

**CALGARY  
COMPOSITE ASSESSMENT REVIEW BOARD (CARB)  
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:**

***J. Fleming, PRESIDING OFFICER***

***K. Farn, MEMBER***

***I. Zacharopoulos, 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:           075077321**

**LOCATION ADDRESS: 2032 36 St. SE**

**HEARING NUMBER:    56491**

**ASSESSMENT:           \$958,500**

This complaint was heard on 2nd day of September, 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:

- *S. Sweeney-Cooper for the Complainant*

Appeared on behalf of the Respondent:

- *I. McDermott; City of Calgary for the 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 having an area of 8,960 square feet. The property is vacant. The land use designation for the property is Commercial Corridor 2, and the assessment was prepared based on the Comparable Sales method.

**Issues:**

What is the best evidence of value for the subject?

**Complainant's Requested Value:**

\$338,000

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

The best evidence of value is the sale of the property within 30 days of the valuation date.

**Board's Decision:**

The appeal is granted in part and the value is set at \$481,000

**REASONS:**

The CARB reviewed the evidence from both parties. The Complainant provided sales comparables for improved property valued on the Income Approach to value (C2, pg 9). With the subject property as land only, these comparables were found to be of little benefit because the methodology in comparing dissimilar types of property (improved versus vacant land) and calculating land value based on an income approach to value for land and improvements is not a valid method in the opinion of the CARB. The Respondent presented 4 sales of similarly zoned land that supported the valuation of \$107 per square foot (R1, pg 18).

In the final analysis, each party acknowledged a sale of the property in June of 2009. The Complainant provided transfer documentation to show that the value of the sale was \$481,000. The Respondent noted that the adjacent property sold together as part of the same transaction and despite suggestions that this made the values suspect, was unable to offer any evidence to refute the Complainant's documentation. The Complainant also pointed out that the City listed this sale on its website, suggesting that it was a valid sale.

Accordingly, the sale of the site within 30 days of the valuation date in a "flat" market represents the best evidence of market value and the assessment is reduced as noted above.

DATED AT THE CITY OF CALGARY THIS 9 DAY OF September 2010.

  
James Fleming  
Presiding Officer

#### APPENDIX "A"

#### DOCUMENTS RECEIVED AND CONSIDERED BY THE CARB

No.	Item	
1.	Exhibit C1	Completed Complaint Form
2.	Exhibit C2	Complainant's Brief
3.	Exhibit R1	Respondent's Brief

*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.*