

**CALGARY
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-26.1, Section 460(4).

between:

Colliers International, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

E K Williams, PRESIDING OFFICER

A Wong, MEMBER

D Julien, 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	LOCATION ADDRESS	HEARING NUMBER	ASSESSMENT
093164804	5020 Barlow Tr. SE	58719	\$367,500
093164903	4990 Barlow Tr. SE	58721	\$537,500
201065778	2526 50 Ave SE	58723	\$958,500
201065786	2539 49 Ave SE	58724	\$888,500
093005304	2502 50 Ave SE	58726	\$395,000
093004703	5002 24 St SE	59341	\$868,500
093007748	2536 48 Ave SE	58716	\$328,000
093005809	2543 48 Ave SE	58727	\$ 81,500
093007607	2535 47 Ave SE	58730	\$196,000

Following a discussion with the Complainant and the Respondent it was mutually agreed that the CARB would issue one written decision that would apply to the Roll Numbers noted in the above table.

This complaint was heard on 22 day of September, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- M Uhryn

Appeared on behalf of the Respondent:

- R Farkas

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

Preliminary Matter: The Respondent raised the matter that the rebuttal evidence presented by the Complainant did not fulfil the requirement of rebutting the evidence presented by the Respondent. The rebuttal document was a restatement of the Complainant's evidence in a different format as well as the document included new evidence. Following an adjournment the CARB decided to accept the rebuttal evidence with the caveat that the extent to which the document would be considered would be determined during the process of the presentation and discussion of the evidence. The CARB's decision was accepted by both the Complainant and the Respondent.

Property Description:

The 9 subject properties which range in size from 0.08 to 0.92 acres are all vacant and unimproved land parcels, with Land Use Designation of DC Direct Control District which includes the Permitted and Discretionary Uses of the C-N2, in the Community of Valleyfield near the Road King truck stop located at the intersection of Barlow Trail SE and 50 Ave SE. Six (6) of the parcels are contiguous and located between Barlow Trail on the west, 25 St on the east, 49 Ave on the north and 50 Ave on the south. The 3 non-contiguous parcels are located along 25th St SE between 49 Ave SE and 47 Ave SE. All the parcels are located near each other and share common influences. Currently there is minimal servicing to the parcels which are essentially in a raw state. There are some rudimentary dirt roads adjacent to some of the parcels while other individual parcels are landlocked.

Issues:

The assessment is in excess of market value, inequitable and does not recognize the influences impacting on the subject properties.

Complainant's Requested Value: \$

The following table presents the requested value:

ROLL NUMBER	LOCATION ADDRESS	REQUESTED VALUE
093164804	5020 Barlow Tr. SE	\$71,500
093164903	4990 Barlow Tr. SE	\$95,000
201065778	2526 50 Ave SE	\$295,500
201065786	2539 49 Ave SE	\$243,500
093005304	2502 50 Ave SE	\$170,000
093004703	5002 24 St SE	\$229,000
093007748	2536 48 Ave SE	\$ 45,500
093005809	2543 48 Ave SE	\$ 15,500
093007607	2535 47 Ave SE	\$ 25,500

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

Complainant and Respondent presented a wide range of relevant and less relevant evidence in respect of the issues. It should be noted that both parties have toured the subject properties.

Complainant

The Complainant presented 3 exhibits, specifically

Exhibit C1 – Untitled: which contained written decision Assessment Review Board (ARB) 0928/2008-P (pages 1-4) related to the subject properties, documents related to the cost to service the parcels (pages 2 - 21) and a range of comparables (pages 22-144);

Exhibit C2 – Assessment Review Board: This is the document which was filed as the Complainant's Rebuttal Evidence which the Respondent raised as a preliminary matter. The contents of this evidence included an analysis of the historical assessments of the subject properties (pages 3-5); tables summarizing market comparables (pages 6-8); photographs of the subject properties (pages 9-18); written decision ARB 0518.2009-P (pages 21-26) related to the subject properties and the August 10 2010 Assessment Summary Reports for the subject properties.

