

## **Edmonton Composite Assessment Review Board**

**Citation: Chris Buchanan, Altus Group v The City of Edmonton, 2013 ECARB 00615**

**Assessment Roll Number:** 9989352

**Municipal Address:** 15035 114 AVENUE N W

**Assessment Year:** 2013

**Assessment Type:** Annual New

Between:

**Altus Group**

Complainant

and

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

Respondent

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### **DECISION OF**

**Dean Sanduga, Presiding Officer**

**Jack Jones, Board Member**

**Martha Miller, Board Member**

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### **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, located in High Park industrial neighborhood, is a 13,002 square foot condominium unit built in 1969 with an effective year built of 1979. It is comprised of 7,318 square feet of warehouse space and 5,684 of office space with site coverage of 24%.

### **Issue:**

[3] Is the 2013 assessment of the subject property at \$1,596,000 correct when compared to similar properties?

### **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 and argument (C-1) for the Board's review and consideration.

[6] In support of the requested reduction of the 2013 assessment of the subject property from \$122.74 to \$105.00 per square foot, the Complainant presented four sales comparables (C-1, page 8). This would result in a reduction of the 2013 assessment from \$1,596,000 to \$1,365,000.

[7] The Complainant acknowledged that sale comparable # 1 is inferior to the subject property and suggested an upward time adjusted sale price revision from \$65.45 per square foot to \$105.00 per square foot as being more appropriate.

[8] In support of a reduction request, the Complainant submitted a 2012 CARB decision (C-1 pages 12-17) indicating the 2012 assessment of the subject property of \$1,717,000 was reduced to \$1,300,000. The Complainant utilized that figure and applied a time adjustment formula (C-1 page 18) to reach a figure for a 2013 assessment of \$1,342,000.

[9] In rebuttal, the Complainant submitted evidence (C-2 page 4) and argument that challenged the usefulness of the Respondent's sales comparables #1 & 2 & 5 & 6 & 7, given differences in age, size, site exposure, and validity of sales transaction. The Complainant noted sales comparables #3 & #4 are used by both parties.

[10] In summary the Complainant requested the 2013 assessment of the subject property be reduced from \$1,596,000 to \$1,342,000.

### **Position of the Respondent**

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

[12] The Respondent presented seven sales comparables (R-1, page 22) in support of the 2013 assessment of subject property at \$122.75 per square foot. Further the Respondent indicated comparables #3 through #6 inclusive were generally considered good comparables to the subject property. Sales comparables # 3 & 4 were the same as the Complainant's #2 & 3 (C-1 page 8).

[13] The Respondent questioned the validity of the Complainant's sales comparables #1 & #4 (C-1, page 8) with respect to value and noted sales comparable #1 had a majority of lease rates

deemed to be below market (C-1, page 19) and sales comparable #4 was vacant at the sales date with planned renovations (C-1, page 28).

[14] In sur-rebuttal, the Respondent submitted evidence (R-2 and R-3) and argument for the Board's review and consideration. The Respondent provided additional information to support the sales value of comparable #6 (R-2) and comparable #7 (R-3).

[15] In summary, the Respondent requested the 2013 assessment of the subject property be confirmed at \$1,596,000.

### **Decision**

[16] The decision of the Board is to confirm the 2013 assessment of the subject property at \$1,596,000.

### **Reasons for the Decision**

[17] After review and consideration of the evidence and argument presented by both parties the Board determined the 2013 assessment of the subject property at \$1,596,000 to be correct.

[18] The Board placed greatest weight on the sales comparables common to both the Complainant and the Respondent (C-1, page 8, #2 & #3, and R-1, page 22, #3 & #4) as they were similar to the subject property with respect to general location, effective year built, and condition. These two comparables at \$122.91 and \$127.47 per square foot supported the 2013 assessment of the subject property at \$122.75 per square foot.

[19] The Board placed less weight on Complainant's sales comparables #1 & #4 (C-1, page 8) with respect to value and noted sales comparable #1 had a majority of lease rates deemed to be below market (C-1, page 19) and sales comparable #4 was vacant at the sales date with planned renovations (C-1, page 28).

[20] The Board acknowledge the CARB 2012 decision on the subject property (C-1, pages 12-17) and noted that each year's assessment is independent of the previous year's assessment (R-1, page 47).

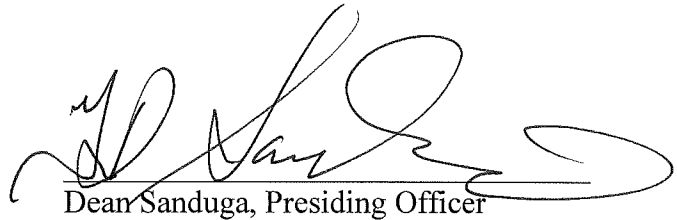
[21] The Board concurs with the Respondent's position that the burden of proof rests with the Complainant to provide sufficiently compelling evidence that there is an error in the assessment. In this case, the Board was not provided with compelling evidence that would justify a reduction in the assessment of the subject property as sought by the Complainant. The Board finds the 2013 assessment of the subject property of \$1,596,000 to be fair and equitable.

**Dissenting Opinion**

[22] There was no dissenting opinion.

Heard on June 12, 2013.

Dated this 17<sup>th</sup> day of June, 2013, at the City of Edmonton, Alberta.



Dean Sanduga, Presiding Officer

**Appearances:**

Adam Greenough, Altus Group  
for the Complainant

Jason Baldwin, Assessor, City of Edmonton  
Marty Carpentier, Assessor, City of Edmonton  
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.*