

**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:**

***Cushman & Wakefield Property Tax Services, COMPLAINANT***

**and**

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

**before:**

***P. Irwin, PRESIDING OFFICER***

***M. Grace, MEMBER***

***R. Deschaine, MEMBER***

A hearing was convened on October 7<sup>th</sup>, 2010 in Boardroom 9 at the office of the Calgary Assessment Review Board, located at 1212 – 31 Avenue NE, Calgary, Alberta in respect of the Property assessment prepared by the assessor of the City of Calgary, and entered in the 2010 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>200816148</b>
<b>LOCATION ADDRESS:</b>	<b>1180 Taradale DR NE</b>
<b>HEARING NUMBER:</b>	<b>57798</b>
<b>ASSESSMENT:</b>	<b>\$8,630,000</b>

**PART A: BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT**

The subject property is a 281,825 square feet (sf), or 6.47 acres, parcel of land located in the Taradale Community in the Northeast part of Calgary. This is a commercial property with a Commercial – Community 1 District (C-C1) Land Use Designation (LUD). The land was assessed by using a sales approach to market valuation.

**PART B: PROCEDURAL OR JURISDICTIONAL MATTERS**

There were no objections to the composition of the Board, nor were there any jurisdictional matters.

**PART C: MATTERS/ ISSUES**

Is the assessment in excess of its market value as of the July 1, 2009 valuation date?

The Complainant described the subject property as being a vacant 6.47 acre parcel of land, located in the Taradale Community, which is a residential neighbourhood on the eastern edge of the city in the north-east quadrant of Calgary. The Complainant noted that the assessment worked out to a rate of \$30.62 per sf.

The Complainant reviewed a 53 page appraisal report that had been prepared on the subject property, dated July 25, 2008, and the estimated market value at that time was \$7,050,000 (\$25 per sf). The report relied on five sales that ranged from \$16 per sf to \$29 per sf. Four out of five of the sales were from 2007. He felt that the appraisal supported the requested assessment. The Complainant also provided information on a community shopping centre at 10 Saddle Towne C I NE, with four retail buildings situated on the 3 acre parcel and an assessment rate of \$36.70 compared to the subject's assessment of \$30 per sf for an unimproved asset.

The Respondent also provided the Board with a disclosure of evidence package (R-1). It included a table of two sales comparables:

151 Walden Gate SE; 9.91 acres; sold for \$30.03 per sf; and  
225 Panatella HL NW; 3.59 acres; sold for \$28.67 per sf.

**Board's Findings and Reasons in Respect of Each Matter or Issue:**

In the Board's opinion, the appraisal sales did not support the Complainant's request because four of the sales from 2007 were dated and the fifth sale from 2008, at \$34 per sf, appeared to support the assessed value. The comparability of the Saddledowne equity comparable was problematic in that it was a developed property compared to the undeveloped subject property. The Respondent's sales comparables appeared to support the assessment sufficiently. In the absence of a compelling case to alter the assessment, the Board finds that the 2010 assessment was correct, fair and equitable.

**PART D: FINAL DECISION(S)**

The 2010 assessment is confirmed, at \$8,630,000.

DATED AT THE CITY OF CALGARY THIS 29 DAY OF October 2010.



**P. Irwin**  
**Presiding Officer**

**APPENDIX "A" : ORAL REPRESENTATIONS**

<b><u>PERSON APPEARING</u></b>	<b><u>CAPACITY</u></b>
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<i>Jan Goresht</i>	<i>Cushman &amp; Wakefield Property Tax Services</i>
<i>Kelly Gardiner</i>	<i>Assessor, City of Calgary</i>

**APPENDIX "B" : DOCUMENTS RECEIVED BY THE ASSESSMENT REVIEW BOARD**

Document C – 1	Complaint Brief (considered)
Document R – 1	Respondent's Brief (considered)

*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.*