

## **Edmonton Composite Assessment Review Board**

**Citation: CVG v The City of Edmonton, 2013 ECARB 01764**

**Assessment Roll Number:** 4150330

**Municipal Address:** 17835 106A Avenue NW

**Assessment Year:** 2013

**Assessment Type:** Annual New

Between:

**CVG**

Complainant

and

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

Respondent

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### **DECISION OF**

**Robert Mowbrey, Presiding Officer**

**Howard Worrell, Board Member**

**Judy Shewchuk, Board Member**

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### **Procedural Matters**

[1] Upon questioning by the Presiding Officer, the parties indicated they had no objection to the composition of the Board. In addition, the members of the Board stated they had no bias in respect of this matter.

### **Preliminary Matters**

[2] There were no preliminary matters.

### **Background**

[3] The subject is a 22,485 square foot multi-tenant office/warehouse built in 1991. It includes 4,582 square feet of main floor office space and 5,222 square feet of finished mezzanine space. The subject is situated on a 40,207 square foot lot in the Wilson Industrial neighbourhood with site coverage of 43%. It is assessed on the direct sales comparison approach at \$2,300,500 or \$102.31 per square foot.

### **Issue**

[4] Does the assessment reflect the market value of the subject?

### **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 submitted an evidence package (Exhibit C-1, 16 pages) which presented eight sales comparables. The comparables ranged in age from 1956/69 to 1981; the sizes from 14,319 to 32,240 square feet; and the site coverages ranged from 16% to 63%. The time-adjusted sale prices (TASP) ranged from \$61.57 to \$104.29 per square foot.

[7] The Complainant stated that the best comparables were #2 at 14308-118 Avenue, #6 at 15635-112 Avenue, #7 at 14505-124 Avenue, and #8 at 14620-112 Avenue. These comparables had TASPs of \$63.95, \$61.57, \$93.28, and \$66.99 per square foot respectively.

[8] The Complainant asked that the Board reduce the 2013 assessment of \$2,300,500 to \$2,023,500.

### **Position of the Respondent**

[9] The Respondent submitted an assessment brief (Exhibit R-1, 51 pages) which presented seven sales comparables. The ages ranged from 1966 to 1983; the sizes from 15,576 to 27,357 square feet; and the site coverages from 19% to 56%. The TASPs ranged from \$80 to \$162 per square foot.

[10] The Respondent stated that the best comparable was #6 at 11224-143 Street with a TASP of \$96 per square foot which, with an upward adjustment for the difference in age, supported the assessment of the subject.

[11] The Respondent advised the Board that the Complainant's sale #2 was a duress sale, sale #3 was an industrial condo, and sale #8 was a non-arm's length transaction. As such, these sales were invalid for comparison purposes (Exhibit R-1, p. 13; 21-26).

[12] The Respondent asked that the Board confirm the assessment at \$2,300,500.

### **Decision**

[13] The decision of the Board is to confirm the assessment at \$2,300,500.

### **Reasons for the Decision**

[14] The Board found that the Complainant's comparable #2 at 14308-118 Avenue was a duress sale; #3 at 14640-115 Avenue was an industrial condominium; and #8 at 14620-112 Avenue was a non-arm's length sale. The Board did not consider these properties valid sales for comparison purposes.

[15] The Board found that the Complainant's comparables #6 and #7 were older and had lower site coverage than the subject. Comparables #4 and #5 were older and had higher site coverages than the subject. Comparable #1, while closer in age to the subject, was larger and had lower site coverage. The Board placed limited weight on these comparables.

[16] The Board found that most of the Respondent's sales comparables required significant adjustments for age, size, and site coverage and that they were of limited value as comparables to the subject. The best comparable was #6 at 11224-143 Street. The TASP of \$96, requiring only a slight upward adjustment to account for its older age, supports the assessment of the subject at \$102 per square foot for a total of \$2,300,500.

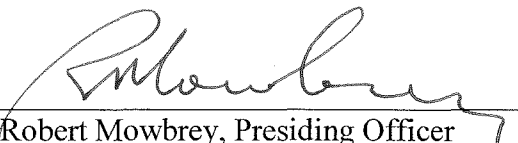
[17] The onus is on the Complainant to provide sufficient and compelling evidence to show the incorrectness of an assessment. The Complainant did not provide sufficient or compelling evidence for the Board to conclude the assessment was incorrect.

### **Dissenting Opinion**

[18] There was no dissenting opinion.

Heard commencing October 8, 2013.

Dated this 5<sup>th</sup> day of NOVEMBER 2013, at the City of Edmonton, Alberta.

  
Robert Mowbrey, Presiding Officer

### **Appearances:**

Tom Janzen  
for the Complainant

Luis Delgado  
Nancy Zong  
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.*