

**CALGARY
COMPOSITE 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:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

J. Fleming, PRESIDING OFFICER

T. Usselman, MEMBER

D. Steele, 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: 677001414

LOCATION ADDRESS: 11141 84 St. S.E.

HEARING NUMBER: 58620

ASSESSMENT: \$978,500

This complaint was heard on 17 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:

- T. Howell, Assessment Advisory Group *for the Complainant*

Appeared on behalf of the Respondent:

- Randy Farkas; City of Calgary *for Respondent*

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

There were no procedural or administrative matters raised.

Property Description:

The property is an unimproved parcel of land with an area of 195,910 square feet (4.5 Acres). There is currently one small building on the site as evidenced from the overhead photograph, however the City does not attribute any value to the improvement. The property is zoned Direct Control with I-4 guidelines. The property has a 25% negative adjustment due to the DC Land use restrictions which limit the development on the site to 10% of site area. The property is assessed on the sales comparison approach to value. The property presently has a development permit approved for the site.

Issues:

Should the subject property qualify for a 25% reduction in assessment based on the shape of the lot?

Complainant's Requested Value: \$733,800

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

The subject does not warrant a reduction in the value based on its shape.

Board's Decision:

The complaint is denied and the assessment is confirmed at \$978,500.

REASONS:

The Complainant indicated that the site was very long and narrow and he represented that this shape impacted the development potential of the site, and so the City's standard shape factor adjustment of 25% should be given to the subject. The Complainant provided one equity comparable at 9524 Horton Rd. which received the shape adjustment.

The Respondent agreed that the subject was long and narrow, but argued that the site is still able to be developed as evidenced by the Development Permit which has been issued for the property. He indicated that the site was already given a 25% reduction in value due to the impact of the particular DC zoning guidelines which limited the amount of development on the property to a maximum of 10% of site area.

The Respondent indicated that the application of the shape reduction on a particular site was largely a subjective decision, and that there were no formal guidelines in place. The Complainant's comparable for instance, was much smaller than the subject (1.21 acres vs. 4.5 acres) with a small narrow finger of land included as part of the site. This was a good example where a portion of the land was unusable and hence a shape adjustment was warranted. The subject on the other hand received its 25% adjustment not because of its shape, but because of a development restriction

imposed by legislation.

In reviewing the evidence from both parties, the Board concluded that the Complainant had provided insufficient evidence to convince the Board that the shape of the lot would limit the development potential of the site. Neither party was able to supply dimensions which could show the Board that any potential development would be impacted by the shape of the lot. The Board accepted the evidence of the Respondent that it was reasonable to believe that the small size of the comparable and the long narrow "finger" of land included on the site would negatively affect the development potential but that this was a much different situation than the subject and so the Horton Rd. property was not in fact comparable.

Finally, the Board notes that the subject site receives a 25% negative adjustment based on its legislated limited development potential which the Board concludes adequately recognizes any development limitations of the site.

DATED AT THE CITY OF CALGARY THIS 1st DAY OF SEPTEMBER 2010.


James Fleming
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.*