



ASSESSMENT REVIEW BOARD

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

NOTICE OF DECISION NO. 0098 913/11

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 April 25, 2012, respecting a complaint for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for:
3218757	9942 108 Street NW	Plan: NB Block: 8 Lot: 57-60	\$35,594,500	Annual New	2011

Before:

Patricia Mowbrey, Presiding Officer
Dale Doan, Board Member
Mary Sheldon, Board Member

Board Officer: Jason Morris

Persons Appearing on behalf of Complainant:

Chris Buchanan, Altus Group

Persons Appearing on behalf of Respondent:

James Cumming, Assessor, City of Edmonton
Moreen Skarsen, Assessor, City of Edmonton
Veronika Ferenc-Berry, Law Branch, City of Edmonton

PRELIMINARY MATTERS

At the commencement of the hearings the parties indicated that they had come to an agreement as to a revision to the assessment of this property. The parties said a minor size correction should take place that would revise the assessed amount to \$35,588,000. Further, the parties indicated that the tax exempt portion of the property should be changed from 32.91% to rates of 36.06% for the months of January to May, and 36.10% for the months of June to December. The representative of the City indicated that this change to the exempt percentage was the result of a recalculation in accordance with a previous decision of the Edmonton Composite Assessment Review Board.

ISSUE(S)

Is the assessment of the subject property fair and equitable?

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.

DECISION

The assessment of the subject property is revised to \$35,588,000. The 2011 tax exemption percentage of the subject property is revised to 36.08%.

REASONS FOR THE DECISION

Considering the recommendation of the Complainant and the consent of the Respondent, and in the absence of any other evidence presented to the Board, the Board has decided to give effect to the agreement of the parties. The Board has arrived at the tax exemption of 36.08% by pro-rating the percentages provided by the parties according to the number of months they apply.

$$(36.06\% \times 5 \text{ months}) + (36.10\% \times 7 \text{ months}) / 12 \text{ months} = 36.08\%$$

Dated this 25th day of April, 2012, at the City of Edmonton, in the Province of Alberta.

Patricia Mowbrey, 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, RSA 2000, c M-26.

cc: RMA PROPERTIES LTD