparables (C-1, page 1) were given less weight. These properties either differed in age, building size or it was a two building site.

[21] The Board finds that the 2012 assessment of the subject property at \$877,500 is correct.

Dissenting Opinion

[22] There was no dissenting opinion.

Heard October 9, 2012.

Dated this 22 day of October, 2012, at the City of Edmonton, Alberta.

Robert Mowbrey, Presiding Officer

Appearances:

Tom Janzen

for the Complainant

Suzanne Magdiak

for the Respondent

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.