

**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, Section 460(4).

Between:

Garry Franklin Fisher., COMPLAINANT

And

The City Of Calgary, RESPONDENT

Before:

D. Sanduga, PRESIDING OFFICER

S. Rourke , MEMBER

J. Rankin , 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: 068197300

LOCATION ADDRESS: 221 – 15 AV SE

HEARING NUMBER: 55809

ASSESSMENT: \$608,000

This complaint was heard on 6th day of October, 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:

- *Garry Fisher*

Appeared on behalf of the Respondent:

- *Roy Natyshen*

Property Description:

The subject property is a vacant lot located at 221- 15 AV SE , Beltline commercial land, zoned as CC-X , CC-COR and comprising 2,833 sq. ft.

Issues:

Is the rate used for the subject is in excess of its market value?

Complainant's Requested Value:

\$400,000

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

The best evidence of value is similarity in location, size and land use designation where the valuation has been completed using the same method for comparables as for the subject.

Is the rate used for the subject in excess of its market value?

The Complainant advised the Board, that the subject lot is only 2833 sq. ft. and can not be developed as standalone due to the size and the affect it would have on the adjoining properties for future development. The subject property was sold in August 2010 for \$385,000.

The Board noted that the owner of the subject property has previously accepted an offer to sell the lot for \$500,000.

The Complainant presented as evidence (C1), which included the sale of the subject property, August 10,2010, although it was not offered on the open market sale was an arms length transaction. The sale of the subject August 31, 2010 indicated that the transfer date is post facto to the valuation date.


The Board places greatest weight on the offer to purchase dated July 29, 2009 for \$450,000 and the verbal agreement to sell the subject property November 2008 for \$500,000 (C1)

The Board places less weight on the Respondent's 5 sales comparables (R1 page 15) as they are not similar in size (7,082 - 26,076) and are with improvement.

Board's Decision:

The Decision of the Board is to reduce the 2010 Assessment from \$608,000 to \$500,000.

DATED AT THE CITY OF CALGARY THIS 26th DAY OF October 2010.



Dean Sanduga
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.*