

## **Edmonton Composite Assessment Review Board**

**Citation: CVG v The City of Edmonton, 2013 ECARB 01783**

**Assessment Roll Number:** 10016741

**Municipal Address:** 16820 129 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**  
**Tom Eapen, Presiding Officer**  
**Jack Jones, Board Member**  
**Robert Kallir, Board Member**

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### **Procedural Matters**

[1] Upon questioning by the Presiding Officer the parties before the Board stated that they had no objection to the Board's composition. In addition, the Board Members stated that they had no bias with respect to this file.

### **Preliminary Matters**

[2] There were no preliminary matters.

### **Background**

[3] The subject property consists of a single tenant office/warehouse building containing a total of 27,736 square feet located in the Kinokamau Plains Area neighborhood. The building was constructed in 2001. In addition, there is a Cost building constructed in 2001 containing 5,300 square feet. The subject property has been assessed for 2013 using the direct sales comparison approach to valuation.

### **Issue**

[4] Is the 2013 assessment of the subject property at \$4,529,500 fair and equitable?

### **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 289(1) Assessments for all property in a municipality, other than linear property, must be prepared by the assessor appointed by the municipality.

(2) Each assessment must reflect

(a) the characteristics and physical condition of the property on December 31 of the year prior to the year in which a tax is imposed under Part 10 in respect of the property, and

(b) the valuation and other standards set out in the regulations for that property.

s 293(1) In preparing an assessment, the assessor must, in a fair and equitable manner,

(a) apply the valuation and other standards set out in the regulations, and

(b) follow the procedures set out in the regulations.

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.

[6] The *Matters Relating to Assessment and Taxation Regulation, Alta Reg 220/2004 (MRAT)* reads:

s 2 An assessment of property based on market value

(a) must be prepared using mass appraisal,

(b) must be an estimate of the value of the fee simple estate in the property, and

(c) must reflect typical market conditions for properties similar to that property.

s 3 Any assessment prepared in accordance with the Act must be an estimate of the value of a property on July 1 of the assessment year.

### **Position of the Complainant**

[7] The Complainant presented evidence (Exhibit C-1, 27 pages) and argument for the Board's review and consideration.

[8] The Complainant presented seven sales and equity comparables (Exhibit C-1, page 1) in support of a requested reduction in the 2013 assessment of the subject property from \$163.31 to \$120.00 per square foot.

[9] The Complainant stated that the best comparables to the subject property set out in Exhibit C-1 were numbers 1, 3, 4 and 7. The site coverage for these four comparable properties was 21% to 31%. The site coverage of the subject property is 19%. The time-adjusted sale price for the seven comparables ranged from \$104.29 to \$145.90 per square foot and the 2013 assessments of the same seven comparables ranged from \$100.80 to \$168.45 per square foot.

[10] The Complainant noted that the four sales comparables of the Respondent (Exhibit R-1 page 18) were located in the southeast section of the City; they were all older than the subject property, and three were significantly smaller (Exhibit C-2, 5 pages).

[11] The Complainant referred the Board to 2012 ECARB 1862 (ECARB 1862), a previous decision concerning the subject property. The complainant time-adjusted the unit value from ECARB 1862 to derive a value of \$114.47 per square foot.

[12] In summary the Complainant requested that the 2013 assessment of the subject property be reduced from \$4,529,500 to \$3,328,000

### **Position of the Respondent**

[13] The Respondent presented evidence (Exhibit R-1) and argument for the Board's review and consideration.

[14] The Respondent outlined the mass appraisal methodology for valuing properties in the industrial inventory as well as the factors affecting value (Exhibit R-1, pages 4 to 14). The Respondent stated that the main factors affecting value in warehouse properties in descending order are: Main Floor Area, Site Coverage, Effective Age, Condition and Location.

[15] In support of the 2013 assessment of the subject property at \$163.31 per square foot the Respondent presented four sales comparables (Exhibit R-1, page 18). The site coverage of these properties ranged from 10% to 22% compared to the site coverage of the subject at 19%. The time-adjusted sale prices for these comparables ranged from \$167.89 to \$193.29 per square foot.

[16] The Respondent also presented a critique of the Complainant's sales comparables (Exhibit R-1, page 18) stating that comparable #7, being a non-arm's length sale, was problematic and should not be considered valid for comparison purposes. The support for this critique was provided in Exhibit R-1, page 26. In addition, the Respondent stated that the site coverage of comparable 1 was significantly lower than that of the subject property, and the building structure was not comparable to the subject (Exhibit R-1 page 24).

[17] The Respondent also presented four equity comparables (Exhibit R-1, page 28) in support of the 2013 assessment of the subject property. These assessments ranged in value from \$156.15 to \$194.06 per square foot and in site coverage from 18% to 23%. All are located in the same neighbourhood group as the subject property.

[18] In summary the Respondent requested that the 2013 assessment of the subject property be confirmed at \$4,529,500.

### **Decision**

[19] The decision of the Board is to confirm the 2013 assessment of the subject property at \$4,529,500 as fair and equitable

### **Reasons for the Decision**

[20] After review and consideration of the evidence and argument presented by both parties, the Board finds the 2013 assessment of the subject property at \$4,529,500 to be appropriate.

[21] In reviewing the sales and equity comparables presented by both the Complainant and Respondent (Exhibit C-1, page 1 & Exhibit R-1, pages 18 and 28) the Board found that in determining the fairness and equity of the assessment the properties that were the most comparable to the subject with respect to size, site coverage, age and location were the Respondent's sales and equity comparables.

[22] Taking into account the variations in building size, building composition, site coverage and age of both the Complainant's and Respondent's sales comparables (other than comparable number seven of the Complainant designated as problematic by the Respondent as it was a non-arm's length transaction) the Board determined that the evidence as to value provided by the City sales comparables was more compelling.

[23] Assessments for each assessment year are independent of previous assessments. For this reason the Board did not put any weight on ECARB 1862.

[24] At an assessment appeal, as determined in *Calgary (City) v Alberta (Municipal Government Board)* 2010 ABQB 719, the ultimate burden of proof or onus rests with the Appellant to convince the Board that their argument, facts, and evidence are more credible than those of the Respondent.

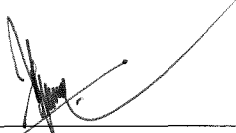
[25] The Board finds that the 2013 assessment of the subject property at \$4,529,500 is fair and equitable.

**Dissenting Opinion**

[26] There was no dissenting opinion.

Heard commencing November 5, 2013.

Dated this 28<sup>th</sup> day of November, 2013, at the City of Edmonton, Alberta.



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Tom Eapen, Presiding Officer

**Appearances:**

Tom Janzen, Canadian Valuation Group  
for the Complainant

Cherie Skolney, Assessor, City of Edmonton  
Joel Schmaus, Assessor, 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.*