

Edmonton Composite Assessment Review Board

Citation: CVG v The City of Edmonton, 2012 ECARB 1549

Assessment Roll Number: 1010024
Municipal Address: 17108 107 Avenue 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 property is a 5,000 square foot industrial property located in the McNamara Industrial neighbourhood. The subject property is in average condition with an effective age of 1994 and site coverage of 23%.

Issue

[3] The original complaint form listed a number of issues, however at the hearing the Complainant noted the only remaining issue before the Board was as follows:

Is the 2012 assessment of the subject property at \$1,067,500 correct?

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 (C-1) and argument for the Board’s review and consideration.

[6] In support of a requested valuation for the subject property at \$130.00 per square foot the Complainant presented 12 time adjusted sales comparables (C-1, page 1), which ranged in value from \$70.64 to \$132.63 per square foot and in site coverage from 12% to 50%. The subject property is assessed at \$213.50 per square foot, with site coverage of 23%. The Complainant noted that the time adjustments were made based on the factors utilized by the City of Edmonton (C-1, page 6).

[7] The Complainant indicated that the best comparables were #2, 3, 4, 8, 9, 10 & 12, with respect to size, site coverage and proximity to the subject property.

[8] The Complainant critiqued the Respondent’s sales comparables #1, 2 & 4 as to comparability with the subject property. The Complainant indicated that #1 & #4 were two halves of a duplex property and #2 was not located on a major roadway.

[9] In summary, the Complainant requested the 2012 assessment of the subject property be reduced from \$1,067,500 to \$650,000.

Position of the Respondent

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

[11] The Respondent presented five time adjusted sales comparables (R-1, page 18) in support of the 2012 assessment of the subject property at \$213.51 per square foot, with site coverage of 23%. The value of the comparables presented ranged from \$177.72 to \$240.16 per square foot and the site coverage ranged from 14% to 26%.

[12] The Respondent further presented a critique of the Complainant's sales comparables (R-1, page 24) which questioned the validity of comparables # 3, 7, 8, 10 & 12.

[13] In summary, the Respondent requested the 2012 assessment of the subject property be confirmed at \$1,067,500.

Decision

[14] The decision of the Board is to reduce the 2012 assessment of the subject property from \$1,067,500 to \$808,500.

Reasons for the Decision

[15] After reviewing the evidence and argument presented by both parties the Board determined the 2012 assessment of the subject property at \$1,067,500 was not appropriate.

[16] The Board placed greatest weight on the Complainant's sales comparables #11 & #12 (C-1, page 1) and the Respondent's sales comparables #2 & #3 (R-1, page 18) as they were found to be the most similar to the subject property with respect to age, size, location and site coverage. The average value of these four comparables was \$161.69 per square foot, which indicated that an adjustment is required to the subject's 2012 assessment of \$213.51 per square foot.

[17] The Board derived the revised 2012 assessment of the subject property by applying a unit value of \$161.69 per square foot to the building area of 5,000 square feet.

[18] The Board finds that the revised 2012 assessment of the subject property at \$808,500 is fair and equitable.

Dissenting Opinion

[19] There was no dissenting opinion.

Heard October 10, 2012.

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

Robert Mowbrey, Presiding Officer

Appearances:

Peter Smith, CVG
for the Complainant

Suzanne Magdiak, Assessor
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.