

**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 Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Helgeson, PRESIDING OFFICER

T. Usselman, MEMBER

C. McEwen, MEMBER

This is a complaint to the Calgary Assessment Review Board in respect of the Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 067069203

LOCATION ADDRESS: 1034 8 AV SW

HEARING NUMBER: 59899

ASSESSMENT: \$1,950,000

This complaint was heard on the 12th day of November, 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:

- *G. Worsley*

Appeared on behalf of the Respondent:

- *D. Thistle*

Property Description:

The subject property is an improved property with comprising 9,762 square feet of land located at 1034 8 AV SW. The subject is assessed at \$1,950,000 or \$200 per square foot of land area for highest and best use.

Issues:

1. The subject should be assessed on a buildable rate of \$30.00 per square foot not as land value of \$200 per square foot.
2. A 15% reduction in assessment should be applied due to the DC land use restriction.

Complainant's Requested Value:

The Complainant requested that the assessment be reduced to reflect the subject's FAR of 3.23. Based on a buildable area of 31,531 square feet (3.23 FAR X a land area of 9,762 square feet) X \$30.00 per buildable square foot or \$945,938 less 15% for the site influence imposed by the DC restriction for a revised assessment of \$804,047.

Respondents Position:

The Respondent requested that the assessment be confirmed. The Respondent was of the opinion that many of the Complainant's sales comparables were not comparable to the subject due to location and due to the fact that the Complainant did not time adjust any of the sales. In addition, the Respondent stated that FAR is not a reliable indicator of value.

Board's Decision:

The Board confirmed the assessment at \$1,950,000.

Reason's For Board Decision:

The Board found that the Complainant provided insufficient evidence to support the requested \$30 per square foot buildable calculation for the subject's assessment. A per square foot buildable calculation may be an acceptable method of comparison to be utilized with similar sized properties with similar zoning in similar areas but in this case the zoning, areas and locations are so diverse that there is no real basis for comparison.

The Board realizes that it is difficult to arrive at a value when sales are limited but without providing a

more comparable grouping of time adjusted sales the Complainant has failed to show that the assessment is incorrect.

DATED AT THE CITY OF CALGARY THIS 7 DAY OF December 2010.



T. Helgeson
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.*