

**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-26.1, Section 460(4).

**between:**

***Altus Group Limited, COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***H. Kim, PRESIDING OFFICER***

***R. Roy, MEMBER***

***E. Reuther, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of Property assessments prepared by the Assessor of the City of Calgary and entered in the 2010 Assessment Roll as follows:

<b>ROLL NUMBERS:</b>	<b>091029819</b>	<b>091029934</b>
<b>LOCATION ADDRESSES:</b>	<b>5030 11 St SE</b>	<b>5046 11 St SE</b>
<b>HEARING NUMBERS:</b>	<b>58897</b>	<b>58898</b>
<b>ASSESSMENTS:</b>	<b>419,500</b>	<b>143,000</b>

This complaint was heard on the 17 day of August, 2010 at the office of the Assessment Review Board located at Floor Number Three, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *Christine Van Staden*

Appeared on behalf of the Respondent:

- *Todd Luchak*

**Property Description:**

The subject complaint is of two vacant parcels in the Highfield Industrial district, designated Industrial General (I-G). The parcels are both narrow strips of land adjacent to 11 St SE owned by Enmax Power Corporation and leased to adjacent parcels that front onto the parallel 12A St SE. Leasing the subject parcels allow the adjacent properties direct access onto 11 St SE, a major thoroughfare.

Both parcels are assessed as land only, based on sales comparables, at \$1,050,000 for the first acre and \$300,000 for each additional acre or portion thereof. Parcel 1, at 5030 11 St SE consists of 0.35 acres and Parcel 2 at 5046 11 St SE is 0.15 acres. Both parcels are coded for influences for Traffic Collector (TRC) and Direct Access – Traffic Corridor (ACD). Parcel 2 also receives a -25% influence for Residual Parcel (RPS).

**Issues:**

The Complainant identified a number of issues on the Complaint form, however, at the hearing, only two issues were argued and considered:

1. The assessment of the subject property is in excess of its market value.
2. An inadequate allowance was permitted for land-use restrictions and caveats.

**Complainant's Requested Value:**

<b>ROLL NUMBER:</b>	<b>091029819</b>	\$500 revised to \$184,000 at the hearing.
	<b>091029934</b>	\$73,500 revised to \$79,050 at the hearing.

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

**Issue 1 – Market Value**

The Complainant argued market value of industrial land is \$620,000 per acre, not \$1,050,000 for the first acre and \$300,000 for each additional acre, using the same presentation and arguments as had been presented to this Board in a complaint heard the previous day. The Respondent defended the value with the same presentation and arguments as well. The Board rejects the \$620,000 per acre market land rate for the same reasons as are set out in detail in ARB 1171/2010P.

**Issue 2 – Allowance for caveats on title****Complainant's position:**

The parcels are a right-of-way and are subject to caveats on title prohibiting any building or structure, changes to the existing surface grades, or planting of trees, shrubs or landscaping that would hinder the operation and maintenance of the utilities in the right of way. They can and are being used for parking and access but should not be assessed at the same rate as a fully developable parcel. The Complainant presented a list of influences applied to the 2010 assessment that had been presented by the Respondent at a previous hearing in June 2010. It does not list the codes for TRC and ACD, and has a footnote: "Traffic influences are no longer adjusted for due to 1P2007 Bylaw". She suggested that the parcels not have +15% added, and that they should be adjusted -15% for Public Utility (PUS) or -25% for Residual Parcel (RPS) which is applied to undevelopable parcels.

**Respondent's position:**

The Respondent stated that the one of the caveats submitted did not affect the subject parcel and that the other was a right of way perpendicular to 11 St SE which only affects a small portion of Parcel 1 and none of Parcel 2. Therefore the balance of the parcel was developable and should not receive any negative adjustments. It appeared that both parcels were adjusted +15% for ACD but the Respondent was unsure why that might be, his understanding was that traffic influences are no longer applied.

**Decision and Reasons:**

There was conflicting information in the original packages, therefore the Board requested and received additional documentation to determine where the parcels were and whether the caveats submitted did apply. It was determined that the entire land area of both parcels under complaint were the subject of a caveat that was identical to the ones submitted. Therefore the Board finds that the parcels are undevelopable and would be expected to have a lesser value than similar parcels which could be developed. The Board finds that the parcels do have utility for parking and access and the -25% influence for Residual Parcel requested by the Complainant is reasonable. The Board accepts that the +15% influence applied for Direct Access was in error and should be removed.

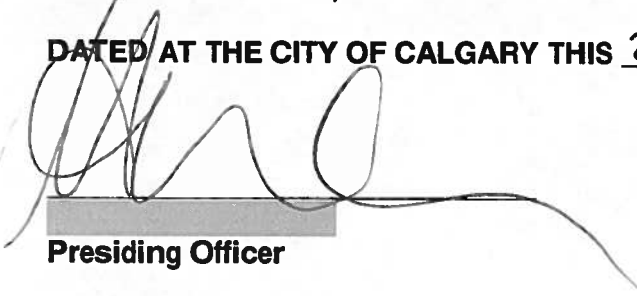
**Board's Decision:**

The complaint is allowed, in part, and the assessments reduced as follows:

<b>ROLL NUMBER:</b>	<b>091029819</b>	<b>\$275,000</b>
	<b>091029934</b>	<b>\$118,000</b>

based on \$1,050,000 per acre less 25% Residual Parcel influence.

**DATED AT THE CITY OF CALGARY THIS** 25 **DAY OF** August **2010.**

  
**Presiding Officer**

**EXHIBITS CONSIDERED AT THE HEARING**

<b><u>No.</u></b>	<b><u>Description</u></b>
1C	Complainant's submission
2R	Respondent's submission
3C	Rebuttal documents
4C	Third Party Industrial Market Reports
5R	Spin 2 screen print listing documents registered on title
6C	Certificate of Title for the subject Parcel 1
7C	Plan of Survey for the subject subdivision
8C	Document 841103640 caveat registered on subject parcels
9R	Orthographic photograph of subject showing property lines
10R	Orthographic photograph as 9R with easements highlighted

*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.*