

## Edmonton Composite Assessment Review Board

**Citation: Altus Group v The City of Edmonton, 2013 ECARB 00794**

**Assessment Roll Number:** 3371754

**Municipal Address:** 11452 Jasper 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

**George Zaharia, Presiding Officer**

**Martha Miller, Board Member**

**Mary Sheldon, Board Member**

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### Procedural Matters

[1] The parties did not have any objection to the composition of the Board. There was no bias or conflict of interest reported by members of the Board.

### Preliminary Matters

[2] At the outset of the hearing, the Complainant advised that the parties had reached an agreement to reduce the current assessment of the subject from \$6,138,000 to \$4,437,000.

[3] In order to demonstrate to the Board the particulars of that agreement, the Complainant presented an assessment brief (Exhibit C-1, 68 pages) and a rebuttal brief (Exhibit C-2, 15 pages). He also requested that the Respondent's assessment brief (Exhibit R-1, 127 pages) be introduced at the same time so that he could better demonstrate the agreed to facts.

[4] The Complainant stated that he was completely in agreement with the values in the revised *pro forma* for the subject presented by the Respondent (Exhibit R-1, page 28). The Complainant summarized the changes submitted by the Respondent:

- The area of office space was increased from 41,000 to 42,547 square feet.
- The area of CRU 3,001-5,000 square feet space was reduced from 9,026 to 4,597 square feet.
- A new area of CRU-restaurant space was set at 4,582 square feet.

- A new area of storage space was set at 1,259 square feet.
- The resulting total leasable space was increased from 50,026 to 52,985 square feet.
- The vacancy rate for office space was increased from 9.5% to 20.0%.
- The deduction for an associated roll number involving parking was increased from \$1,250,500 to \$1,295,000.
- There was a further deduction for the 9,506 square feet of shell space at \$55 per square foot, resulting in a value of \$523,000.

[5] The Complainant stated that these changes resulted in a total value for the subject in the amount of \$4,437,000, down from the original \$6,138,000. The Complainant accepted this reduced value that had been recommended by the Respondent.

[6] The Respondent stated that the municipality would not be pursuing an issue related to exemptions for the subject, and requested that pages 63 to 95 of Exhibit R-1 be removed from the disclosure. The Respondent advised that the decision not to proceed with the exemptions issue was based on a recent oral decision by a Composite Assessment Review Board. The Complainant agreed with the request to remove the exemption issue, and requested that page 4 of Exhibit C-2 be removed.

### **Background**

[7] The subject is a multi-storey office building located at 11452 Jasper Avenue NW in the Oliver subdivision of Edmonton. It comprises 50,026 square feet of leasable space (increased to 52,985 by agreement of the parties). It was built in 1974 and is classed as a “B” building.

[8] The subject property was valued on the income approach resulting in a 2013 assessment of \$6,138,000.

### **Legislation**

[9] **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**

[10] As discussed in Preliminary Matters.

**Position of the Respondent**

[11] As discussed in Preliminary Matters.

**Decision**

[12] The Board accepts the recommendation of the Respondent, and accepted by the Complainant, to reduce the 2013 assessment of the subject from \$6,138,000 to \$4,437,000.

**Reasons for the Decision**

[13] The Board notes the agreement of the parties to the particulars of the changes to the income valuation for the subject as outlined in paragraph 4.

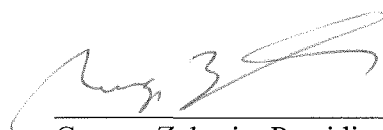
[14] The Board also notes the agreement of the parties to abandon the issue of exemptions as outlined in paragraph 5.

**Dissenting Opinion**

[15] There was no dissenting opinion.

Heard August 27, 2013.

Dated this 4<sup>th</sup> day of September, 2013, at the City of Edmonton, Alberta.



George Zaharia, Presiding Officer

**Appearances:**

Kerry R Reimer  
for the Complainant

Don Prokuda  
Mary-Alice Nagy  
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.*