

## **Edmonton Composite Assessment Review Board**

**Citation: CVG v The City of Edmonton, 2013 ECARB 01860**

**Assessment Roll Number:** 1604602  
**Municipal Address:** 11915 156 STREET 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**  
**John Noonan, Presiding Officer**  
**Mary Sheldon, Board Member**  
**Darryl Menzak, Board Member**

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### **Procedural Matters**

[1] There was no objection to the composition of the panel, and no bias or conflict of interest reported by the members. The parties requested that evidence, argument and submissions be carried forward, where relevant, from roll #1604701 to this file.

### **Background**

[2] The subject is an industrial property located in Edmonton at 11915 156 Street. The site contains 1.855 acres. There are buildings on the subject valued by the cost approach at \$152,217. The land portion is assessed at \$1,239,940 which equates to \$668,431 per acre. The 2013 assessment is \$1,392,000.

### **Issue(s)**

[3] What is the market value of the land portion of the subject?

## **Legislation**

### **[4] 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**

[5] In support of the position that the current assessment of the land portion of the subject is excessive, the Complainant provided the details of seven sales of properties which, in the opinion of the Complainant, are similar to the land portion of the subject (Exhibit C-1, page 1). The Complainant agreed with the value of the buildings on the subject at \$152,217.

[6] The time adjusted sale price per acre of the comparables ranged from \$493,781 to \$610,692. The Complainant argued that this demonstrated the assessed value per acre of the subject at \$668,431 was excessive.

[7] The Complainant advised that sale comparables 1,2, 5 and 7 were the most comparable and would support a market value per acre for the subject of \$600,000.

[8] During questioning, the Complainant agreed that comparable #3 had only rural standard servicing while the subject was fully serviced. The Complainant also noted that comparable #5 with a time adjusted sale price per acre of \$610,692 would be the upper limit for value for the subject.

[9] The Complainant also noted that while the subject was on a major road and was assessed as having a major roadway corner, comparables #3 and #4 were not on major roadways.

[10] The Complainant concluded that sales comparables #1 and #2 provided the most assistance in establishing value for the subject and requested that the Board reduce the current assessment of the land portion of the subject to \$600,000 per acre. This would give a total land value for the subject of \$1,113,000. When the value of the buildings at \$152,217 is added, the total assessment of the subject would be \$1,265,217.

[11] The Complainant requested that the Board reduce the assessment of the subject to \$1,265,000.

### **Position of the Respondent**

[12] In support of the position that the current assessment of the subject is correct, the Respondent provided a chart of seven sales of properties which, in the opinion of the Respondent, are similar to the subject.

[13] All of the comparables were zoned IB or IM, similar to the subject and all are fully serviced. All are located in the northwest quadrant of the municipality.

[14] The average sale price per acre of the comparables was \$682,471 and the median was \$666,486 per acre. The Respondent argued that this supported the assessment per land acre of the subject at \$668,431.

[15] The Respondent also provided information concerning the environmental remediation and listing of the Complainant's comparable #5. The post facto listing of that comparable had an asking price of \$2,000,000.

[16] The Respondent noted during questioning that his comparable #2 was a post facto transaction.

[17] The Respondent argued that the evidence presented by his seven sale comparables supported the current assessment of the subject and requested that the Board confirm the assessment of the subject at \$1,392,000.

### **Decision**

[18] The Board confirms the 2013 assessment of the subject at \$1,392,000.

### **Reasons for the Decision**

[19] The Board notes that the Complainant placed most weight on his comparables #1 and #2 in his request for a reduction in the assessment. The other comparables presented by the Complainant either had inferior servicing, different zoning, or there was a question about contamination. While the two comparables were also located on 156 Street, like the subject, their lower sales prices per acre than the subject's assessment did not negate the volume of sales provided by the Respondent that fully supported the attributed value.

[20] The Board notes that the comparables provided by the Respondent had similar zoning and servicing to the subject and most were on major roads. The sale prices per acre of those comparables support the assessment per acre of the land value of the subject.

Heard August 26, 2013.

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

A handwritten signature in dark ink, appearing to read 'J Noonan', written over a horizontal line.

John Noonan, Presiding Officer

**Appearances:**

Peter Smith, CVG

for the Complainant

Aaron Steblyk, 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.*