

**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:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

L. Wood, PRESIDING OFFICER

J. Massey, MEMBER

D. Pollard, 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: 098015902

LOCATION ADDRESS: 6118 30 Street SE

HEARING NUMBER: 56345

ASSESSMENT: \$1,470,000

This complaint was heard on 6th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 5.

Appeared on behalf of the Complainant:

- *Mr. John Smiley*

Appeared on behalf of the Respondent:

- *Mr. Ian Baigent*

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

The Board notes the Complainant checked two matters on the complaint form, namely (3) an assessment and (4) an assessment class. However the only issue before the Board was the assessment.

Property Description:

The subject property is a fully serviced .69 acre commercial development site located on a corner lot. It is situated in the Foothills Industrial area and is in close proximity to Barlow Trail SE. It has a land use designation of Commercial- Corridor 3.

Issues: (as identified on the complaint form)

1. The land use of the property has not been considered in deriving the value of the subject property.
2. The assessment of the subject property is in excess of its market value for assessment purpose when using the direct sales comparison approach and should be \$850,000/acre.
3. An inadequate allowance was permitted for land use restrictions and caveats.

Complainant's Requested Value: \$ 585,000

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

The Board notes that an appendix to the complaint form contained several statements to why the subject property's assessment is incorrect. However the evidence submitted to the Board at the hearing was in regards to the land use, the land use restrictions and caveats, and the direct sales comparables.

- **The land use of the property has not been considered in deriving the value of the subject property.**

The Board finds the appraisal that was submitted by the Complainant provided little value in support of a reduction to \$585,000 as it contains limited sales data. The Board notes two of the five

comparables were listings, no location adjustments were made to the comparables which would have likely increased the adjusted unit value and the appraisal, dated October 15, 2009, was three months after the valuation date (Exhibit C-1 page 55).

- **An inadequate allowance was permitted for land use restrictions and caveats.**

The Complainant submitted that I-G lands are afforded more discretionary uses compared to C-COR 3 lands. He submitted that the subject property is surrounded by I-G land and therefore it should be assessed as if it is I-G land. The Respondent submitted that the subject property is not industrial land but commercial land and that the property should be valued in accordance with the commercial land use applied. The Board finds that there was no evidence provided to indicate that I-G zoned land is similar to C-COR 3 zoned land in the subject location.

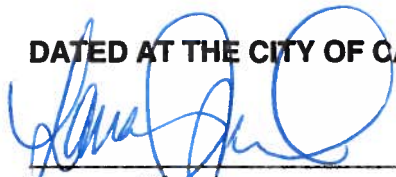
- **The assessment of the subject property is in excess of its market value for assessment purpose when using the direct sales comparison approach and should be \$850,000/acre.**

The Board found the Complainant's five industrial land sales, including three from Dufferin Industrial, of little assistance as these were I-G lands located outside of the Foothills area (Exhibit C-1 page 12). The Board notes that although some of the Respondent's commercial land sales appeared to be in superior locations than the subject property (Exhibit R-1 page 24 & 25), the Complainant did not provide sufficient evidence to bring the assessment into question.

Board's Decision:

The decision of the Board is to confirm the assessment for the subject property of \$1,470,000 for the 2010 assessment year.

DATED AT THE CITY OF CALGARY THIS 6th DAY OF AUGUST 2010.



Lana J. Wood
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.*