



## ASSESSMENT REVIEW BOARD

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

### NOTICE OF DECISION NO. 0098 870/11

COLLIERS INTERNATIONAL REALTY  
ADVISORS INC  
1000-335 8TH AVE SW  
CALGARY, AB T2P 1C9

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 March 16, 2012, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
8769754	8931 - 83 Avenue NW	Plan: 5036S Block: 25 Lot: 28, etc.	\$1,302,500	Annual New	2011

#### Before:

Warren Garten, Presiding Officer  
George Zaharia, Board Member  
Tony Slemko, Board Member

**Board Officer:** Jason Morris

#### Persons Appearing on behalf of Complainant:

Stephen Cook, Colliers International

#### Persons Appearing on behalf of Respondent:

Chris Rumsey, Assessor, City of Edmonton  
Ryan Heit, Assessor, City of Edmonton

## **PROCEDURAL MATTERS**

The parties indicated they had no objection to the composition of the Board. In addition, the Board members indicated they had no bias on this file.

## **PRELIMINARY MATTERS**

There were no preliminary matters.

## **BACKGROUND**

The subject property is a paved parking lot, located at 8931 – 83 Avenue NW within the Bonnie Doon neighborhood of east Edmonton. The lot size is 39,174 square feet and is zoned CSC.

The property was assessed on the cost approach resulting in a 2011 assessment of \$1,302,500.

## **ISSUE(S)**

Is the 2011 assessment of the subject property at \$1,302,500 fair and equitable considering it is located in a residential area?

## **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**

1. The Complainant provided a recent assessment history of the subject property that showed an 18.7% increase in the 2011 assessment compared to the 2010 assessment, arguing that there had not been any sales to justify an 18.7% increase in assessment (Exhibit C-1, pages 9 & 13).
2. The Complainant provided a revised pro forma of the Respondent's original assessment by replacing the \$31.24 per square foot value with a \$26.00 per square foot value to arrive at the requested reduced assessment of \$1,097,500 (Exhibit C-1, pages 12 & 13).
3. The Complainant submitted a rebuttal document, marked as C-2, challenging the appropriateness of the Respondent's sales comparables. It was argued that all the comparables were smaller in size, so that based on "economies of scale", the subject property must have a lower value per square foot. The Complainant also argued that

major roadways, zoning, different market areas, and whether there was motivation in some of the sales, would be factors not common with the subject property (Exhibit C-2, pages 3 & 4).

4. The Complainant requested that the assessment of the subject property be reduced to its 2010 assessment of \$1,097,500 or \$26.00 per square foot, from its 2011 assessment of \$1,302,500 or \$31.24 per square foot (Exhibit C-1, pages 12 & 13).

### **POSITION OF THE RESPONDENT**

1. The Respondent submitted a brief that included four sales comparables of vacant land located in different areas of the city. The time-adjusted sale price of these comparables ranged from \$35.57 to \$49.71 per square foot. All these sale prices were higher than, and support the \$31.24 per square foot assessment of the subject property.
2. It is the position of the Respondent that the size and location of the sales comparables are taken into account in the sale prices.
3. The Respondent argued that the Complainant did not provide any sales comparables to support his request for the reduced assessment.
4. The Respondent requested that the Board confirm the 2011 assessment of the subject property at \$1,302,500.

### **DECISION**

The decision of the Board is to confirm the 2011 assessment of the subject property at \$1,302,500.

### **REASONS FOR THE DECISION**

1. The Board placed little weight on the Complainant's requested reduction in assessment since the Complainant did not provide any sales or equity comparables to indicate that the assessment may be too high.
2. The Board placed greater weight on the sales comparables provided by the Respondent. Although the Board acknowledges that the sales are not in the same area as the subject, and vary in size, the fact that all the sales are from \$4.33 to \$18.47 per square foot greater than the assessment of the subject, these increased values would account for the variables identified by, and of concern to, the Complainant.
3. The Board was persuaded that the 2011 assessment of the subject property at \$1,302,500 was fair and equitable.

### **DISSENTING OPINION AND REASONS**

There was no dissenting opinion.

Dated this 13<sup>th</sup> day of April, 2012, 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: 2792800 CANADA LIMITED