

**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: 201364098**

**LOCATION ADDRESS: 16750 McKenzie Lake Blvd**

**HEARING NUMBER: 58949**

**ASSESSMENT: \$1,210,000**

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 16,039 square feet. The property is zoned Commercial Neighbourhood 2 (C-N2) and has a major traffic adjustment (TRM), which the City says has no impact on value. The property is assessed on the sales comparison approach to value.

**Issues:**

What is the best evidence of value for the subject property?

**Complainant's Requested Value:** \$384,900

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

The best evidence of value is similarly zoned property where the valuation has been completed using the same method for the comparables as for the subject.

**Board's Decision:**

The complaint is denied and the assessment confirmed at \$1,210,000.

**REASONS:**

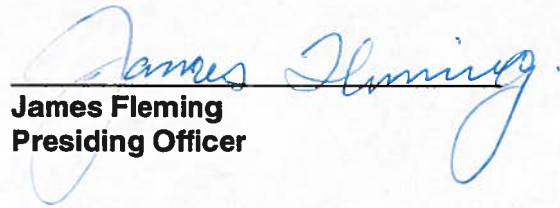
The Complainant provided three equity comparables all located in the southeast. The location of one of the comparables was virtually next door to the subject with similar zoning and it was assessed at \$69.00 per square foot of land. The remaining comparables were industrial and the rate requested for the assessment was \$24.00 per square foot, which was the value of the industrial comparables. The subject property had also sold on 2008/9/15 for \$560,000 or approximately \$35.00 per square foot. In response to questions the Complainant advised those were the properties they felt were similar.

The Respondent indicated the basis for the assessment at \$76.00 per square foot, showing the City wide rates for C-N2 land that were used to calculate the value for properties with this zoning. The Respondent also produced the Sale Information request provided by the parties, which showed that the parties indicated the sale was a non arms length transaction.

The Board reviewed the evidence, The Complainant did provide evidence of assessment for one commercial site, however the comparable was a developed site valued on the income basis and so any calculation purporting to show the value of the land is incorrect because the assessment reflects both land and building. No weight was placed on that comparable, The balance of the comparables

were industrial, not commercial property and the Complainant did not present any evidence or argument for the Board to consider that showed the relationship between the land values for industrial land and commercially zoned land such as the subject. Perhaps more importantly, for an equity analysis to succeed, it is very important that the properties offered as comparable are similar to the subject including a similar basis for preparation of the assessment. This is clearly not the case in this complaint. With respect to the sale, the Board accepts that it was not an arms length transaction, and so little weight was placed on this evidence. Accordingly while the Respondent did not provide any evidence beyond its chart of City wide values for similarly zoned land, the Board concludes that the Complainant had insufficient compelling evidence to disturb the assessment.

DATED AT THE CITY OF CALGARY THIS 1<sup>st</sup> 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.*