



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 511/11

ALTUS GROUP  
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 on November 22, 2011, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
10005798	12831-163 STREET NW	Plan: 0320369 Block: 6 Lot: 9B	\$52,875,500	Annual New	2011

#### Before:

Warren Garten, Presiding Officer  
Brian Carbol, Board Member  
Mary Sheldon, Board Member

**Board Officer:** Segun Kaffo

#### Persons Appearing on behalf of Complainant:

Walid Melhem, Altus Group

#### Persons Appearing on behalf of Respondent:

Doug McLennan, Assessor, City of Edmonton

## **PRELIMINARY 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 this file.

No other preliminary matters were brought forward before the Board

## **BACKGROUND**

The subject property is a “large warehouse” located in the Mistatim industrial subdivision of the City of Edmonton with a municipal address at 12831 163 Street. The property has a building area of 529,484 square feet on a site area of 2,386,575 square feet. The land is currently zoned IM and has full municipal servicing.

## **ISSUE(S)**

The main merit issue before the board is market value of the land (only) using the Direct Sales Comparison Approach to Value of the subject parcel totaling 2,386,575 Square Feet.

## **LEGISLATION**

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

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.

## **POSITION OF THE COMPLAINANT**

- The Complainant, using the Land Value Direct Sales Comparison Approach, presented 4 sales of similar properties in Edmonton (C-1, p.12).
- These sales averaged \$5.09 per square foot with a median of \$4.72 per square foot.
- The Complainant argued that two of the Complainant’s sales are in close proximity to the subject and generally indicate a value of \$4.75 per square foot.
- The Complainant also indicated that the Respondent’s sales were either fully developed or further out.
- The Complainant noted that 4 sales provided by the Complainant and 1 provided by the Respondent are lower than the subject property assessment.
- Based on these sales comparables the Complainant requests a revised assessment for the land portion of the subject property of \$4.75 per square foot for a total requested revised assessment of \$41,351,500 for the subject property (C-1, p. 13).

## **POSITION OF THE RESPONDENT**

- In support of its position that the current assessment of the subject was fair and equitable, the Respondent provided to the Board a chart of sales of land comparable to the land portion of the subject (R-1, p. 33). The Respondent advised the Board that the average time adjusted sale price per square foot of these comparables was \$9.35 and that this supported the assessment of the subject at \$9.58 per square foot for the land portion.
- The Respondent argued that this evidence showed that the current assessment of the subject was fair and equitable and requested that the Board confirm the assessment at \$52,875,500.

## **DECISION**

It is the Board's decision to confirm the current assessment at \$52,875,500

## **REASONS FOR THE DECISION**

In reaching its decision, the Board considered all argument and evidence.

The Complainant provided to the Board 4 time adjusted sales comparables for consideration. The Board found that sale numbers 1 and 3 were located in the South East and North East and could not be considered. The board found that sale numbers 2 and 4 were approximately double the size of the subject and could not be considered as comparables.

The Board found that there was not enough convincing evidence to support a reduction of the current assessment of the land from the existing \$9.58 per square foot.

## **DISSENTING OPINION AND REASONS**

There were no dissenting opinions regarding this decision.

Dated this 14<sup>th</sup> day of December, 2011, at the City of Edmonton, in the Province of Alberta.

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Warren Garten, 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: SOBEY LEASED PROPERTIES LIMITED