

Edmonton Composite Assessment Review Board

Citation: CVG v The City of Edmonton, 2013 ECARB 00629

Assessment Roll Number: 1006030

Municipal Address: 18325 Stony Plain Road 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] Upon questioning by the Presiding Officer, the parties did not object to the composition of the Board. The Board members stated they had no bias with regard to this file.

Preliminary Matters

[2] There were no preliminary matters.

Background

[3] The subject property is a 156,376 sq ft parcel of land upon which is situated an approximately 55,000 sq ft improvement, which is in average condition, and was built in 1984. It is operated as an auto dealership and as such is classified Special Purpose. It is located at 18325 Stony Plain Road NW in Edmonton. The 2013 assessment is \$6,823,500, of which \$3,060,241 is allocated to the land and \$3,763,546 to the building.

Issue

[4] Is the assessment of the land portion of the assessment too high as it relates to market value?

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] The Complainant’s position is that the market value of the land portion of the 2013 assessment is in excess of market value. In support, the Complainant supplied a 12 page brief, entered into evidence as Exhibit C-1.

[7] The Complainant stated there was no issue with the improvement portion of the assessment, which had been completed utilizing the cost approach to value.

[8] In support of the Complainant’s position regarding the amount of the land portion of the assessment, the Complainant provided five sales comparables, (C-1, page 1) as well as supporting evidence (C-1, pages 1-10) in the form of time adjustment factors and sales data sheets. The sales ranged from \$15.00 to \$20.80 per sq ft and averaged \$17.80 per sq ft.

[9] The Complainant asked the Board to reduce the assessment of the land portion to \$17.00 per sq ft which would result in a land assessment of \$2,658,392 and an overall 2013 assessment of \$6,420,000.

Position of the Respondent

[10] The Respondent’s position is that the 2013 assessment is correct. In support, a 39 page brief was presented, (Exhibit R-1).

[11] In response to the Complainant’s position respecting the land portion of the assessment, the Respondent summarized its six land sales comparables (R-1, page 11). The sales comparables ranged from \$15.98 to \$33.82 per sq ft. The subject’s land was assessed at \$19.57 per sq ft. The Respondent stated this was fully supported by the comparable sales and asked that the Board confirm the 2013 assessment of \$6,823,500.

Decision

[12] The Board’s decision is to confirm the 2013 assessment.

Reasons for the Decision

[13] The Board considered the Complainant's position that the Respondent's sales two and three were, respectively, significantly larger and smaller than the subject. The Board determined that, in eliminating those sales from the Respondent's array, the resultant range was \$15.98 to \$21.68 per sq ft and averaged \$19.19 per sq ft.

[14] In the Board's review of the Complainant's sales data, the most significant observation was that while they were all similar in size to the subject property, they were located throughout the City of Edmonton. The Board was not satisfied, nor was evidence given, that the locations were comparable to that of the subject.

[15] While both parties addressed the differences in zoning between comparables and the subject property and the effect on value, neither party provided evidence in support. In the absence of evidence, the Board was unable to consider either side of that argument.

[16] The Board noted the Respondent's data focused on locations in proximity to the subject. The Board was satisfied by the Respondent's position that location is paramount. The Board was further convinced that the array of values, even after elimination of two comparables, (which the Board considered outliers) supported the current assessment. The Board finds the Complainant did not provide sufficient data to convince it that the Respondent was incorrect in its assessment of the subject property.

Dissenting Opinion

[17] There was no dissenting opinion.

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.