

## Edmonton Composite Assessment Review Board

**Citation: Altus Group v The City of Edmonton, 2013 ECARB 01232**

**Assessment Roll Number:** 1119254

**Municipal Address:** 10909 Winterburn Road NW

**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**  
**Steven Kashuba, Presiding Officer**  
**Brian Hetherington, Board Member**  
**Dale Doan, Board Member**

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### **Procedural Matters**

[1] The parties indicated that they had no objections to the composition of the Board. In addition, the Board members indicated they had no bias on the file.

### **Preliminary Matters**

[2] Both parties indicated they had no preliminary matters on the file.

### **Background**

[3] The subject property is a fenced, unserviced 217,637 square feet storage yard, located at 10909 Winterburn Road in the Winterburn Industrial Area East neighbourhood. It was assessed by the City, using a cost approach, at \$1,431,500.

### **Issue(s)**

[4] Is the land value, established by the City, at \$1,431,500 appropriate?

### **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] In support of their request, the Complainant presented the Board with a 38-page brief (Exhibit C-1).

[7] The Complainant included, in their brief, details of five neighbouring property sales, which they suggested supported their request for a reduced land value (Exhibit C-1, page 9, with detailed sales data on pages 17 – 26).

[8] Four of the five sales were zoned IM, while one was zoned IB. The sites ranged in size from 133,729 to 258,311 square feet, compared to the subject property's size of 217,323 square feet.

[9] The sales had been completed between February 2008 and November 2011, with per square foot sales prices ranging from \$4.41 to \$6.63, while the time-adjusted sales prices ranged from \$3.99 to \$6.73. These compared to the land assessment of the subject at \$5.83 (Exhibit C-1, page 9).

[10] The Complainant requested the Board to reduce the land assessment to \$5.25 per square foot for a total land assessment of \$1,140,948. When including the agreed sum of \$164,091 for improvements to the site, the Complainant asked the Board to approve a total assessment for the property of \$1,305,000 (Exhibit C-1, page 8).

[11] The Complainant informed the Board that the first two of their comparable sales were corner locations, while the other three were adjacent properties with features in common with the subject.

[12] Responding to questions from the Respondent, the Complainant told the Board that their comparable sales # 3 and 5 were their best, while sale # 4 was an outlier.

[13] In closing, the Complainant said that a difference of \$113,000 between the assessment and their request for a revised figure was significant and urged the Board to reduce the City's assessment to \$1,305,000.

### **Position of the Respondent**

[14] The Respondent presented the Board with a 33-page brief in support of the City's assessment (Exhibit R-1).

[15] In support of the City's assessment, the Respondent presented the Board with a chart of three sales of adjacent properties, which were in close proximity to the subject and across a road from one of the Complainant's comparables (Exhibit R-1, page 10).

[16] The sales occurred between June 2010 and November 2011, with time-adjusted sales prices per square foot ranging from \$5.30 - \$6.73, producing an average of \$5.80 per square foot, which supported the assessment of the subject at \$5.82 (Exhibit R-1, page 10).

[17] Supporting information on each of the sales of the comparable properties, taken from The Network, was provided on Exhibit R-1, pages 12 - 14.

[18] The Respondent presented the Board with a summary of a soil sample report, which had been prepared on the property at 20703 -100 Avenue, which was the Complainant's comparable #1. The respondent suggested to the Board that the assessment of that property had received a 10% downward assessment, due to poor soil conditions.

[19] Responding to questions from the Board, the Respondent said that they did not have permission from the land owner to provide the actual report.

[20] The Respondent closed their presentation by requesting the Board to approve the assessment at \$1,431,500.

### **Decision**

[21] It is the decision of the Board to confirm the assessment of the subject property for 2013 at \$1,431,500.

### **Reasons for the Decision**

[22] The Board found that the sale of the Complainant's comparable #2 was completed more than five years ago and therefore could be assigned less weight as a comparable.

[23] Similarly, the Board was of the opinion that it could not place any significant weight on the Respondent's submission of the soil report on the Complainant's #1 comparable, as there was no evidence to prove the claim.

[24] However, this sale was of property with a different zoning and little more than a third the size of the subject, again providing less viability.

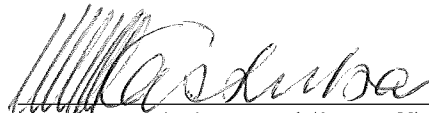
[25] The Complainant's other three comparables, which had also been submitted by the Respondent, all shared very similar features with the subject property regarding size, zoning and location. The time-adjusted sales prices of those three comparable properties, ranging from \$5.31 - \$6.73 per square foot supported the assessment of the subject property at \$5.83 per square foot.

**Dissenting Opinion**

[26] There was no dissenting opinion.

Heard on July 25, 2013.

Dated this 1<sup>st</sup> day of August, 2013, at the City of Edmonton, Alberta.

  
Steven Kashuba, Presiding Officer

**Appearances:**

Brett Flesher, Altus Group  
for the Complainant

Melissa Zayac, 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.*