

Edmonton Composite Assessment Review Board

Citation: Aldo Zaroni, 573321 Alberta Ltd. v The City of Edmonton, 2014 ECARB 00008

Assessment Roll Number: 10188863

Municipal Address: 104 10301 109 Street NW

Assessment Year: 2014

Assessment Type: Annual New

Assessment Amount: \$781,500

Between:

Aldo Zaroni, 573321 Alberta Ltd.

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF
Harold Williams, Presiding Officer
Brian Carbol, Board Member
Mary Sheldon, Board Member

Procedural Matters

[1] The Complainant did not appear at the hearing. Upon questioning by the Presiding Officer the Respondent indicated they did not object to the Board's composition. In addition, the Board members stated they had no bias with respect to this file.

Background

[2] The subject property is a 1992 year built, 2,571 square foot (sf) Retail Condominium unit located in the Downtown neighbourhood.

Issues

[3] Is the assessment of the subject property fair and equitable when considering the purchase price of the subject property?

Position of the Complainant

[4] The Complainant did not appear at the hearing but had submitted an 8 page disclosure which was considered by the Board.

[5] The Complainant argued that the City of Edmonton's assessment value of \$781,500 (\$303.73/square foot) is well above the market value of the subject property.

[6] In support of a reduced assessment, the Complainant presented documents that showed that the subject property was purchased for \$577,465 on December 4, 2013, including two parking stalls valued at \$25,000 each. He requested that the assessment be reduced to reflect the purchase price less the value of the parking stalls which is \$527,465.

Position of the Respondent

[7] In support of the 2014 assessment, the Respondent submitted a chart of comparable sales of main floor retail condos for the subject. These ranged in year built from 1980-2008; in size from 473sf to 1,937sf; in time adjusted sale price (TASP) from \$261 to \$407/sf with a median of \$334/sf.

[8] The Respondent also provided a chart of comparable sales of upper floor retail condos in the same building as the subject property and explained that these would be valued at about half the rate of main floor condos in the same building.

[9] In addition, the Respondent offered sales of two main floor units in the same building as the subject that sold for \$293/sf and \$290/sf. The size of these units was 1173sf and 1947sf respectively.

[10] The Respondent also presented 6 equity comparables from the main floor of the subject property and 11 equity comparables from the upper floor of the property. The assessments for the main floor units ranged from \$321 to \$346 with the subject at \$303. The size of these units ranged from 591sf to 1355sf with the subject at 2571sf.

[11] In response to the Complainant's argument that the sale of the subject property be used to determine the assessment, the Respondent argued that the sale occurred after the July 1 valuation date and as such the sale is post facto and should not be used in setting value.

Decision

[12] The 2014 assessment of the subject property is confirmed at \$781,500.

Reasons for the Decision

[13] The Complainant's use of the December 3, 2013 sale of the subject property to support a reduction in the assessment is not accepted by the Board as the sale is almost six months post facto to the valuation date.

[14] The Respondent submitted ample evidence in support of the assessment including sale comparables that show that the assessment of the subject property is within the range of these comparables. Particular weight is given to the two sale comparables in the same building that are close to the size of the subject and whose sale prices at \$292/sf and \$290/sf are close to the assessment of the subject at \$304/sf.

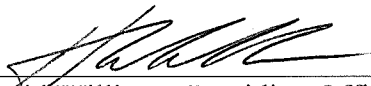
[15] In addition the Respondent presented equity comparables from the same building that placed the subject lowest in assessment per square foot to all of the other main floor units.

Dissenting Opinion

[16] There was no dissenting opinion.

Heard July 14, 2014.

Dated this 17th day of July, 2014, at the City of Edmonton, Alberta.



Harold Williams, Presiding Officer

Appearances:

Did Not Appear
for the Complainant

De Wang
Tracy Ryan
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.

Appendix

Legislation

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.

Exhibits

C-1 Complainant’s Submission

R-1 Respondent’s Submission