Exhibit C3 - Untitled: a map of the area which showed the location of 6 of the 9 subject properties

In respect of Exhibit C2 the CARB reviewed the contents and as outlined in the CARB's decision on the Preliminary Matter (page 2 of 6 of this document) raised by the Respondent only certain evidence will be considered by the CARB. Specifically:

Pages 3-6 which is related to the Assessment History

Pages 7-8 which presents in table form the relevant information for I-2 and Unserviced land sale comparables; the CARB only considered the comparables which were included in Exhibit C1.

All other information contained in Exhibit C2 (the Rebuttal Evidence) was excluded from consideration.

The Complainant reviewed the history of the assessed value of the subject properties and advised the CARB that assessed values of the subject properties have been appealed in 2008 and 2009 and the decisions reduced the assessments. Written decision ARB 0928/2008-P was provided in Exhibit C1. A review of the decision determined that the 2008 ARB decision related to 15 properties which included the 9 subject properties.

Further the Complainant argued that the assessment must consider that the subject properties lack of services and the cost to service which are significant. In support of the servicing issue the Complainant referred the CARB to review pages 2 to 21 of Exhibit C1.

In addition to the status of the servicing the Complainant argued that the subject properties have a number of influences including but not limited to lack of direct transportation access, certain properties are landlocked while others have a corner location which have not been fully recognized in determination of the assessed value.

In respect of equity comparables the Complainant presented a number of comparables with a I-2 land use and unserviced comparables with a I-4 or DC-56 land use. The primary source for the majority of the data was Real/Net and where applicable the actual Real/Net documents were provided as support for the specifics. The only comparables considered by the CARB were those on pages 22-144 of Exhibit 1 and were also reported in the tables on pages 7 and 8 of Exhibit 2. The key findings based on a review of the comparables determined:

- I-2 Land Use: The median price per acre for the 10 comparables with serviced land the Land Use Designation of I-2 with transaction dates from January 2007 to July 2008 was \$574,000 per acre or \$13.18 per square foot (psf).
- I-4 and DC-56 Land Use: The median price per acre for the 14 unserviced land comparables with the Land Use Designation of DC-56 or I-4 with transaction dates from January 2007 to June 2008 was \$331,410 per acre or \$7.60 psf.

It was the position of the Complainant that the best comparable to the subject properties is the property located at 2702 – 48th Ave SE. The Real/Net document provided reports that this is 1 acre serviced lot with no undue influences or adverse topographic impediments with a Land Use Designation of I-2 and a transaction date of March 2007 reported a price of \$625,000 or \$14.35 per square foot. On a time adjusted basis of 2.0% per month for the period March 2007 to July 2009 the price is \$8.40 psf.

In summary the Complainant argued that the comparables reported in the evidence support that assessed value for the subject properties should be \$323,000 per acre or \$7.42 psf.

Respondent

The Respondent presented an Exhibit, titled Assessment Brief, for each of the subject properties and was identified as Exhibit R 1 through 9 as well as a location map (Exhibit R 10) which identified the locations of each of the subject properties. The Exhibit for each of the subject properties identified the Land Use Designation as C-N2 and noted the specific influences which applied to the subject property.

In summary the Respondent argued that the Complainant's comparables were not comparable to the subject properties in terms of Land Use Designation and that the influences were recognized in the preparation of the assessments. Further the assessments were both fair and equitable and should be confirmed.

Board's Decision:

Assessment confirmed as outlined in the following table:

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093007748	2536 48 Ave SE	58716	\$328,000
093005809	2543 48 Ave SE	58727	\$ 81,500
093007607	2535 47 Ave SE	58730	\$196,000

DATED AT THE CITY OF CALGARY THIS 25th DAY OF October 2010.



Earl K Williams
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.*