

**CALGARY  
ASSESSMENT REVIEW BOARD  
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business assessment as provided by the *Municipal Government Act*, Chapter M-26, Section 460(4).

**between:**

***Assessment Advisory Group, COMPLAINANT***

**and**

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

**before:**

***Board Chair, T Golden  
Board Member, R Kodak  
Board Member, D Julien***

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

<b>ROLL NUMBER:</b>	<b>068173905</b>
<b>LOCATION ADDRESS:</b>	<b>310 15 Av SW</b>
<b>HEARING NUMBER:</b>	<b>58227</b>
<b>ASSESSMENT:</b>	<b>\$1,410,000.00</b>

This complaint was heard on 3 day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *Mr. S. Cobb*

Appeared on behalf of the Respondent:

- *Mr. A. Cornick*

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

There were no preliminary issues.

**Property Description:**

The property is a C+ quality office on a 5254 sq ft site in the Beltline area of the City. The structure is an older house that has undergone a conversion to office space. After conducting an income pro forma and a comparison approach for vacant land the city established the method of assessment of this property to be the direct comparison method and set a vacant land value of \$270.00 as a land rate.

**Issues:**

Is the land rate established by the City the applicable rate?

**Complainant's Requested Value:**

\$1,060,000.00

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

The land rate of \$270.00 per sq ft is the appropriate rate to apply to the assessment.

The complainant presented the board with 3 sales comparables of vacant land all with a DC land use designation and all located in and around the City downtown. Although the comparables were located in the East Village and the Connaught districts it was the opinion of the complainant that these properties were similar to the subject property and with adjustments could be used to illustrate that the assessment was excessive. Each property was adjusted between 5% and 15% for the factors of location and parcel size. Adjustments were intended to recognize that all the comparables were larger than the subject and in inferior locations. The adjusted value per sq ft resulting from the calculation was \$202.00.

The respondent firstly discussed the importance of the land use designation in determining the highest and best use of the property. The DC designation of the subject property is intended for eventual use as predominantly multi residential. A sales analysis conducted by the City demonstrates that in this area multi residential designated property trades at a higher value than

similar commercial property. The subject land rate was based on sales of parcels designated for predominantly multi residential use. A table presented to the Board showed 5 comparable properties all located in the Beltline area and a multi residential land use designation. These properties have a mean sale value of \$269.00 per sq ft.

The complainant's comparables were considered very weak as they were neither in the same or similar market area nor a similar land use designation to the subject property. In addition the complainant made a series of adjustments based on the experience of the presenter without market evidence. Although the City evidence was considered to be much stronger containing a variety of sized parcels of the similar land use designation all in the same market area the board was of the opinion that the complainant did not meet the onus required to adjust the assessment based on the quality of evidence presented.

**Board's Decision:**

The assessment is confirmed at \$1,410,000.00

DATED AT THE CITY OF CALGARY THIS 06 DAY OF August 2010.



T. Golden  
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.*