

Edmonton Composite Assessment Review Board

Citation: CVG v The City of Edmonton, 2013 ECARB 00627

Assessment Roll Number: 10303571

Municipal Address: 11445 Jasper Avenue NW

Assessment Year: 2013

Assessment Type: Annual New

Between:

CVG

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF

Tom Eapen, Presiding Officer

Brian Carbol, Board Member

Brian Frost, Board Member

Procedural Matters

[1] When asked by the Presiding Officer, the parties before the Board advised that there were no concerns respecting the composition of the Board, and the Board members advised that they had no bias respecting the matter before them.

Background

[2] The subject property is an auto sales operation located on Jasper Avenue at 114th Street in the Oliver neighbourhood, with a lot size of 24,653 square feet. An auto showroom of approximately 17,000 square feet is located on the property.

Issues

[3] Is the assessment of the subject property correct?

[4] Is the assessment of the subject property fair and equitable?

Legislation

[5] *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

[6] Regarding the issue of the correctness of the assessment of the subject property, the Complainant argued that the assessment was incorrect as supported by the nine sale comparables which were presented (C-1, p. 1). The sale comparables ranged in size from 9,312 square feet to 46,306 square feet. The time adjusted sale price per square foot (tasp/sf) ranged from \$16.86/sf to \$52.75/sf. The Complainant noted that the best comparables were those similar in size and location to the subject property, that is, comparables #3, #5, #6 and #9.

[7] In the matter of equity of assessment, the Complainant provided one equity comparable located near the subject property on 122 Street and Jasper Avenue. The Complainant argued this property, which is assessed at \$53.50/sf, reasonably supports the request for a base market value for the subject property of \$50.00 /sf for a total request including buildings of \$1,870,000.

Position of the Respondent

[8] In support of the correctness of the assessment of the subject property the Respondent submitted a chart of three sale comparables from the Oliver neighbourhood (R-1, p. 12). The comparables ranged in size from 15,858 square feet to 274,428 square feet. The Respondent characterized these as recent sales (between July 2010 and July 2011). The comparables sold between \$56.48/sf and \$94.59/sf (tasp). Sale comparable #2 is located across the street from the subject and is considered the best comparable. The Respondent argued that these recent sales support the assessment of the subject property.

[9] The Respondent also presented an expanded chart of the Complainant's nine sale comparables (R-1, p. 13) which included roll numbers, neighbourhood, zoning, sale price, and time adjustment factors in addition to the information on the Complainant's chart.

[10] Regarding the sale comparables presented by the Complainant, the Respondent noted that these sales were in an inferior location to the subject and were mostly dated.

[11] In the matter of equity of assessment, the Respondent did not present any assessment comparables for consideration by the Board; however, the Respondent noted that the assessment for the Complainant's equity comparable was incorrect as it was wrongly assessed as an interior lot and therefore was assessed low.

[12] The Respondent requested that the assessment for the subject property be confirmed at \$2,155,000.

Decision

[13] The assessment of the subject property is reduced to \$1,870,000.

Reasons for the Decision

[14] In the matter of correctness of the assessment, the Board considered the nine sale comparables presented by the Complainant and noted that the location of the comparables was inferior to that of the subject on Jasper Avenue. No evidence was presented as to how to quantify these differences in relation to the subject property. As well, the zoning for these comparables was not consistent with the subject's zoning. The Complainant's evidence in this matter was, however, considered by the Board to be sufficient to question the correctness of the assessment.

[15] The Board considered the three sale comparables in the Respondent's presentation and also gave them little weight as two were well under the size of the subject and one was much larger. No evidence was presented by the Respondent as to how the size of these properties can be directly compared to the subject.

[16] The Board noted some discrepancies between the chart of sale comparables presented by the Complainant (C-1, p. 1) and the chart of the same comparables presented by the Respondent (R-1, p.13). Neither chart was given weight by the Board.

[17] In the matter of equity of assessment, the Board gave considerable weight to the assessment comparable presented by the Complainant (C-1, p.3) which is of similar size and location on Jasper Avenue with an assessment of \$53.50/sf. This equity comparable supports the Complainant's requested assessment of \$1,870,000, inclusive of the land and building values. The Board rejected the argument of the Respondent that this property was assessed low as an interior lot with a lower value if reassessed because no evidence of what that reassessment would be was presented by the Respondent.

Heard June 17, 2013.

Dated this 03 day of July, 2013, at the City of Edmonton, Alberta.



Tom Eapen, Presiding Officer

Appearances:

Peter Smith
for the Complainant

Doug McLennan
Michael Johnson
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.