

**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, Section 460(4).

between:

Altus Group Ltd , COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

R. Mowbrey, PRESIDING OFFICE

D. Morice, MEMBER

P. Pask, 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: 200383198

LOCATION ADDRESS: 232 15 AV SE

HEARING NUMBER: 59178

ASSESSMENT: \$17,320,000

This complaint was heard on 6th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 12.

Appeared on behalf of the Complainant:

- B. Neeson

Appeared on behalf of the Respondent:

- *D. Grandbois*

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

There were no procedural or jurisdictional matters.

Upon questioning by the Presiding Officer, the parties present indicated they had no objection to the composition of the Board. In addition, the Board indicated they had no bias on this file.

Property Description:

The subject property is 76,749 square foot parcel of land that has surface parking with no improvements that is located at 232 15th AV SE. The subject property is located in the BL-2 economic zone and is assessed using a \$215 PSF for land base rate and a 5% corner lot influence for a total of \$225 PSF.

Issues:

1. Should a corner lot influence be applied to the subject property?
2. Should a size influence be applied to the subject property?
3. What is the correct land base rate in the beltline?

Complainant's Requested Value:

\$13,431,075.

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

1. Should the assessed property be assessed with a corner lot influence?

The Complainant argued that the subject property should not be assessed a 5% corner lot influence, however, the Complainant provided no market evidence to support the issue that a corner lot would sell for the same price as an interior lot. The Complainant did not meet in the onus in this regard.

The Board finds that a 5% corner lot influence is consistent and equitable with other corner lot locations in the beltline.

2 Should a size influence be applied to the subject property?

The Complainant argued that the subject property should be adjusted downward because of the size of the subject property and submitted evidence to the Board to support this issue. In addition, the Complainant showed the Board the industrial rate influences including size in exhibit C-1 page 152. The Complainant requested a \$175 PSF assessment based on the evidence that the Complainant submitted. The Respondent noted that the size influence that the Complainant argued was not in the beltline area and would be impossible to find 10 acres in the beltline area. The Respondent showed the Board a current listing of a large site (84,496 SF.) The asking price is \$228 PSF and is just down the street from the subject property. The Respondent gave the Board equity charts on BL-2 showing that there was no adjustment to any of the equity comparables due to their size. The Board finds that a size adjustment is not warranted.

3 What is the correct land base rate in the beltline?

The Complainant argued that the assessment should be \$179 PSF for the subject property in the beltline.

The Respondent advised the Board that the assessment for the subject property had gone down in value from the previous year. The Respondent gave the Board evidence showing sales in the beltline commercial land during the last few years. (exhibit R-1 page 37) These 5 sales showed a average SP/PSF of \$270 and a median SP/PSF of \$233 which supports the assessment. The Respondent also included a post-facto sale occurring in September 25th. 2009. The sales was a court ordered sale and the SP/PSF was \$222. The Respondent rebutted the Complainant's sales (exhibit R-1 page 23) The Respondent argues that 123 12 AV SE, 126 13 AV SE and 105 10th AV SE are all valid sales and the rest have some deficiencies in the evidence such as non-arms length listing only and vendor talkback. The Respondent noted the Complainant's 3 sales support the assessment.

The Board relied on the 5 sales from the Respondent and the 3 sales from the Complainant giving a total of 8 sales. The Board notes that none of the sales were time adjusted and the median SP/PSF is \$217.

The Board finds the \$225 PSF to be equitable, fair and correct for the subject property, including the 5% corner lot adjustment.

Board's Decision:

The assessment of the subject property is confirmed at \$17,320,000.

DATED AT THE CITY OF CALGARY THIS 18th DAY OF August 2010.



R. Mowbrey
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.*