

**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

M. Peters, MEMBER

R. Kodak, 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:	381006402 381006303
LOCATION ADDRESSES:	2511 PANORAMA HT NW 2503 PANORAMA HT NW
HEARING NUMBERS:	57351 57352
ASSESSMENTS:	\$2,200,000 \$3,060,000

These complaints were heard on 8th day of November, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- Ms. S. Sweeney- Cooper

Appeared on behalf of the Respondent:

- Ms. C. Haut
- Mr. N. Domeni

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

At the commencement of the hearing, the parties requested that file numbers #57351 and #57352 be heard together as the complaints were based on two adjacent parcels of vacant land and the evidence and argument for both complaints was similar. The Board agreed with the parties' request.

Property Description:

The subject properties are two adjacent parcels of vacant land that are 3.67 and 3.68 acres located in Evanston. The Amendment LOC2007-0015 Bylaw 3D2008 redesignated several parcels of land, including the subject properties to residential (R-1 & R-2) and multi -residential (M-G) land use designations. The residential land was assessed at \$375,000/acre and the multi- residential land was assessed at \$23 psf. The calculations for the assessments are set out as follows:

2511 Panorama HT NW (roll #381006402):

$$(\$375,000/\text{acre} \times 2.35 \text{ acres}) + (\$23 \text{ psf} \times 57,499 \text{ sq ft}) = \$2,200,000$$

2503 Panorama HT NW (roll #381006303):

$$(\$375,000/\text{acre} \times 1.0 \text{ acre}) + (\$23 \text{ psf} \times 116,740 \text{ sq ft}) = \$3,060,000$$

It is only the multi- residential vacant land component which is valued at \$23 psf that is in dispute.

Issue: (as indicated on the complaint form)

1. The assessment of the subject property is in excess of its market value for assessment purposes when using the direct sales comparison approach, after utilizing sales in this area, a more appropriate value is \$250,000 per acre.

Complainant's Requested Values: \$1,900,000 (roll #381006402)
\$2,440,000 (roll #381006303)

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. At the hearing, the Complainant abandoned the request of \$250,000/acre as indicated on the complaint form. Instead, she sought a reduction from \$23 psf to \$17.75 psf that was applied to the multi-residential land component of the subject properties. The Complainant stated that she was not challenging the rate that was applied to the residential vacant land component of \$375,000/ acre.

The Complainant submitted three sales comparables of vacant land parcels upon which she based her request of \$17.75 psf (Exhibit C1 pages 20-25). The first sale comparable is 12.27 acres which sold for \$9,975,000 (\$18.67 psf) in July 2008; the second is 4.81 acres which sold in January 2010 for \$4,205,500 (\$20.08 psf); the third is 3.07 acres which sold in July 2010 for \$1,956,500 (\$14.65 psf). It is based on these three sales comparables that the Complainant derived an average of \$17.75 psf for multi- residential vacant land parcels and requested the revisions for the subject properties as follows (Exhibit C1 pages 9 & 11):

2503 Panorama Ht NW (Roll #381006402):

$$(\$375,000 \times 2.35 \text{ acres}) + (\$17.75 \text{ psf} \times 57,499 \text{ sq ft}) = \$1,900,000$$

2511 Panorama Ht NW (Roll #381006303):

$$(\$375,000 \times 1 \text{ acre}) + (\$17.75 \text{ psf} \times 116,740 \text{ sq ft}) = \$2,440,000$$

The Respondent submitted seven sales comparables to indicate that the average and median rates for vacant multi- residential land is \$26.20 psf and \$24.68 psf, respectively, in support of the subject properties' current rate of \$23.00 psf (Exhibit R1 page 23). The sales comparables (which were presented in square footage) ranged from 44,563- 196,340 sq ft and had sold for \$1,100,000- \$4,838,700 (\$16.81- \$34.49 psf) in 2007 and 2008. Two of the sales comparables were in different market areas than the subject property and the sales comparable that sold for \$16.81 psf had received a -25% shape adjustment which otherwise would have sold for \$21 psf. The Respondent indicated that there was no time adjustment required for multi- residential vacant land. Based on these sales comparables, the Respondent stated that no reduction is warranted for the multi-residential land component and requested that the assessments for the subject properties be confirmed.

The Board finds the Complainant failed to present sufficient evidence to bring the assessments into dispute. The Board finds the Complainant's first sales comparable is not similar as it is significantly larger than the subject properties and the remaining two sales comparables are post facto so the Board placed very little weight on them. Based on the little evidence presented, the Board finds that the Complainant failed to meet the burden of proof. As such, the Board determined it was not necessary to make any findings on the Respondent's sales comparables in this instance.

Board's Decision:

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

The assessment for the property located at 2511 Panorama Ht NW is confirmed at \$2,200,000;
The assessment for the property located at 2503 Panorama Ht NW is confirmed at \$3,060,000.

DATED AT THE CITY OF CALGARY THIS 8th DAY OF DECEMBER 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 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.*