

Edmonton Composite Assessment Review Board

Citation: John C. Manning v The City of Edmonton, 2013 ECARB 00614

Assessment Roll Number: 10223845

Municipal Address: 3824 56 AVENUE NW

Assessment Year: 2013

Assessment Type: Annual New

Between:

John C. Manning

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF
Dean Sanduga, Presiding Officer
Jack Jones, Board Member
Martha Miller, Board Member

Procedural Matters

[1] Upon questioning by the Presiding Officer the parties before the Board indicated no objection to the Board's composition. In addition, the Board Members indicated no bias with respect to this file.

Background

[2] The subject property is a 5,296 square foot single-tenant warehouse condominium unit built in 2011 and located in the Pylypow Industrial neighborhood. The subject property has no office component and has a lot size of 16,216 square feet with a site coverage of 33%.

Issue

[3] Is the 2013 assessment of the subject property at \$954,000 correct?

Legislation

[4] **The *Municipal Government Act*, RSA 2000, c M-26, reads:**

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] The Complainant presented three sales comparables (C-1, page 1) in support of a requested reduction in the 2013 assessment of the subject property from \$180.14 per square foot to \$165.00 per square foot.

[7] As the subject property had no office space the Complainant suggested the best comparables were sales #1 and #3 as they had little or no office space. Sales comparable #2 had 25% office space.

[8] The Complainant suggested that if a value of \$60.00 per square foot was applied to the office component of this sales comparable #2 then it would also support the requested reduction.

[9] The Complainant noted that the Respondent's comments concerning the multi property sale which included the subject property were based on an opinion of value (R-1, page 30) which is not a valid valuation method.

[10] In summary the Complainant requested the 2013 assessment of the subject property be reduced from \$954,000 to \$873,500.

Position of the Respondent

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

[12] The Respondent presented five time adjusted sales comparables (R-1, page 21) in support of the 2013 assessment of the subject property at \$180.14 per square foot. Sales comparables #1 to #4 were single property transactions and #5 is a multi property transaction which includes the subject property. The Respondent suggested the best sales comparables were #1 and #2 as they were most similar to the subject property in that they had no office component.

[13] The Respondent also presented one equity comparable (R-1, page 21) in support of the 2013 assessment of the subject property. The equity comparable was next door to the subject property and had also been included as part of a multi property transaction that included the subject property.

[14] The Respondent also suggested that the Complainant's sale #1 at \$169.86 per square foot (C-1, page 6) was questionable based on comments surrounding the sale (R-1, page 32) and further noted that sale #1 was re-sold in January, 2013 for \$228.00 per square foot.

[15] The Respondent noted that the Complainant's sale #2 supported the 2013 assessment of the subject property and sale #3 was in a different complex and not similar to the subject property as it was a car wash.

[16] In summary the Respondent requested the 2013 assessment of the subject property be confirmed at \$954,000.

Decision

[17] The decision of the Board is to confirm the 2013 assessment of the subject property at \$954,000 as fair and equitable.

Reasons for the Decision

[18] After review and consideration of the evidence and argument presented by both parties the Board determined the 2013 assessment of the subject property at \$954,000 was appropriate.

[19] The Board placed greatest weight on the time adjusted sales comparables #1 and #2 presented by the Respondent (R-1, page 21) as they were similar to the subject property with respect to location, age, condition, size and office component (none). These two comparables at \$199.64 and \$202.15 per square foot supported the 2013 assessment of the subject property at \$180.14 per square foot.

[20] The Board placed less weight on the remaining sales comparables presented by the Respondent as they contained an office component which varied from the subject property.

[21] The Board placed little weight on the Complainant's sales comparables (C-1, page 1) noting sale #1 was questionable as far as value (R-1, page 32), sale #2 had a 25% office component and sale #3 was a significantly different building type (car wash) in a different area than the subject property.

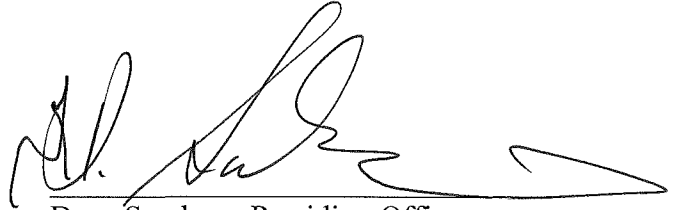
[22] The Board finds the 2013 assessment of the subject property at \$954,000 to be fair and equitable.

Dissenting Opinion

[23] There was no dissenting opinion.

Heard on June 12, 2013.

Dated this 13th day of June, 2013, at the City of Edmonton, Alberta.

A handwritten signature in black ink, appearing to read 'D. Sanduga', written over a horizontal line.

Dean Sanduga, Presiding Officer

Appearances:

Tom Janzen, CVG
for the Complainant

Marty Carpentier, 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.