



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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NOTICE OF DECISION NO. 0098 437/10

Altus Group Ltd
17327 - 106A Avenue
Edmonton AB T5S 1M7

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 between August 23 and October 21, 2010 respecting a complaint for:

Roll Number 2192631	Municipal Address 14335 121A Avenue NW	Legal Description Plan: 1524MC Block: 1 Lot: 6
Assessed Value \$2,445,500	Assessment Type Annual – New	Assessment Notice for: 2010

Before:

Tom Robert, Presiding Officer
Dale Doan, Board Member
Mary Sheldon, Board Member

Board Officer:

Segun Kaffo

Persons Appearing: Complainant

Walid Melhem

Persons Appearing: Respondent

Mary-Alice Lesyk, Assessor
Aleisha Bartier, Law Branch

PROCEDURAL MATTERS

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

All parties giving evidence during the proceedings were sworn by the Board Officer.

PRELIMINARY MATTERS

The parties agreed that all evidence, submissions and argument on Roll # 8480097 would be carried forward to this file to the extent that matters were relevant to this file. In particular, the Complainant chose not to pursue arguments with respect to the evidence he had provided regarding the income approach to value.

The Complainant and the Respondent presented to the Board differing time adjustment figures for industrial warehouses based on the Complainant's submission that some data used in the preparation of the Respondent's time adjustment model was faulty. The Board reviewed the data from the Complainant used in the preparation of his time adjustment figures and was of the opinion that the data used was somewhat questionable (Exhibit C-2). In any event, the differences between the time adjustment charts used by the parties for industrial warehouses were small and in many cases of little significance. Therefore, the Board has accepted the time adjustment figures used by the Respondent.

BACKGROUND

The subject property is a medium warehouse built in 1973 and located in the Dominion Industrial subdivision of the City of Edmonton. The property has a total building area of 21,930 square feet with site coverage of 26%.

ISSUES

The Complainant had attached a schedule listing numerous issues to the complaint form. However, most of those issues had been abandoned and the issues left to be decided were as follows:

- What is the typical market value of the subject property?
- Should the subject property receive an adjustment for configuration?

LEGISLATION

The Municipal Government Act, R.S.A. 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 presented four direct sales comparables ranging in value from \$80.55 to \$114.10 per sq. ft. with an average of \$93.26 per sq. ft.

Further, the Complainant argued that the subject had limited frontage and is perpendicular to the street. This limits the visibility to the street for portions of the building.

POSITION OF THE RESPONDENT

The Respondent presented five direct sales comparables ranging in value from \$120.53 to \$159.45 per sq. ft.

The Respondent argued that the subject property is a single tenant building and that the Complainant's evidence also indicates single tenancy. The policy for adjustment for configuration only applies to multi-tenant buildings, as it is viewed that a single tenant is not disadvantaged on portions of the building. The Respondent submitted that this policy is applied city wide.

DECISION

The decision of the Board is to confirm the assessment at \$2,445,500.

REASONS FOR THE DECISION

The Board is of the opinion that the most comparable sale was presented by both parties at 1454528 Avenue. This sale appears to support the assessment. Further, sale # 4 of the Respondent, similar in age, size and site coverage further supports the value of the subject.

The equity comparables presented by the Respondent indicate that the subject falls well within these comparables and is assessed fairly and equitably.

In regard to the issue of configuration, the Board agrees that the subject is a single tenant building as described in both parties' evidence. The Respondent has consistently applied these adjustments to multi-tenant buildings where conditions indicate, as shown by the evidence presented.

DISSENTING OPINION AND REASONS

There was no dissenting opinion.

Dated this 10th day of November, 2010, at the City of Edmonton, in the Province of Alberta.

Presiding Officer

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, R.S.A. 2000, c.M-26.

CC: Municipal Government Board
Manufacturers Life Insurance co.