

**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:**

***Altus Group Ltd., COMPLAINANT***

**and**

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

**before:**

***S. Barry, PRESIDING OFFICER***

***J. Rankin, MEMBER***

***A. Zindler, MEMBER***

This is a complaint to the Calgary Composite 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:

<b>ROLL NUMBER:</b>	<b>200140994</b>
<b>LOCATION ADDRESS:</b>	<b>10901 Macleod Trail S.W. Calgary, Ab.</b>
<b>HEARING NUMBER:</b>	<b>56309</b>
<b>ASSESSMENT:</b>	<b>\$25,150,000</b>

This complaint was heard on the 29th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- R. Hutchinson

Appeared on behalf of the Respondent:

- E. D'Altorio

**Board's Decision in Respect of Procedural or Jurisdictional Matters:**

No procedural or jurisdictional matters were raised.

**Property Description:**

The subject property is a 287,191 sq.ft. site (6.59 acre) located on the southwest corner of Macleod Trail S.W. and Southport Road S.E. The land use classification is commercial (C-COR3 f1.0 h12) and the current use is as an automobile sales and service centre.

**Issues:**

Is the land assessed correctly at \$85 per square foot base rate and is the land assessment fair and equitable having regard to neighbouring assessments and area sales?

**Complainant's Requested Value:** \$15,000,000

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

The Complainant accepts the City's assessment of the building at \$744,565 as per Marshall and Swift and adjusted for GST.

The Board has been asked to establish the correct and equitable market value of land to a number of properties along the Macleod Trail Corridor. The properties all have the same current or immediately previous use, automobile sales and service; all have the same or similar land use classification and all have been assessed in the same manner: depreciated building cost, using Marshall and Swift, plus vacant land at market value. The properties vary significantly in size. Both the Complainant and the Respondent attended all the hearings and requested that the land arguments presented in this hearing, be applied to all the properties, subject to adjustments for specific influences. The method of valuation is not at issue, only the result.

The Complainant objects to the land assessment derived from applying \$85 per square foot (base cost) to the land area and requests that \$50 per sq.ft. be applied by the Board. The Complainant's argument in this respect relies on a listing of some 60 properties along Macleod Trail that shows the total assessment for these properties divided first by the parcel size and then by the building size in an attempt to show assessed value per square foot for each of land and building. The Board cannot determine if the properties were assessed in the same manner as the subject or, if so, what the separate land and building assessments for the properties are. The types of business uses vary widely but are not similar to the properties currently under complaint. The calculation is based on

spurious reasoning and does not demonstrate either market value or equity. The Complainant also produced an appraisal that was post facto of the appropriate valuation date of July 1, 2009 and was not time adjusted. The Board gave it no weight.

The Respondent used, generally, the 2009 tax year assessment rates for these properties and applied a downward adjustment of 15 per cent having regard to an average decline in assessed rates between 2009 and 2010 in the Beltline, Downtown and Eau Claire districts. The result was a base rate of \$85 per square foot.

The Complainant presented ARB or MGB decisions that supported a market value rate of \$80 per square foot in the previous year. The Respondent presented similar decisions that upheld the City's position on other properties. Both parties presented comparables most of which were, because of market conditions, based on sales that occurred before or after the valuation date. It was the Respondent's position that neither land use nor parcel size affected the value of the properties.

**Board's Decision:**

There is no market value or equity evidence that supports the requested value of \$50/sq.ft. There is no other evidence that would justify a change in the assessment having regard to s.467 of the Act.

The assessment base rate for this car dealership under complaint on Macleod Trail is, land only, \$85 per square foot.

In addition to the subject property, the land assessment base rate of \$85 per sq.ft. applies to the other properties under complaint, specifically:

Roll No.	090069907
Roll No.	112107008
Roll No.	090023706
Roll No.	090059395
Roll No.	090059809
Roll No.	200766947
Roll No.	111003307

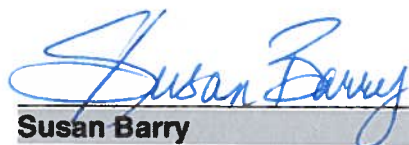
The assessment for Roll 200140994 is established as follows:

Building is confirmed at \$744,565

The land is confirmed at \$24,411,235

The Total Assessment is \$25,150,000

DATED AT THE CITY OF CALGARY THIS 23 DAY OF August 2010.



**Susan Barry**  
Presiding Officer

*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.*