

## **Edmonton Composite Assessment Review Board**

**Citation: Freedom Ford, represented by CVG v The City of Edmonton, 2014 ECARB 00711**

**Assessment Roll Number:** 10241167  
**Municipal Address:** 7505 75 Street NW  
**Assessment Year:** 2014  
**Assessment Type:** Annual New  
**Assessment Amount:** \$6,750,500

Between:

**Freedom Ford**

Complainant

and

**The City of Edmonton, Assessment and Taxation Branch**

Respondent

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**DECISION OF**  
**Patricia Mowbrey, Presiding Officer**  
**Brian Hetherington, Board Member**  
**Jasbeer Singh, Board Member**

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### **Procedural Matters**

[1] When questioned by the Presiding Officer, the parties indicated they had no objection to the composition of the Board. In addition, the Board members stated they had no bias with respect to this file.

[2] The Complainant informed the Board that the 2014 assessment of \$2,272,593 in respect of the improvements was not in dispute and the only issue before the Board was the assessment of the land.

### **Preliminary Matters**

[3] There were no preliminary issues.

### **Background**

[4] The subject property is an auto dealership (Freedom Ford) located at 7505 – 75 Street, NW, on a 6.637 acre (289,145 sq. ft.) irregular lot at the intersection of two major roadways in the Girard Industrial neighbourhood. The subject property is zoned IB and the land assessment of \$4,478,024 (or \$674,706 per acre) and the total assessment of \$6,750,500 for 2014 has been contested by the Complainant.

## **Issues**

[5] Is the land assessment of \$674,706/acre for a total of \$4,478,024 too high?

## **Position of the Complainant**

[6] The Complainant filed this complaint on the grounds that the land assessment in the subject property is excessive and is not supported by the market prices on the valuation date of July 01, 2013. The Complainant presented four sales comparables in support of his contention that the subject land was over assessed.

[7] The sales of four industrial zoned vacant land properties indicated a range of time adjusted selling prices between \$477,061 and \$656,988 per acre. The subject property is assessed at \$674,604 per acre.

[8] The Complainant stated that an Assessment Review Board had reduced the 2013 land assessment to \$600,757 per acre, which, when time adjusted for the current year assessment would be \$634,658 per acre.

[9] The sales comparable information suggested a lower market value of \$600,000 per acre or a total of \$3,982,800 for the subject's land assessment.

[10] The Complainant concluded by requesting the Board to reduce the land assessment of the subject property to \$600,000 per acre, for a total land and building assessment of \$6,255,000.

## **Position of the Respondent**

[11] Defending the 2014 land assessment of \$4,478,024, the Respondent submitted a table of five comparable vacant land sales that occurred between February 2008 and January 2012.

[12] The time adjusted land sales prices in respect of these comparables ranged between \$15.67/ sq. ft. and \$19.01/ sq. ft. that, in the Respondent's opinion, supported the subject assessment at \$15.49/ sq. ft.

[13] All sales were in respect of vacant land parcels zoned industrial, ranging in size from 4.37 acres to 5.18 acres and were comparable to the subject in terms of zoning, location and lot size.

[14] The Respondent had acknowledged the irregular shape of the subject land parcel and applied a negative 5% adjustment that was reflected in the current year assessment.

[15] The Respondent discounted the Complainant's reference to a previous year's Assessment Review Board decision, and stated that in the absence of relevant evidence or argument presented at the previous hearing, the Board should place little weight on that decision .

[16] The Respondent stated that the onus of proving the incorrectness of an assessment is on the individual alleging it. The onus rests with the Complainant to provide sufficiently convincing evidence on which a change to the assessment can be based. In the Respondent's opinion the Complainant had not provided sufficiently compelling evidence to allow the Board to alter the assessment.

[17] The Respondent concluded by requesting the Board to confirm the 2014 land assessment of \$4,478,024 for the land and a total assessment of \$6,750,000 for subject property.

### **Decision**

[18] The Board confirms the 2014 assessment of \$6,750,500 for the subject.

### **Reasons for the Decision**

[19] The Board noted that none of the four sale comparables presented by the Complainant share the location attribute enjoyed by the subject which is located at the intersection of two busy traffic arteries.

[20] The Board was unable to consider the Complainant's three sale comparables (located at 5803 Roper Road, 1303 – 70 Avenue and 1105 – 70 Avenue), as it found these properties are substantially smaller in size than the subject property. Although zoned industrial, none of these interior located properties, enjoyed the subject's location and visibility attributes.

[21] The Complainant's fourth sale comparable (located at 5303 – 36 Street), although zoned industrial and comparable in size to the subject, is sufficiently dissimilar in location to the subject, that it does not provide a reasonable indication of value for the subject on the valuation date.

[22] The Board found the Respondent's sale comparables to be more persuasive in that these parcels of land were comparable to the subject in size, were similarly zoned and at least two parcels (located at 5620 – 99 Street and 321 Parsons Road) enjoyed prominent locations on busy traffic arteries, and supported the subject assessment.

[23] The Board finds that the Complainant has not provided sufficient evidence to establish that the assessment is incorrect.

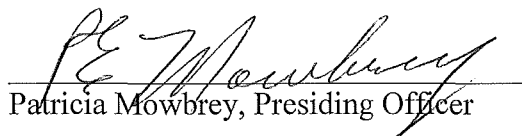
[24] The Board finds the 2014 land assessment of \$4,478,024 and the total assessment of \$6,750,500 to be fair and equitable.

### **Dissenting Opinion**

[25] There was no dissenting opinion.

Heard July 21, 2014.

Dated this 11<sup>th</sup> day of August, 2014, at the City of Edmonton, Alberta.

  
Patricia Mowbrey, Presiding Officer

**Appearances:**

Peter Smith, CVG  
for the Complainant

Scott Hyde, City of Edmonton Assessor  
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**

Complainant: C-1 14 pages

Respondent: R-1 53 pages