

**CALGARY  
ASSESSMENT REVIEW BOARD  
DECISION WITH REASONS**

In the matter of the complaint against the Property assessment as provided by the *Municipal Government Act*, Chapter M-26.1, Section 460(4).

**between:**

***Rickard Realty Advisors, COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***Paul G. Petry, PRESIDING OFFICER***

***Ed Reuther, MEMBER***

***Dick Cochrane, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

**ROLL NUMBER: 032040891**

**LOCATION ADDRESS: 2135 Pegasus Road N.E**

**HEARING NUMBER: 57841**

**ASSESSMENT: \$4,890,000**

This complaint was heard on 21 day of June, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- Rickard Realty Advisors – B. MacFarland

Appeared on behalf of the Respondent:

- City of Calgary – K. Cody, Assessor

**Property Description and Background:**

The subject property is a self-storage facility located on 147,541 sq. ft of land at 2135 Pegasus Road N.E. This property has been assessed using the cost approach which combines the value of land and improvements to produce the final assessment of \$4,890,000. The complaint centres on the land rate of \$22.95 per sq. ft. applied by the Respondent in developing the 2010 assessment. Both parties relied on the same or similar evidence presented for roll number 055161707 and therefore the CARB decision is also the same as for ARB 0566/2010 - P.

**Issues:**

1. Is the land rate of \$22.95 per sq. ft. used to determine the assessment of the subject property excess of market value as of July 1, 2009?

The Complainant had originally challenged the value attached to the improvements on this property but did not raise that matter in the hearing before the CARB.

**Board's Decision in Respect of Each Matter or Issue:**

1. The land rate used to determine the subject assessment is not in excess of market value as of July 1, 2009.

**Overview of the Positions of the Parties**

The Complainant provided six sales comparables all in the N.W. quadrant of the City. These sales showed an average selling price per sq. ft. of \$17.17. Two additional comparables located in the N.E. were also provided. One in the Airway district which sold July 28, 2008 at a rate of \$862,069 per acre and one at 1510 Country Hills Blvd. which sold at a rate of \$588,652 per acre. The Complainant suggested that #10 Royal Vista Dr. N.W. may be the best comparable and its selling price was \$18.11 per sq. ft. The recommended assessment for the subject is based on \$18.00 per sq. ft. which is close to the selling price of this comparable and results in a value of \$2,655,738 for the land. After adding the Assessor's value for the improvements the total assessment would be

\$4,165,000.

The Respondent did not introduce any additional sales evidence but choose rather to provide additional data respecting the sales relied upon by the Complainant. The Respondent pointed out that four of the six N.W. comparables used by the Complainant were in the N.W. and had been granted a 25% reduction in the assessments due to access problems. The comparable on Country Hill Blvd. has an urban reserve designation which signals that it is a long term holding purchase and this is further supported by the fact that the property has been used and assessed as a farmland for at least the past two years. This property is therefore not comparable to the subject. The property at 7663 110 Ave. N.W. has a caveat protecting the vendor's right to re-purchase the property and therefore this sale should not be recognized as a valid sale for comparison purposes. The Respondent suggested that the only comparable used by the Complainant that has the same zoning as the subject is the property suggested by the Complainant to be the best comparable. Once this property sale is adjusted by 25% for access, the per acre price is \$988,235 and this value supports the assessed value of the subject lands at approximately \$999,000 per acre.

### Reason for the Decision

The CARB has considered the Complainant's comparables and finds that there are a number of unanswered questions respecting similarity with the subject. These comparability questions or concerns include size, location, zoning, access, office area and site coverage. Without evidence to show either that these factors hold minimal market impact or alternatively that market based adjustments have been made, the CARB is not persuaded that the sales data accurately reflects a reasonable basis for estimating the market value for the subject. The comparables with a UR designation and a caveat respecting re-purchase were not considered as valid sales. In this case the evidence is simply too general and not sufficiently compelling to be used as a basis for altering the assessment for the subject property.

### Decision Summary

Based on the foregoing the decision of the CARB is to confirm the assessment for the subject property at \$4,890,000.

DATED AT THE CITY OF CALGARY THIS 20 DAY OF July 2010.

  
**Presiding Officer**

xxx/xx

*An appeal may be made to the Court of Queen's Bench on a question of law or jurisdiction with respect to a decision of an assessment review board.*

*Any of the following may appeal the decision of an assessment review board:*

- (a) the complainant;*
- (b) an assessed person, other than the complainant, who is affected by the decision;*
- (c) the municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
- (d) the assessor for a municipality referred to in clause (c).*

*An application for leave to appeal must be filed with the Court of Queen's Bench within 30 days after the persons notified of the hearing receive the decision, and notice of the application for leave to appeal must be given to*

- (a) the assessment review board, and*
- (b) any other persons as the judge directs.*