



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
1 SIR WINSTON CHURCHILL SQUARE
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NOTICE OF DECISION NO. 0098 98/10

COLLIERS INTERNATIONAL REALTY
ADVISORS
3555 10180 101 STREET
EDMONTON AB T5J 3S4

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 July 20, 2010 respecting an appeal on the 2010 Annual New Realty Assessment.

Roll Number 1087220	Municipal Address 11704 180 Street NW	Legal Description Plan 8121694 Block 5 Lot 6
Assessed Value \$6,909,000	Assessment Type Annual New	Assessment Year 2010

Before:

Ted Sadlowski, Presiding Officer
George Zaharia, Board Member
Judy Shewchuk, Board Member

Persons Appearing: Complainant

Christopher Hartley, Vice President Realty Tax Services
David Porteous, Associate Realty Tax Services
Colliers International

Persons Appearing: Respondent

Bob Thorgeirson, Supervisor
Industrial & Land Assessment
Assessment and Taxation Branch

PRELIMINARY MATTERS

Upon questioning by the Presiding Officer, the parties present indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to this file.

There were no preliminary issues raised by the parties and the Respondent did not have any recommendations on the file.

ISSUE(S)

The amount of the assessment, assessment class, and assessment sub-class were identified on the complaint form as issues, however, at the hearing, the correct size of the subject property was the sole issue raised by the Complainant which, in turn, affects the assessment.

BACKGROUND

The subject property, built in 1981, is a multi-tenant warehouse that has no vacancy. There are two tenants.

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

1. The Complainant questioned the accuracy of the size of the building as shown by the Respondent.
2. Based on information taken from the City of Edmonton website, the size of the building was shown as 99,664 square feet and that the building was demised into three bays (C-1, pg. 2).
3. The Complainant stated that the correct size of the building was 94,681 square feet and that the building was demised into two bays (C-1, pg. 2).
4. Taking the 2010 assessment of \$6,909,000 and dividing it by 99,664 square feet yields an assessment of \$69.32 per square foot. Applying the \$69.32 per square foot to the square footage of 94,681 square feet as deemed correct by the Complainant, results in the requested assessment of \$6,560,000.

POSITION OF THE RESPONDENT

1. The Respondent provided evidence from the Direct Sales (SPSS) Detail Report calculation output (R-1, pg. 11). The total building area is 97,401 square feet which is based on the exterior dimensions and includes finished mezzanine space.
2. The Respondent stated that the City of Edmonton's practice is to use exterior measurements of buildings to determine the square footage of the buildings. In determining the size of mezzanine space, measurements are taken from the inside of the exterior wall to the edge of the mezzanine.
3. The Respondent maintained that the City is bound, among other things, by the provisions of the *Municipal Government Act* and the *Matters Relating to Assessment and Taxation Regulation 220/2004* in preparation of the assessment. The City does not use the BOMA measurement standards to determine square footage of buildings.

DECISION

The decision of the Board is to confirm the 2010 assessment at \$6,909,000.

REASONS FOR THE DECISION

1. The Board accepts the Respondent's explanation that the square footage of all buildings is calculated using exterior measurements.
2. The Board was persuaded that the 2010 assessment of \$6,909,000 is fair and equitable.

Dated this twenty-second day of July, 2010 A.D. at the City of Edmonton, in the Province of Alberta.

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.

CC: Municipal Government Board
City of Edmonton, Assessment & Taxation Branch
Canadian Properties Holdings (Alberta) Inc.
Colliers International Realty Advisor Inc., Calgary