

## **Edmonton Composite Assessment Review Board**

**Citation: CVG v The City of Edmonton, 2012 ECARB 2048**

**Assessment Roll Number:** 2229029  
**Municipal Address:** 12825 149 Street NW  
**Assessment Year:** 2012  
**Assessment Type:** Annual New

Between:

**CVG**

Complainant

and

**The City of Edmonton, Assessment and Taxation Branch**

Respondent

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

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### **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 single-tenant office/warehouse located in west Edmonton's Bonaventure Industrial neighbourhood. Containing a total area of 121,371 sq. ft., the subject was built in 1969 and is assessed in average condition. The subject has site coverage of 46%, and is assessed using the direct sales approach to valuation.

### **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 \$6,709,000 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 \$50.00 per square foot the Complainant presented eight time adjusted sales comparables (C-1, page 1). These ranged in value from \$48.86 to \$70.06 per square foot and in site coverage from 9 to 58%. The subject property is assessed at \$55.27 per square foot, with site coverage of 46%. The Complainant noted that the time adjustments were made based on the factors utilized by the City of Edmonton.

[7] The Complainant indicated that the best comparables were #2, 3, 6 & 10 with respect to size, site coverage and proximity to the subject property. The Complainant noted that the subject property experienced difficulty with access off of 149 Street, which is an important factor for the subject property’s business as a distribution warehouse.

[8] The Complainant noted that two of the Respondents sales comparables, #1 & #4 were located on the south side, which is a different market area than the subject property (R-1, page 22).

[9] The Complainant also noted that the Respondent's sale comparable #5, valued at \$82.62 per square foot, varied significantly from the assessment of the same property at \$59.97 per square foot (R-1, page 28, #9).

[10] In summary, the Complainant requested the 2012 assessment of the subject property be reduced from \$6,709,000 to \$6,070,000.

### **Position of the Respondent**

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

[12] The Respondent presented five time adjusted sales comparables (R-1, page 22) in support of the 2012 assessment of the subject property at \$55.28 per square foot, with site coverage of 46%. The value of the comparables presented ranged from \$58.10 to \$82.62 per square foot and the site coverage ranged from 41 to 54%.

[13] The Respondent also presented eleven equity comparables (R-1, page 28) in support of the 2012 assessment. The value of the equity comparables presented ranged from \$47.32 to \$59.97 per square foot and the site coverage ranged from 43 to 65%.

[14] The Respondent critiqued the Complainant's sales comparables #1 to #10 and in particular #6 (R-1, page 29) and #8 (R-1, page 30).

[15] The Respondent referenced an aerial map (R-1, page 13) and disagreed with the Complainant's contention that the subject site experienced access difficulties.

[16] In summary, the Respondent requested the 2012 assessment of the subject property be confirmed at \$6,709,000.

### **Decision**

[17] The decision of the Board is to confirm the 2012 assessment of the subject property at \$6,709,000 as fair and equitable.

### **Reasons for the Decision**

[18] After reviewing the evidence and argument presented by both parties the Board determined the 2012 assessment of the subject property at \$6,709,000 was appropriate.

[19] The Board placed greatest weight on the common sales comparables presented by the Complainant (C-1, page 1, #1 & #2) and the Respondent (R-1, page 22, #2 & #3), which

averaged \$64.97 per square foot. These supported the 2012 assessment of the subject property at \$55.28 per square foot.

[20] The Board further noted that when the Complainant's sale #6 was removed from the Complainant's sales comparables (C-1, page 1) the remaining comparables support the 2012 assessment of the subject property. Sale #6 is a questionable sale and has only 9% site coverage, compared to the subject's 46%.

[21] The Board also considered the equity comparables presented by the Respondent (R-1, page 28) as similar to the subject property with respect to location, age, condition, size and site coverage. These equity comparables averaged \$57.34 per square foot, which further supported the 2012 assessment of the subject property.

[22] With respect to site access, the Board did not find sufficient evidence was provided by the Complainant to substantiate an assessment reduction due to this attribute.

[23] The Board finds that the revised 2012 assessment of the subject property at \$6,709,000 is fair and equitable.

### **Dissenting Opinion**

[24] There was no dissenting opinion.

Heard October 11, 2012.

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

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Robert Mowbrey, Presiding Officer

### **Appearances:**

Peter Smith

for the Complainant

Suzanne Magdiak

for the Respondent

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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.*