

Edmonton Composite Assessment Review Board

Citation: Un-heard-promotions Ltd v The City of Edmonton, 2014 ECARB 00294

Assessment Roll Number: 8227506

Municipal Address: 9602 82 AVENUE NW

Assessment Year: 2014

Assessment Type: Annual New

Assessment Amount: \$968,000

Between:

Un-heard-promotions Ltd

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF

John Noonan, Presiding Officer

Martha Miller, Board Member

Taras Luciw, Board Member

Procedural Matters

[1] Upon questioning by the Presiding Officer the party 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. The Complainant did not attend the hearing.

Preliminary Matters

[2] The Respondent advised the Board that, following discussions with the Complainant, the 2014 assessment was reduced from \$968,000 to \$758,500. The reduction was accepted by the Complainant verbally and the Withdrawal to Correction form was being transmitted to the Respondent.

Background

[3] The subject property is restaurant with 2,638 square feet on the main level, 2,083 square feet on the second level with a 195 square foot basement. The improvement is situated on a 4,354 square foot lot located at 9602 – 82 Avenue NW.

Issues

[4] Is the 2014 assessment too high based on the rental income?

Position of the Complainant

[5] The Complainant added reasons for their complaint with the Complaint Form and described the lease rate of \$22 per square foot used in calculating the 2014 assessment as not likely achievable in the area of the subject property as there are no tenants paying in excess of \$15 per square foot. Further, it was not reasonable to compare the restaurant to others located in more expensive spaces outside the area.

[6] The Complainant noted that there were no sales of property that would provide a benchmark for actual market value.

Position of the Respondent

[7] The Respondent's original assessment was based on a rental rate of \$22.00 per square foot for the main level, \$12.50 per square foot for the second floor area, and \$10.50 per square foot for the basement area.

[8] Following discussions with the Complainant, the per square foot rental rate applied was reduced to \$17.75 for the main level, to \$9.75 for the second floor area, and \$1.50 for the basement which was used for storage only. These rates were the same as those applied to other properties in the same size category on the south side of Whyte Avenue. Originally, properties in this area on the north side of Whyte Ave were considered to be in a different commercial market area.

[9] The calculation of the reduced rental rate resulted in a recommended 2014 assessment of \$758,500 which the Respondent requested the Board to confirm.

Decision

[10] The Board accepts the recommended 2014 assessment in the amount of \$758,500.

Reasons for the Decision

[11] The Board heard the assessment as revised by the Respondent is acceptable to the Complainant and the complaint on the original assessment is being withdrawn.

Heard May 29, 2014.

Dated this 23rd day of June, 2014, at the City of Edmonton, Alberta.



John Noonan, Presiding Officer

Appearances:

None

for the Complainant

Chris Rumsey

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

None