

**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: 097018600**

**LOCATION ADDRESS: 4990R 68 Avenue SE**

**HEARING NUMBER: 58913**

**ASSESSMENT: \$221,500**

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. This file was heard in conjunction with **file numbers 59993 and 59309** in which the parties derived land rates for vacant industrial lands that applies to this case as well.

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.

The Complainant withdrew all arguments pertaining to the rail right of way for the subject property based on a recent Municipal Government Board decision 074/2010 in which the Board held that the property did not meet the test for a rail right of way. Therefore the matter before the Board was one of land value only.

The Respondent raised an objection that the Complainant was introducing new issues after he withdrew the rail argument and requested to proceed with market value of the subject property. The Board reviewed the complaint form which stated that one of the grounds of appeal was the direct sales comparison approach. The Board held that it was reasonable to assume that the Respondent was aware in advance that market value could be an issue at the hearing and directed that the parties proceed with the case.

The Board notes that the Complainant was seeking a reduction at the hearing to \$65,000 when the amount indicated on the complaint form was \$1,497.

**Property Description:**

The subject property is a strip of industrial land that is approximately 40 feet in width with a rail line. The total size of the parcel is .42 acres. It is located in Foothills Industrial and is zoned as I-G.

**Issues: (as identified on the complaint form)**

1. The aggregate assessment per square foot applied to the subject property does not reflect market value for assessment purposes when using the direct sales comparison approach.

**Complainant's Requested Value:** \$ 65,000

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

The Board notes that there were several statements on the appendix to the complaint form as to

why the assessment for the subject property is incorrect, however, the issue before the Board at the hearing was in regards to the direct sales comparison approach.

**The aggregate assessment per square foot applied to the subject property does not reflect market value for assessment purposes when using the direct sales comparison approach.**

The Complainant submitted five industrial land sales including three from Dufferin Industrial which form the basis of the valuation for the subject property at \$620,000/acre (Exhibit C1 page 21). The Complainant submitted that there should be a reduction of 75% to the base rate to account for the negative influences affecting the subject property: shape, residual parcel and limited access to arrive at an assessed value of \$65,000. The Complainant indicated that this land would not be desirable to a 3<sup>rd</sup> party.

The Respondent submitted that the City derived the industrial land rates in the SE quadrant by using the formula of \$1,050,000/ acre (1st acre) and \$300,000/ acre (1-10 acres). He provided a list of various land sales under an acre throughout the City to support the assessment (Exhibit R1 page 27). The Respondent also indicated that despite its unusual nature, this land has use, particularly to those adjacent landowners. Its value is based on those lands located in the Foothills area. The Respondent also indicated that adjustments were made for shape and residual parcel of 50%.

The Board acknowledges the lack of industrial land sales in Foothills Industrial in which to draw a reasonable comparison. However, the Board finds the sales data provided by both parties is inconclusive. Nevertheless, the burden of proof falls on the Complainant to provide sufficient evidence to bring the assessment into question. In this case, the Board finds that the Complainant failed to provide any evidence to suggest that Dufferin Industrial is similar to Foothills Industrial. The Board is satisfied that adjustments were made for shape and residual parcel and no further reductions for negative influences is warranted. As such, the Board finds that the Complainant did not meet his onus and confirms the assessment.

**Board's Decision:**

The decision of the Board is to confirm the assessment for the subject property of \$221,500 for the 2010 assessment year.

DATED AT THE CITY OF CALGARY THIS 6<sup>th</sup> DAY OF AUGUST 2010.

  
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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.*