



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 717/11

Altus Group Ltd  
17327 - 106A Avenue NW  
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 January 17, 2012, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
8979353	3807 - 98 Street NW	Plan: 8021058 Block: 20 Lot: 14	\$3,157,500	Annual New	2011

#### Before:

Steven Kashuba, Presiding Officer  
Judy Shewchuk, Board Member  
Ron Funnell, Board Member

#### Board Officer:

Annet Adetunji

#### Persons Appearing on behalf of Complainant:

Walid Melhem, Altus Group Ltd

#### Persons Appearing on behalf of Respondent:

Mary-Alice Nagy, Assessor, City of Edmonton  
Stephen Leroux, Assessor, City of Edmonton

## **PRELIMINARY MATTERS**

1. At the request of the Respondent the witnesses were administered oaths or affirmations.

## **BACKGROUND**

2. The subject property, located in the Strathcona Industrial Park, is a medium warehouse built in 1979 with 28,371 square feet of main floor space and a total of 34,256 square feet. It is located in the southeast quadrant of the city. The site coverage is 41% on a lot of 1.6 acres or 69,965 square feet. The current assessment is \$3,157,500.

## **ISSUE(S)**

3. Is the 2011 assessment of \$3,157,500 fair and equitable based upon sales comparables?

## **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**

4. The Complainant presented three sales comparables (Exhibit C-1, page 8) with time adjusted sale prices ranging from \$72.22 to \$91.52 per square foot and an average of \$79.38 per square foot for the total leasable area. The Complainant submitted that, based on the sales comparables, the assessment of the subject property should be reduced from \$92.17 to \$75.00 per square foot for a total of \$2,569,000.

## **POSITION OF THE RESPONDENT**

5. The Respondent presented six sales comparables (Exhibit R-1, page 18) with time adjusted sale prices ranging from \$91.52 to \$124.68 per square foot for the total area of the building.
6. The Respondent argued that one of the Complainant's sales comparables was not comparable as the lease rates were well below market, while another sales comparable was much larger than the subject and had only one year left on the term of the lease. The third sales comparable supported the assessment of the subject.
7. The Respondent further argued that the assessment of the subject fell within the range of the time adjusted sale prices of their sales comparables.

## **DECISION**

8. **It is the decision of the Board to confirm the assessment of the subject property for 2011 at \$3,157,500.**

## **REASONS FOR THE DECISION**

9. The Board finds that although two of the Complainant's sales comparables did not support a reduction in the assessment, the third sale comparable does support the current assessment.
10. The Board finds the Respondent's sales comparables support the assessment, which falls within the range of the time adjusted sale prices.
11. The Board notes that the Complainant's sales comparable #3 was the same as the Respondent's sales comparable #3, and supports the 2011 assessment of \$92.17 per square foot for a total of \$3,157,500.

## **DISSENTING OPINION AND REASONS**

12. There was no dissenting opinion.

Dated this 2<sup>nd</sup> day of February, 2012, at the City of Edmonton, in the Province of Alberta.

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Steven Kashuba, 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: 3807 98TH STREET (ARI) LTD