

**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, Section 460(4).

between:

The Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Hudson, PRESIDING OFFICER

S. Rourke, MEMBER

R. 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:	116017401
LOCATION ADDRESS:	5205 76 Avenue SE
HEARING NUMBER:	58421
ASSESSMENT:	\$1,940,000.00

This complaint was heard on the 21 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- *Mr. Troy Howell*

Representing the Assessment Advisory Group

Appeared on behalf of the Respondent:

- *Mr. John Ehler*

Representing the City of Calgary

Property Description:

The subject property is zoned I-G and is located on a corner lot in the Foothills Industrial area. The current use of the property is a combination of commercial activities including a gas bar/service and car wash as well as a convenience store. The site area is 2.14 acres (98,003 sq ft.) and the improvements total 9,239 sq ft. Based on the cost approach to value for the improvements, plus the value of the land, the current assessment totals \$1,940,000.00 rounded.

Issues / Grounds for Complaint:

The Complainant is concerned with the value placed on the land component of the assessment. There is no dispute over the assessment value of the improvements. The rate applied in the assessment is \$16 per square foot or \$1,460,000.00, and the Complainant argues that market value is best represented by a land rate of \$14 psf or \$1,300,000.00. This change would reduce the overall assessment requested to \$1,787,000.00

Position of the Complainant on the Issues:

The Complainant submitted three (3) vacant land sales similar in size and location to the subject land area in support of the reduction requested. The average price per acre of the sales is \$14 psf.

Position of the Respondent on the Issues:

The Respondent presented evidence which cast doubt on two of the three sales submitted by the Complainant. The evidence shows that the sale at 7210 – 110 Ave SE was non arms length, and the sale at 8490 – 44 St SE had significant negative influences affecting the sale price.

The Respondent further advised that the base rate for the subject property land value is \$15 per sq ft increased to \$16 psf due to the positive influence of the corner lot. The Respondent submitted both equity and sales comparables which support the assessment.

Board Findings on the Issues:

The Board finds that the evidence of the Complainant is not sufficient to disturb the assessment of the land on the subject property.

Board's Decision:

The total assessment is confirmed at \$1,940,000.00 including land and improvements

Reasons:

The sales comparables and equity evidence of the Respondent is compelling, while the sales evidence of the Complainant is questionable. The Complainant did not submit any equity comparables in support of the request to reduce the assessment.

DATED AT THE CITY OF CALGARY THIS 5th DAY OF August 2010.



T. Hudson
Presiding Officer

TH/ms

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.*