

**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, Revised Statutes of Alberta 2000 (the Act).

between:

**Southland Crossing Shopping Centre Ltd. c/o Riocan Property Services
(as represented by Altus Group Ltd.), COMPLAINANT**

and

The City Of Calgary, RESPONDENT

before:

**J. Krysa, PRESIDING OFFICER
P. Grace, MEMBER
R. Kodak, 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 2012 Assessment Roll as follows:

ROLL NUMBER:	124191503
LOCATION ADDRESS:	9815 Macleod Trail SW
HEARING NUMBER:	67163
ASSESSMENT:	\$435,000

The complaint was heard on June 19, 2012, in Boardroom 5 at the office of the Assessment Review Board, located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- K. Fong

Appeared on behalf of the Respondent:

- E. D'Altorio

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

[1] There were no procedural or jurisdictional matters raised by either party during the course of the hearing.

Property Description:

[2] The subject property is a 17,405 sq.ft. (square foot) irregularly shaped parcel of vacant land, situated adjacent to Macleod Trail. It is owned by the Respondent and leased to the Complainant to provide access, green space and signage for the Complainant's adjacent shopping centre development. The assessment has been prepared as follows:

	Formula	Area (Sq.Ft.)	Rate / Sq.Ft.	Value
1st	20,000 Sq.Ft.	17,405	\$ 100.00	\$ 1,740,500
Allowances*	-75%			\$ -1,305,375
Total		<u>17,405</u>		<u>\$ 435,125</u>
Truncated:				\$ 435,000

*Allowances: -25% - Limited Access; -25% - Residual Parcel; -25% - Shape Factor

Issues:

[3] The Complainant raised the following matters in section 4 of the complaint forms:

3. an assessment
4. an assessment class

[4] However, at the hearing the Complainant led evidence and argument only in relation to matter 3, an assessment amount. The Complainant set out 10 grounds for the complaint in section 5 of the complaint form with a requested assessment value of \$1000; however, only the following issue was in dispute at the hearing:

- Is the assessment equitable in relation to the assessments of similar properties?

Complainant's Requested Value:

The Complainant requested an assessment of \$1,000.

Board's Decision in Respect of the Issue:

Issue: Is the assessment equitable in relation to the assessments of similar properties?

[5] The Complainant argued that properties with similar characteristics are assessed at a nominal value of \$1,000, and the subject is inequitably assessed in relation to those properties. The Complainant further argued that the typical allowances provided by the Respondent are insufficient to adequately reflect the subject's market value due to its unique physical characteristics.

[6] In support of the argument, the Complainant provided the assessment values and related documentation of 36 parcels that have been assessed at "nominal values" of \$750, \$800, or \$1,000.

[7] The Respondent argued that the assessment has been prepared in an equitable manner to other vacant land parcels in the vicinity, at a base land rate of \$100 per sq.ft. and a -75% adjustment to reflect the subject's irregular shape, limited access and residual parcel characteristics.

[8] The Respondent further submitted that the Complainant's similar issues were rejected by the Assessment Review Board in a hearing of the complaint filed in 2010, and detailed in decision CARB 2267/2010-P.

Decision:

[9] The Board finds that the assessment of the subject property is inequitable in relation to the assessments of similar properties.

[10] The Board was persuaded by the Complainant's evidence of the four properties set out below, that are each assessed at \$1000:

3436 Brentwood Road NW; 9915L Macleod Trail SE; 8312 Macleod Trail SE; 1102 16th Ave NW

[11] The Board accepts that the four comparable properties are similar to the subject property in that they are also residual parcels with similar shape and, or access characteristics. Minimal weight was afforded to the Complainant's remaining 32 comparables that are purportedly required to satisfy parking requirements as there was no evidence that the Complainant's shopping centre development did not have sufficient parking stalls on site. Further, the Complainant conceded that the subject is not required for parking, but rather, used exclusively to provide access and signage for the adjacent retail development.

[12] The Board makes no finding with respect to the sufficiency of the Respondent's total allowance factor of -75% as there was no market evidence presented by either party to substantiate or refute the extent of the allowance provided.

[13] In contrast to CARB 2267/2010-P, the Board notes that in this matter the Respondent failed to provide any evidence to demonstrate that the subject property has been assessed in an equitable manner in relation to properties with similar physical characteristics, or to explain the apparent inequity illustrated by the Complainant's equity comparables.

The assessment is **revised** from: \$435,000 **to: \$1,000**

DATED AT THE CITY OF CALGARY THIS

24

DAY OF JULY, 2012.


J. Krysa, Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant's Submission (417 pages)
2. R1	Respondent's Submission (41 pages)

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.*

FOR ADMINISTRATIVE USE

Subject	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Other	Land	Land Value (Nominal)	