

## **Edmonton Composite Assessment Review Board**

**Citation: John C. Manning v The City of Edmonton, 2013 ECARB 01766**

**Assessment Roll Number:** 9988445

**Municipal Address:** 11810 160 Street NW

**Assessment Year:** 2013

**Assessment Type:** Annual New

Between:

**John C. Manning**

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 28,029 square foot multi-tenant office/warehouse built in 1977. It includes 8,310 square feet of main floor office space. The subject is situated on a 1.727 acre site in the Hawin Park Estate Industrial neighbourhood with site coverage of 37%. The subject is assessed on the direct sales comparison approach at \$2,559,500 or \$91.32 per square foot. The property receives a 10% adjustment because the shape of the building restricts access to the rear of the building.

### **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, 23 pages) which presented six sales comparables. The comparables ranged in age from 1956/69 to 1979; the sizes from 18,660 to 46,294 square feet. The site coverages of the sales ranged from 37% to 50%. The time-adjusted sale prices (TASP) ranged from \$61.57 to \$90.88 per square foot.

[7] The Complainant stated that the best comparables were #1 at 16295-132 Avenue, #2 at 13007-149 Street, and #3 at 17407-106 Avenue. These comparables had TASP of \$90.88, \$80.13, and \$82.38 per square foot respectively.

[8] The Complainant also submitted copies of two previous CARB decisions in which the Board reduced the 2011 assessment to \$2,102,000 and the 2012 assessment to \$2,172,000. The Complainant time adjusted these figures to \$84.77 per square foot for the 2011 assessment and to \$80.58 per square foot for the 2012 assessment.

[9] The Complainant asked that the Board reduce the 2013 assessment of \$2,559,500 to \$2,354,000.

### **Position of the Respondent**

[10] The Respondent submitted an assessment brief (Exhibit R-1, 51 pages) which presented nine sales comparables. The ages ranged from 1961 to 1989; the sizes from 16,797 to 32,695 square feet; and the site coverages from 19% to 53%. The TASP of the total building ranged from \$75 to \$162 per square foot.

[11] The Respondent stated that the best comparables were #1 at 12245 Fort Road, #3 at 13005-149 Street, #6 at 14440-123 Avenue, #7 at 14730-115A Avenue, #8 at 15845-112 Avenue, and #9 at 10646-178 Street. These comparables had TASP of \$82, \$80, \$100, \$75, \$91, and \$127 per square foot respectively for the total building size.

[12] The Respondent argued that the Complainant's comparable #4 at 14308-118 Avenue was a duress sale and #6 at 14620-112 Avenue was a non-arm's length sale. As such, these comparables were invalid for comparison purposes.

[13] The Respondent asked that the Board confirm the assessment at \$2,559,500.

## **Decision**

[14] The decision of the Board is to confirm the 2013 assessment at \$2,559,500.

## **Reasons for the Decision**

[15] The Board found that the Complainant's comparable #4 at 14308-118 Avenue was a duress sale and #6 at 14620-112 Avenue was a non-arm's length sale. The Board did not consider these properties valid sales for comparison purposes.

[16] The Complainant's comparable #5 was older, smaller, and had lower site coverage than the subject. The Board placed little weight on this comparable.

[17] The Board found that the Respondent's comparable #1 had higher site coverage than the subject and was in a different quadrant of the city. Comparable #2 was smaller and had lower site coverage. Comparable #6 had much lower site coverage. Comparables #7 and #8 were older and had higher site coverages. Comparable #9 was newer, smaller and had larger site coverage. The Board placed limited weight on these comparables.

[18] The Board placed most weight on the Complainant's comparables #1, #2, #3 and the Respondent's comparables #3, #4, #5 with TASP's ranging from \$80 to \$113 per square foot and an average of \$92 per square foot. The Board found that the assessment of the subject at \$91 per square foot falls within the range and is supported by the average.

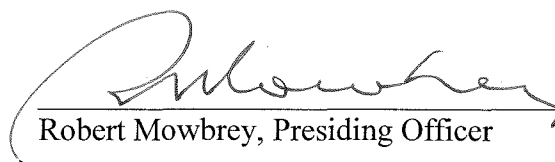
[19] The onus is on the Complainant to provide sufficient and compelling evidence to show the incorrectness on an assessment. The Complainant did not provide sufficient nor compelling evidence for the Board to conclude the assessment was incorrect.

## **Dissenting Opinion**

[20] 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.*