
COMPOSITE ASSESSMENT REVIEW BOARD DECISION

HEARING DATE: 27 September 2011

PRESIDING OFFICER: ROB IRWIN

MEMBER: Dan Oneil

MEMBER: Jonathan Ward

BETWEEN:

**Citiland Airdrie Gateway Venture Inc.
Represented by: Jake Louie and Stephen Lee**

Complainant

-and-

**CITY OF AIRDRIE
Represented by:
G. Beierle and H. Kuntz**

Respondent

This is a complaint to the Airdrie Assessment Review Board and heard by the Composite Assessment Review Board in respect of a property assessment prepared by the Assessor of the City of Airdrie for the following Roll #s.

Roll	Property Location	Legal Description	Assessment \$	Assessment Base Year
845962	505 Gateway Rd NE	0810892/1/13	896,500	2010
845964	513 Gateway Rd NE	0810892/1/14	891,000	2010
845966	521 Gateway Rd NE	0810892/1/15	1,298,000	2010
845968	529 Gateway Rd NE	0810892/1/16	1,287,000	2010
848969	537 Gateway Rd NE	0810892/1/17	1,171,500	2010
846130	77 Gateway Dr NE	0812272/3/3	1,232,000	2010
846132	85 Gateway Dr NE	0812272/3/4	1,232,000	2010
846134	93 Gateway Dr NE	0812272/3/5	1,215,500	2010
846136	101 Gateway Dr NE	0812272/3/6	1,204,500	2010
845955	52 Gateway Dr NE	0810892/4/2	594,000	2010
845961	504 Gateway Rd NE	0810892/4/3	1,193,500	2010
845963	512 Gateway Rd NE	0810892/4/4	1,193,500	2010
845965	520 Gateway Rd NE	0810892/4/5	1,193,500	2010
845967	528 Gateway Rd NE	0810892/4/6	1,270,500	2010
846140	128 Gateway Dr NE	0812272/4/7	1,276,000	2010
846138	120 Gateway Dr NE	0812272/4/8	1,265,000	2010
846135	100 Gateway Dr NE	0812272/4/9	1,496,000	2010

846128	58 Gateway Dr NE	0812272/4/13	599,500	2010
845959	133 Gateway Dr NE	0810892/5/2	1,100,000	2010
846139	125 Gateway Dr NE	0812272/5/3	1,100,000	2010
846137	117 Gateway Dr NE	0812272/5/4	1,012,000	2010

Procedural or Jurisdictional Matters

No matters were identified by either party.

Neither party raised an objection to any Board member hearing the subject complaints.
No procedural or jurisdictional matters were raised by either party.

At the outset of the hearing the Complainant and the Respondent agreed that all 21 properties be heard as one hearing.

Property Description

Roll numbers are vacant lots located in the district known as Gateway Commerce Centre.

Issues

The Complainant's position is that the assessed value of the property is too high and should be reduced.

Prior to presenting their arguments, the Complainant confirmed to the Board that the only issue before the Board was Assessed Value.

Issue 1: Assessed Value

Complainant

The Complainant provided information to the Board to show that the actual market value was below the assessed value. The Complainant argued that the actual market value should be utilized instead of the Respondent's \$550,000/acre rate that was used in the assessment. It was argued that in reality the current list price was \$425,000 to \$475,000 per acre. The Complainant reported recent sales in the same area as the subject property and concluded that those recent sales were a true indicator of current value. The Complainant stated that the Respondent's comparables are not good comparables. They include to having different zoning than the subject, old stale sales, outside the valuation period and in a different market.

The Complainants asserted that recent sales of their own properties in the same area as the subject should have been used as comparables.

In the Complainants evidence package on page 8 they are shown as:

- B4 L12n - Sold price per acre \$475,000 sales date agreement date Apr 5 2010 closing date Aug 5 2010;
- B4/11 - Sold price per acre \$450,000 agreement date Jan 8 2010 closing date May 31 2010; and
- B1/L12 - Sold price per acre \$449,000 agreement date Nov 30 2009 closing date June 14 2010.

The Complainants also indicated that there appeared to be confusion regarding whether the City had some lots shown as commercial when they were DC IBI lots.

Respondent

The Respondent argued that Assessor is bound by the mass appraisal method and the assessment had passed an audit. The Respondent stated that all vacant industrial land in Airdrie was assessed the same value per acre and that the subject properties' assessments had been calculated in a fair and equitable manner. The Respondent did indicate that the Complainant's B4/L12 comparable sale actually closed after the valuation date but after some clarification the respondents indicated that they had erred in not including the other 2 comparables as they had thought they were zoned commercial and not DC IBI. This reflected a reduction to a \$538,000 per acre average.

Findings

Issue 1: Assessed Value

The Board considered all material presented and agreed with both parties that recent sales should be included in the sales comparable charts.

The Board understood both parties statements that there were very few sales during the last year to use for comparison but agreed that the recent property sales in Kingsview Heights and the two mentioned above in Gateway were a large enough sample size to be representative of the market.

The Board also noted that the Respondent's comparable property charts presented did show a comparable that sold in 2008 and again in 2010 as declining in market value and this is inconsistent with the 46% increase in assessed value.

Decision

Based on the municipal Government Act, Section 467, and all the evidence presented, the Board sets the 2010 assessment as follows:

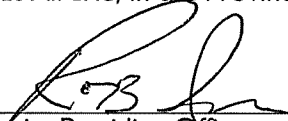
Roll	Property Location	Legal Description	Assessment \$
845962	505 Gateway Rd NE	0810892/1/13	819,890
845964	513 Gateway Rd NE	0810892/1/14	814,860
845966	521 Gateway Rd NE	0810892/1/15	1,187,080
845968	529 Gateway Rd NE	0810892/1/16	1,177,020
848969	537 Gateway Rd NE	0810892/1/17	1,071,390
846130	77 Gateway Dr NE	0812272/3/3	1,126,720
846132	85 Gateway Dr NE	0812272/3/4	1,126,720
846134	93 Gateway Dr NE	0812272/3/5	1,111,630
846136	101 Gateway Dr NE	0812272/3/6	1,101,570
845955	52 Gateway Dr NE	0810892/4/2	543,240
845961	504 Gateway Rd NE	0810892/4/3	1,091,510
845963	512 Gateway Rd NE	0810892/4/4	1,091,510

845965	520 Gateway Rd NE	0810892/4/5	1,091,510
845967	528 Gateway Rd NE	0810892/4/6	1,161,930
846140	128 Gateway Dr NE	0812272/4/7	1,166,960
846138	120 Gateway Dr NE	0812272/4/8	1,156,900
846135	100 Gateway Dr NE	0812272/4/9	1,368,160
846128	58 Gateway Dr NE	0812272/4/13	548,270
845959	133 Gateway Dr NE	0810892/5/2	1,006,000
846139	125 Gateway Dr NE	0812272/5/3	1,006,000
846137	117 Gateway Dr NE	0812272/5/4	925,520

Reasons

The Board agreed that not only should recent sales be utilized to create accurate sales comparable charts but that in a period when there was very little market activity, that they may be the most reliable indicators of market value. Although the Aug 5 2010 Complainants comparable sale was one (1) month outside the valuation date, the Board believed it could be used as a test of value. The Board agreed that when all evidence and sales were considered a rate of \$503,000 per acre was correct for the property under appeal.

Dated at Airdrie, in the Province of Alberta this 7 day of October, 2011.


 Rob Irwin, 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.