

Edmonton Composite Assessment Review Board

Citation: CVG v The City of Edmonton, 2013 ECARB 01758

Assessment Roll Number: 1536408

Municipal Address: 15826 112 Avenue NW

Assessment Year: 2013

Assessment Type: Annual New

Between:

CVG

Complainant

and

The City of Edmonton, Assessment and Taxation Branch

Respondent

DECISION OF

Robert Mowbrey, Presiding Officer

Howard Worrell, Board Member

Judy Shewchuk, Board Member

Procedural Matters

[1] Upon questioning by the Presiding Officer, the parties indicated they had no objection to the composition of the Board. In addition, the members of the Board stated they had no bias in respect of this matter.

Preliminary Matters

[2] There were no preliminary matters.

Background

[3] The subject is a 29,397 square foot multi-tenant office/warehouse built in 1987. It is situated on a 1.989 acre site in the Sheffield Industrial neighbourhood with site coverage of 34%. The subject is assessed in average condition on the direct sales comparison approach at \$3,143,000 or \$106.92 per square foot.

Issue

[4] Does the assessment reflect the market value of the subject?

Legislation

[5] **The *Municipal Government Act*, RSA 2000, c M-26, reads:**

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

[6] The Complainant submitted an evidence package (Exhibit C-1, 18 pages) which presented eight sales comparables. The comparables ranged in age from 1956/69 to 1981. The sizes ranged from 14,319 to 32,240 square feet and the site coverages from 16% to 63%. The time-adjusted sale prices (TASP) ranged from \$61.57 to \$104.29 per square foot.

[7] The Complainant stated that the best comparables were #1 at 16440-130 Avenue, #2 at 14308-118 Avenue, and #7 at 14505-124 Avenue. These comparables had TASPs of \$104.29, \$63.95, and \$93.28 per square foot respectively (Exhibit C-1, page 1).

[8] The Complainant asked that the Board reduce the 2013 assessment of \$3,143,000 to \$2,792,500.

Position of the Respondent

[9] The Respondent submitted an assessment brief (Exhibit R-1, 74 pages) which presented three sales comparables. The effective ages ranged from 1972 to 1980 and total building square footage ranged from 16,797 to 44,101 square feet. The site coverages ranged from 31% to 44%, and the TASPs from \$103.00 to \$113.32 per square foot (Exhibit R-1 page 16).

[10] The Respondent's comparable #1 at 16440-130 Avenue was the same as the Complainant's comparable #1.

[11] The Respondent argued that the Complainant's comparables #2 and #6 were sold below market; #3 was an industrial condominium; and #8 was a non-arm's length sale and that they were all invalid sales for comparison purposes. The Complainant's comparables #4, #5, and #6 had higher site coverages than the subject and comparable #5 was older and only in fair condition.

[12] The Respondent stated that both parties' comparable #1 was the best comparable and supported the assessment. The Respondent asked that the Board confirm the assessment at \$3,143,000 or \$106.92 per square foot.

Decision

[13] The decision of the Board is to confirm the 2013 assessment of \$3,143,000.

Reasons for the Decision

[14] The Board found that the Complainant's comparables #2 and #6 may have been sold below market. Also, sale #8 was a non-arm's length sale, and sale #3 was an industrial condominium. The Board found that these four properties were invalid sales for comparison purposes.

[15] The Complainant's comparables #4, #5, and #6 were older than the subject and had higher site coverages. In addition, #4 and #6 were smaller than the subject and #5 was only in fair condition. Comparable #7 was older, smaller, and had lower site coverage. The Board placed little weight on these comparables.

[16] The Board found that the Respondent's comparable #2 was older and larger than the subject and that #3 was older, smaller, and had higher site coverage. In addition #3 was in a different location from the subject and had approximately 50% office finish. The Board placed little weight on these comparables.

[17] The Board found that the best comparable was the property at 16440-130 Avenue which was a common sale comparable to both parties. The TASP was \$103.00 per square foot and is reasonably close to the assessment of the subject at \$106.91.

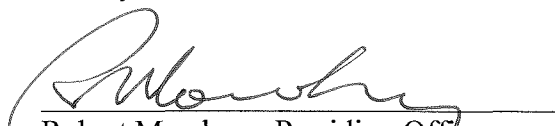
[18] The onus is on the Complainant to provide sufficient and compelling evidence to show the incorrectness of an assessment. The Complainant did not provide sufficient or compelling evidence for the Board to conclude the assessment was incorrect.

Dissenting Opinion

[19] There was no dissenting opinion.

Heard commencing October 7, 2013.

Dated this 5th day of NOVEMBER 2013, at the City of Edmonton, Alberta.


Robert Mowbrey, Presiding Officer

Appearances:

Tom Janzen
for the Complainant

Cherie Skolney
Joel Schmaus
for the Respondent

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.