

Edmonton Composite Assessment Review Board

Citation: 1248719 Alberta Ltd. v The City of Edmonton, 2014 ECARB 00290

Assessment Roll Number: 1280627

Municipal Address: 11956 127 Avenue NW

Assessment Year: 2014

Assessment Type: Annual New

Assessment Amount:

Between:

1248719 Alberta Ltd.

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF
George Zaharia, Presiding Officer
Lillian Lundgren, Board Member
Robert Kallir, Board Member

Procedural Matters

[1] The parties were not in attendance at the hearing. The Board members stated they had no bias with respect to this file.

Preliminary Matters

[2] Although neither party was present at the hearing the Board, as directed by s.463 of the Municipal Government Act (MGA), proceeded with the hearing. It was determined that proper notice of the hearing had been circulated to the parties, and also that no request for a postponement or adjournment had been received.

Background

[3] The subject property is a parking lot used in conjunction with an adjacent commercial property owned by the same party, and for the 2014 assessment year the property was assessed at \$169,000.

Issue

[4] Is the 2014 assessment of the subject property at \$169,000 too high?

Position of the Complainant

[5] The Complainant set out on the complaint form that the subject property had been assessed at \$113,500 in 2013, but that this value was increased to \$169,000 for 2014. He considered the increase of over \$50,000 in assessed value to be "absurd".

[6] He described the property as being a small parking lot associated with a building on an adjacent property, and that since the subject property was not developable on its own, that the subject property had minimal value.

[7] The Complainant had submitted along with the complaint form a copy of a failed sales transaction that include both the subject property and the adjacent property for the agreed-to sale price of \$1,200,000. He advised that these same two properties had been purchased in 2010 for \$850,000.

[8] The Complainant requested that the 2014 assessment of the subject property at \$169,000 be reduced to \$100,000.

Position of the Respondent

[9] The Respondent had submitted a disclosure electronically, but a hard copy of the disclosure was not requested by the Board.

Decision

[10] The decision of the Board is to confirm the 2014 assessment of the subject property at \$169,000.

Reasons for the Decision

[11] The "burden of proof" or "onus" is on the Complainant to provide sufficient and compelling evidence that the assessment is incorrect to legislatively permit an Assessment Review Board to reduce an assessment. This burden was not met. Therefore the Board saw no need to review the Respondent's disclosure.

[12] With respect to the Complainant's argument that an increase of over \$50,000 from 2013 to 2014 in assessment was "absurd", the Board noted that each assessment is independent of the previous year's assessment because it is based on the market value on the valuation date, and not on the previous year's assessment value.

[13] The Board accepts the premise that a year to year comparison of assessments is not valid in that, by legislation, each year's assessment reflects the market conditions for that year on the Valuation date of July 1.

[14] The Complainant had not provided the Board with any sales comparables of similar properties to show that the subject property had been assessed too high.

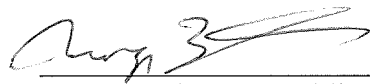
[15] In absence of any compelling evidence that the 2014 assessment of the subject property was too high the Board is bound by s.467(3)(c) of the MGA that states: "*An assessment review board must not alter any assessment that is fair and equitable, taking into consideration the assessments of similar property or businesses in the same municipality.*"

Dissenting Opinion

[16] There was no dissenting opinion.

Heard May 21, 2014.

Dated this 22nd day of May, 2014, at the City of Edmonton, Alberta.



George Zaharia, Presiding Officer

Appearances:

No appearance

for the Complainant

No appearance

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 463 If any person who is given notice of the hearing does not attend, the assessment review board must proceed to deal with the complaint if

- (a) all persons required to be notified were given notice of the hearing, and
- (b) no request for a postponement or an adjournment was received by the board or, if a request was received, no postponement or adjournment was granted by the board.

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.