



**ASSESSMENT REVIEW  
BOARD**

MAIN FLOOR CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON AB T5J 2R7  
(780) 496-5026 FAX (780) 496-8199

**NOTICE OF DECISION NO. 0098 507/10**

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 November 8, 2010 respecting a complaint for:

<b>Roll Number</b> 10006585	<b>Municipal Address</b> 9803 – 50 Street NW	<b>Legal Description</b> Plan: 0321819, Block: 7, Lot 3
<b>Assessed Value</b> \$1,494,000	<b>Assessment Type</b> Annual New	<b>Assessment Notice for:</b> 2010

**Before:**

Tom Robert, Presiding Officer  
Tom Eapen, Board Member  
John Braim, Board Member

**Board Officer:**

J. Halicki

**Persons Appearing: Complainant**

Chris Buchanan, Agent  
Altus Group Ltd.

**Persons Appearing: Respondent**

Guo He, Assessor  
Assessment and Taxation Branch

**BACKGROUND**

The subject property is a gas station and unrelated retail located in the Eastgate Business Park subdivision at 9803 – 50 Street.

The issue before the Board is only that portion considered as excess land. Both parties agree that the excess land is 42,784 ft<sup>2</sup> as per the Respondent's records/evidence. The assessment on the excess land portion is \$1,067,000.

## **ISSUES**

What is the market value of the subject's excess land?

Is the excess land assessed fairly and equitably with similar properties?

## **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 thirteen direct sales comparables ranging in value from \$9.53/ft<sup>2</sup> to \$21.74/ft<sup>2</sup>, with an average of \$14.61/ft<sup>2</sup> and a median of \$12.92/ft<sup>2</sup>. The requested value per square foot is \$14.61.

Further, the Complainant put forward twelve equity comparables ranging from \$14.00 to \$21.50 per square foot with an average of \$17.41/ft<sup>2</sup> and a median of \$17.20/ft<sup>2</sup>.

## **POSITION OF THE RESPONDENT**

The Respondent presented six direct sales/equity comparables ranging in value from \$18.77/ft<sup>2</sup> to \$27.07/ft<sup>2</sup> from direct sales and \$19.63/ft<sup>2</sup> to 27.87/ft<sup>2</sup> on equity comparison.

## **DECISION**

The decision of the Board is to reduce the excess land portion of the assessment to \$941,000. The total 2010 assessment is, consequently, reduced to \$1,368,000 from \$1,494,000.

## **REASONS FOR THE DECISION**

The Board is of the opinion that the direct sales comparables, as presented by the Respondent, support a value closer to \$22.00/ft<sup>2</sup> rather than the current value of \$24.95/ft<sup>2</sup>.

The only sale presented by either party on 50<sup>th</sup> Street NW indicates a direct sales value of \$18.77/ft<sup>2</sup> and an equity comparative value of \$22.66/ft<sup>2</sup>. Further, the Board does not totally

support the calculation of averaging the Respondent's direct sales which indicate a range closer to \$22.00/ft<sup>2</sup>.

The Complainant's direct sales would appear to be somewhat larger than the subject and many are in different areas. The Complainant's equity comparables are also larger than the subject and some not within the same area; however, the equity comparables on 50<sup>th</sup> Street, adjusting for size, would appear to support the range of \$22.00/ft<sup>2</sup>.

### **DISSENTING OPINION AND REASONS**

There were no dissenting opinions.

Dated this fifteenth day of November, 2010 A.D., at the City of Edmonton, in the Province of Alberta.

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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.*

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CC: Municipal Government Board  
City of Edmonton, Assessment and Taxation Branch  
Canadian Tire Corp. Ltd.