

**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:

ROLL NUMBER:	067099507 and 067099606
LOCATION ADDRESS:	708 and 712 12 Av SW
HEARING NUMBER:	58629 and 58625
ASSESSMENT:	(067099507) \$795,000.00 and (067099606) \$2,790,000.00

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:

Before the commencement of the hearing both parties agreed that these were vacant adjoining properties and the arguments in each case were the same. Evidence from both parties regarding both properties was in the same document and would be discussed at the same time.

Property Description:

The subject properties are adjacent and located in the Beltline area. The sites are 13,021 sq ft and 3699 sq ft in size and are paved and developed as a parking lot. Zoning of the parcel allows for predominantly commercial uses and therefore attracts the commercial land rate of \$215.00 per sq ft.

Issues:

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

Complainant's Requested Value:

(067099507) \$732,000.00 and (067099606) \$2,570,000.00

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

The land rate of \$215.00 is the appropriate land rate.

The complainant presented the board with 3 sales comparables of vacant land all with a DC land use designation that allows for commercial uses. 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 \$198.00.

The respondent submitted a map demonstrating that over a series of market areas in the beltline the value of \$215.00 was used by the City in assessing the properties. In addition the respondent showed that none of the comparables submitted by the complainant were located in the same area with the closest being in the BL5 district which has a lower land rate than all the rest of the beltline. A table of 5 comparable properties used to develop the land rate was presented to the Board. The median value of these sales was \$221.00 per sq ft. and based on this the City set the land rate at \$215.00. Each property was located in the Beltline district and the land use designation allowed for

commercial uses. Even with questions regarding two sales that seemed high the remaining sales supported the assessment. The respondent also noted that indeed the complainant's comparables may be reasonable but argued the applied adjustments were insufficient to reflect the real inferiority of the locations. Even at that one of the 3 sales supports the assessments.

The complainant's comparables were neither in the same or similar market area. The board was unclear regarding the values used by the complainant to make the series of adjustments. These values are based on the experience of the presenter without market evidence. The City evidence was considered to be much stronger containing and using properties that appear to be more similar in nature to the subject.

Board's Decision:

The assessment is confirmed at (067099507) \$795,000.00 and (067099606) \$2,790,000.00.

DATED AT THE CITY OF CALGARY THIS 10 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.*