

**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:**

***Altus Group, COMPLAINANT***

**and**

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

**before:**

***W. Kipp, Presiding Officer***

***J. Massey, Board Member***

***D. Steele, Board 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: 201129079**

**LOCATION ADDRESS: 9100 Venture Ave SE, Calgary AB**

**HEARING NUMBER: 56460**

**ASSESSMENT: \$3,240,000**

This complaint was heard on the 31<sup>st</sup> day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- D. Mewha

Appeared on behalf of the Respondent:

- J. Lepine

**Property Description:**

The subject property is an 11.38 acre industrial land parcel located in the Walton Industrial/Shepard Industrial Park of southeast Calgary. The Calgary assessment summary shows the location as ES4 (East Shepard 4). The land use designation is DC Direct Control. The land is utilized for materials storage.

**Issues:**

The Complainant raised the following matters in section 4 of the complaint form:  
*Assessment amount (No. 3 on the form) and Assessment class (No. 4 on the form).*

The Complainant also raised the following specific issues in section 5 of the Complaint form:

- *The subject property is assessed in contravention of Section 293 of the Municipal Government Act and Alberta Regulation 220/2004*
- *The use, quality, and physical condition attributed by the municipality to the subject property is incorrect, inequitable and does not satisfy the requirement of Section 289 (2) of the Municipal Government Act*
- *The assessed value should be reduced to the lower of market value or equitable value based on numerous decisions of Canadian Courts*
- *The assessment of the subject property is in excess of its market value for assessment purpose when using the direct sales comparison approach. The rate should be \$240,000/acre*
- *The information requested from the municipality pursuant to Section 299 or 300 of the Municipal Government Act was not provided*

At this hearing, the Complainant informed the Board that the only issue that will be argued is market value (the 4<sup>th</sup> point in the above list).

**Complainant's Requested Value:**

\$2,730,000

**Board's Decision in Respect of the Issue:**

The Complainant provided evidence of a number of industrial land sales in the subject area. Sale properties were categorized into two groups – those with less than five acres of area and those with over five acres. Sales occurred between July 2008 and October 2009. The data showed that parcels with less than 5.0 acres (11 sales) sold at a median price of \$282,000 per acre while those with more than 5.0 acres (8 sales) had a median sale price of \$240,000 per acre.

In addition, the Complainant provided sales data on three land parcels where the area was greater than 10 acres. All of these sales occurred during the first half of 2008. The median price was \$240,000 per acre.

A table in the Respondent's evidence detailed eight land sales in the subject area. Sizes ranged from 5.66 acres to 13.20 acres. Only one of the sale properties contained over 10.0 acres. That sale occurred in February 2008 and indicated a price of \$239,909 per acre which the Respondent time adjusted to \$263,900 per acre.

The Respondent conceded that sales of parcels containing more than 10.0 acres would provide superior evidence of market value for the subject 11.38 acre property.

**Findings**

In view of the above considerations, the CARB finds as follows with respect to the Issue:

The market value of the land as at the July 1, 2009 valuation date was \$240,000 per acre.

**Board's Decision:**

The 2010 assessment is reduced from \$3,240,000 to \$2,730,000.

It is so ordered.

DATED AT THE CITY OF CALGARY THIS 5 DAY OF October 2010.

  
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W. Kipp  
Presiding Officer

**LIST OF EXHIBITS:**

- C1     Assessment Review Board Complaint Form
- C2     Evidence Submission of the Complainant
- R1     Respondent's Assessment 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.*