



## ASSESSMENT REVIEW BOARD

Churchill Building  
10019 103 Avenue  
Edmonton AB T5J 0G9  
Phone: (780) 496-5026

### NOTICE OF DECISION NO. 0098 329/11

CVG  
1200-10665 Jasper Avenue  
Edmonton, AB T5J 3S9

The City of Edmonton  
Assessment and Taxation Branch  
600 Chancery Hall  
3 Sir Winston Churchill Square  
Edmonton AB T5J 2C3

This is a decision of the Composite Assessment Review Board (CARB) from a hearing held on November 14, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10129445	5120 WINDERMERE BOULEVARD NW	Plan: 0723371 Block: 14 Lot: 1	\$6,315,500	Annual New	2011

#### Before:

Larry Loven, Presiding Officer  
Jack Jones, Board Member  
Taras Luciw, Board Member

**Board Officer:** Karin Lauderdale

#### Persons Appearing on behalf of Complainant:

Tom Janzen, CVG

#### Persons Appearing on behalf of Respondent:

Jerry Sumka, Assessor, City of Edmonton

## **PRELIMINARY MATTERS**

Upon questioning by the Presiding Officer, the parties present indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to this file.

## **BACKGROUND**

The subject property is an undeveloped parcel located in south Edmonton. The site contains 6.94 acres (302,314 square feet) and the 2011 assessment equates to \$20.89 per square foot.

## **ISSUE(S)**

Is the 2011 assessment of the subject property at \$6,315,500 fair and equitable?

## **LEGISLATION**

### ***Municipal Government Act, RSA 2000, c M-26***

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**

The Complainant submitted written evidence in the form of an appeal brief containing 14 pages that was entered as exhibit C-1.

The Complainant noted that the 2011 assessment of the subject property increased by 28% while the city's commercial land time adjustment chart (C-1, page 14) shows a decrease of approximately 11.5% from July, 2009 to July, 2010. By applying the appropriate time adjustment factor of 0.8854 to the 2010 assessment, a value of \$14.41 per square foot (psf) is concluded as compared to the 2011 assessment of \$20.89 psf.

A reduced valuation was further supported by seven sales comparables (C-1, page 1) whose time adjusted sale price ranged from \$14.64 psf to \$18.12 psf. The Complainant placed most weight on sale comparables #3, #4 and #7 which range in size from 4.18 acres to 7.78 acres, and their time adjusted sales price ranges from \$15.00 psf to \$17.05 psf, respectively. From this, the Complainant concluded a value of \$15.00 psf, when applied to the subject property equates to \$4,534,725.

The Complainant also described the shape of the subject property as having a long, very narrow section (C-1, page 3) which is unusable and therefore has a negative impact on the valuation.

The Complainant further provided rebuttal evidence entered as exhibit C-2 and containing five pages, wherein locations of the Respondent's four sales comparables were shown to have better access and do not have the severe irregular shape that the subject has.

The Complainant requested a reduction of the 2011 assessment to \$4,534,500.

### **POSITION OF THE RESPONDENT**

The Respondent presented evidence (R-1 & R-2) and argument for the Board's review and consideration.

The Respondent referenced the mass appraisal methodology (R-1, page 4) for valuing individual properties.

The Respondent presented four sales comparables (R-1, page 15) to support the 2011 assessment of the subject property at \$20.89 per square foot. The sales comparables presented shared the attributes of size and proximity to major thoroughfares with the subject property. Sales comparables #3 and #4 share the characteristic of an irregular shape with the subject property. The Respondent noted that the irregular shape of sales comparable #3, when compared to sales comparable #2 (a neighbouring property) illustrated that the lot shape had little impact on the property value as the time adjusted sales prices were nearly identical. The mean time adjusted sales price of the four sales comparables presented was \$21.33 per square foot.

The Respondent also presented the supporting documentation (R-1, pages 16 to 25) for the sales comparables presented.

The Respondent requested the 2011 assessment of the subject property be confirmed at \$20.89 per square foot for a total assessment of \$6,315,500.

### **DECISION**

Roll Number	Original Assessment	New Assessment
10129445	\$6,315,500	\$4,534,500

### **REASONS FOR THE DECISION**

The Respondent accepted the City of Edmonton 2011 Commercial Land Time Adjustments table as presented by the Complainant and did not disagree that the chart gives a decrease from July 2009 to July 2010 of approximately 11.5%, but confirmed that the chart is not used to determine value for assessment purposes. The Board finds that the chart supports that a decrease in market value of the subject property as argued by the Complainant.

The Board finds that even two out of three of the four sales comparables provided by the Respondent are similar in size to the subject property, have a time adjusted sale price of ranging from \$23.25 to \$23.38 per square foot versus \$20.89 for the subject property, one is slightly lower, and the fourth at 1,134,785 square feet has a time adjusted sales price of \$18.51 per square foot.

Regarding the one of the seven sales comparables relied upon by the Complainant at 5103 Windemere Boulevard, immediately across the street from the subject property, containing 4.62 acres versus 6.94 for the subject property, has a time adjusted sales price of \$15.09 per square foot, the Board finds that this sales comparable provides a strong indication of value. Three of the remaining sales comparables range from \$14.64 to \$15.09 per square foot; two are at \$16.13 and \$16.27; and one is at \$18.12.

The Board further notes that no adjustment for shape was applied in the assessment of the subject property the shape of the subject property; however, finds that the shape of the subject property being more or less a right angle triangle less a circular chord section described throughout the hypotenuse requires an extreme or -20% adjustment for the shape of the property (R-1, page 7) in accordance with the manner for other adjustments given by the Respondent.

In its consideration of the above reasons, the Board finds that the requested reduction is supported by the negative change in market value, the sale comparable immediately across the street and the shape of the property; therefore, reduces the 2011 assessment to the requested \$15.00 per square foot or \$4,534,500.

### **DISSENTING OPINION AND REASONS**

There were no dissenting opinions.

Dated this 21<sup>st</sup> day of November, 2011, at the City of Edmonton, in the Province of Alberta.

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Larry Loven, Presiding Officer

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*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.*

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cc: AMA PROPERTIES LTD