

**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:

F.W. Wesseling, PRESIDING OFFICER

S. Rourke, MEMBER

A. Wong, MEMBER

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: 075004309 & 075004705

LOCATION ADDRESS: 2101-50th Street S.E and 2121-50th Street S.E.

HEARING NUMBER: 58376 & 58381

**ASSESSMENT: 2101- 50th Street SE -- \$824,500.00
2121- 50th Street SE -- \$618,000.00**

This complaint was heard on 10 day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *T. Howell*

Appeared on behalf of the Respondent:

- *R.S. Powell*

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

N/A

Property Description: Both properties are located in the Forestlawn Industrial area and are utilized for the storage of trucks, trailers and goods. The use of these properties is associated with adjacent industrial uses. The properties are classified Direct Control (DC) district in the City of Calgary Land Use Bylaw. The property on 2101-50 Street SE is a corner lot and a 5% influence factor was applied to the assessment.

Issues: Pursuant to Section 460 of the MGA and Schedule 1 of Alberta regulation 310/2009 the complainant has identified the following issues for adjudication by the Board:

1. Assessed value is not reflective of the properties' market value.

Complainant's Requested Value: 2101- 50th Street SE --\$520,766.00
2121- 50th Street SE --\$390,158.00

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

Complainant's position: These properties have experienced significant assessment increases for 2010 over 2009. In excess of 60 % of assessment increases for both properties were noted. The complainant provided three sales comparables which indicated an average sale price of \$662,843.00 per acre. These sales were all in 2008 but were not in the Forestlawn industrial area. One sale comparable is a bare land condo. In addition a general trend report entitled "Calgary Industrial Market Report" dated spring 2009 and prepared by Avison Young was submitted for the Board's consideration.

Respondent's Position: The City of Calgary considers the parcels to be open storage. These properties were assessed utilizing the City's standard assessment approach for industrial land – 1st acre is assessed at \$1,050,000.00 and \$300,000.00 for each additional acre. It was submitted that industrial parcels of this size (less than an acre) are more marketable and in demand thus in turn impacting assessment. Four comparable land sales were provided. These properties were all under an acre in size. One dated back to 2007 and no time adjustment was applied.

Board's Decision: Upon reviewing the verbal and written evidence provided by the parties, the Board considers that the complainant failed to demonstrate that the assessment was inequitable. As such the assessments for the subject properties are confirmed.

Reasons: The Board found that the complainant brought forward insufficient evidence in terms of sales comparables and analysis to support a change of assessment.

DATED AT THE CITY OF CALGARY THIS 20 DAY OF August 2010.



Frank W. Wesseling
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.*