

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaints against the Property assessments 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:

L. Wood, PRESIDING OFFICER

E. Reuther, MEMBER

B. Jerchel, MEMBER

These are complaint to the Calgary Assessment Review Board in respect of Property assessments prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBERS:	200080265 200080273
LOCATION ADDRESSES:	3151 5 AVENUE NE 3261 5 AVENUE NE
HEARING NUMBERS:	59765 59766
ASSESSMENTS:	\$2,090,000 \$1,520,000

These complaints were heard on the 22nd day of September, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- Ms. D. Chabot

Appeared on behalf of the Respondent:

- Ms. K. Cody

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

The parties requested that file numbers #59765 and #59766 be heard together as the evidence and argument will be similar for both complaints. The Board agreed with the parties' request.

Property Description:

The subject properties are two parcels of industrial land zoned as I-G, Industrial General, located in Franklin Industrial. The parcels are 2.27 acres and 1.53 acres, respectively. The parcels are owned by 33rd Street North General Partner Inc.

Issues: (as indicated on the complaint form)

1. The aggregate assessment per square foot applied to the subject property does not reflect market value for assessment purposes when using the direct sales comparison approach and should be no more than \$700,000/acre.

Complainant's Requested Values: \$1,580,000 (3151 5 Avenue NE)
\$1,070,000 (3261 5 Avenue NE)

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

The Board notes that there were several statements on the appendix to the complaint form; however, it will only address those issues that were raised at the hearing.

1. **The aggregate assessment per square foot applied to the subject property does not reflect market value for assessment purposes when using the direct sales comparison approach and should be no more than \$700,000/acre.**

The Complainant indicated that I-G lands located in the NE quadrant were assessed by the City of Calgary based on \$1 million for the first two acres, and \$350,000/acre for any additional acres (3-10 acres) (Exhibit C3 page 5). The Complainant's original request was based on \$850,000/acre (Exhibit C1 page 3). However, she presented a recent Assessment Review Board decision CARB #1485-2010-P, in which the Board found the property located at 11886 15 Street NE (1.85 acres) which sold for \$950,000/acre in February 2009 is most indicative of I-G land values in the NE quadrant (Exhibit C2 page 3). Based on this decision, she indicated that \$950,000/ acre for the first 2 acres

and \$350,000/acre for additional lands (3-10 acres) is an appropriate rate to be applied in this instance.

The Respondent submitted four land sales that ranged from 0.87 to 5.51 acres, located in the NE quadrant, which derived a median of \$1 million/acre (time adjusted) (Exhibit R1 page 15). However, she acknowledged a discrepancy regarding the property located at 2734, 2752 Sunridge Way NE in which the land could be zoned I-C as indicated on the City of Calgary's website, and not I-G as shown on her chart. The median for the three remaining sales is reduced to \$952,975/acre. The Respondent indicated that the 3rd sale located at 11885 16 Street NE is the closest to the valuation date and therefore it is reasonable for this Board to place the most weight on that sale, in a similar manner as the Board in CARB #1485-2010-P.

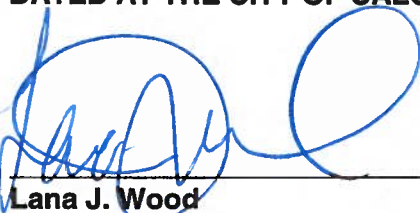
Based on the sale of 11885 16 Street NE, the Board finds \$950,000/acre for the first 2 acres and \$350,000/acre for additional acres (3-10 acres) is a fair and reasonable rate to be applied to the subject properties.

Board's Decision:

The decision of the Board is to reduce the 2010 assessments for the subject properties as follows:

- The property located at 3151 5 Avenue NE is reduced from \$2,090,000 to \$1,990,000 (truncated); and
- The property located at 3261 5 Avenue NE is reduced from \$1,520,000 to \$1,450,000 (truncated).

DATED AT THE CITY OF CALGARY THIS 14 DAY OF OCTOBER 2010.



Lana J. Wood
Presiding Officer

APPENDIX A**DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:**

NO.	ITEM
Exhibit C1	Evidence Submission of the Complainant
Exhibit C2	CARB Decision 1485-2010-P
Exhibit C3	Rebuttal of the Complainant
Exhibit R1	City of Calgary'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.*