

**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 complaints 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:	099062408
	099059909
	200818045
	200140416

LOCATION ADDRESSES:	2208 51 AVENUE SE
	2409 50 AVENUE SE
	2414 52 AVENUE SE
	2702 48 AVENUE SE

HEARING NUMBERS:	58926
	58924
	59104
	59201

ASSESSMENTS:	\$ 424,000
	\$ 534,500
	\$ 835,000
	\$1,040,000

These complaints were heard on 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:

- Mr. J. Smiley

Appeared on behalf of the Respondent:

- Mr. D. Desjardins

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

At the commencement of the hearing, the parties had requested that file numbers #58926, #58924, #59104 and #59201 should be heard together as the evidence and argument was similar for the four complaints. The Board agreed with the parties' request.

Property Description:

The subject properties are four parcels of industrial land located in Valleyfield. The parcels range in size from 0.54 to 1.0 acres and are zoned I-G, Industrial General. Two of the four parcels have influences affecting them, as identified below:

The parcel located at 2208 51 Avenue SE has Partial Services (-25%) and Limited Access/Uses (-25%) influences which account for a combined 50% reduction in assessment.

The parcel located at 2409 50 Avenue SE has Partial Services (-25%), Corner Lot (+5%) and Direct Access (+15%) influences which account for an overall 5% reduction in the assessment.

These influences have been captured in both the current assessments as well as in the Complainant's requests for reduction.

Issue: (as indicated on the complaint form)

1. The aggregate assessment of the subject property is in excess of its market value for assessment purpose when using the direct sales comparison approach and should be \$620,000/acre.

Complainant's Requested Values: \$250,000 (2208 51 Avenue SE)
\$265,500 (2409 50 Avenue SE)
\$493,000 (2414 52 Avenue SE)
\$618,500 (2702 48 Avenue SE)

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. The issues reflect the rates per square foot as indicated at the hearing as opposed to the complaint form.

- 1. The aggregate assessment of the subject property is in excess of its market value for assessment purpose when using the direct sales comparison approach and should be \$620,000/acre.**

The Complainant submitted that the City of Calgary's land formula for the SE quadrant of \$1,050,000 (1st acre) and \$300,000/acre for additional lands (1-10 acres) is not supported by market evidence for smaller parcels of lands such as the subject properties. He provided five land sales that ranged from 1.3 to 1.82 acres in support of a median land rate of \$619,231/acre (Exhibit C2 page 19). The Complainant submitted CARB decision 0533-2010-P in support of the land value at \$620,000/acre (Exhibit C2 pages 20-23). The Complainant also highlighted thirty seven land sales that ranged from 1- 14 acres that occurred throughout the SE quadrant during the valuation period in support of his position that these lands are not selling for \$1,050,000/acre (Exhibit C2 pages 24 & 25).

The Respondent submitted four I-G land sales that ranged from 0.558 acres to 0.960 acres which show that the time adjusted sales price exceeds \$1 million/acre (Exhibit R1 page 26). He also provided thirteen equity comparables of I-G lands from 0.40 to 0.75 acres and were assessed between \$424,500- \$750,000 (Exhibit R1 page 27). The Respondent acknowledged that the property located at 2409 50 Avenue SE should receive a 15% reduction because there is no Direct Access for this property but he requested that the remaining three properties be confirmed.

With the exception of the property located at 2409 50 Avenue SE in which the Board agrees with the Respondent that a -15% adjustment is required because there is no Direct Access, the Board is not convinced that a change in the base rate is warranted. The Complainant's sales comparables are located in Dufferin Industrial and there was no evidence to suggest that Dufferin Industrial is similar to Valleyfield. As such, the Complainant did not convince the Board that the median of \$620,000/acre is warranted in this instance. In regards to the Complainant's thirty seven land transactions, which the Board notes most of the properties are substantially larger than the subject property, there was insufficient evidence presented to draw similarities between these sales comparables and the subject properties.

Board's Decision:

The decision of the Board is to confirm the 2010 assessments for the following properties:

- The property located at 2208 51 Avenue SE is confirmed at \$424,000;
- The property located at 2414 52 Avenue SE is confirmed at \$835,000; and,
- The property located at 2702 48 Avenue SE is confirmed at \$1,040,000.

The decision of the Board is to reduce the 2010 assessment for the following property:

- The property located at 2409 50 Avenue SE is reduced from \$534,500 to \$450,000 (truncated).

DATED AT THE CITY OF CALGARY THIS 19 DAY OF OCTOBER 2010.



Lana J. Wood
Presiding Officer

APPENDIX A

DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:

NO.	ITEM
Exhibit C1	Complaint Form
Exhibit C2	Evidence Submission 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.*