

**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:

**1009935 ALBERTA LTD (as represented by Colliers International Realty Advisors Inc.),  
COMPLAINANT**

and

**The City Of Calgary, RESPONDENT**

before:

**Board Chair, Earl K Williams  
Board Member, R Roy  
Board Member, D Steele**

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2012 Assessment Roll as follows:

|                            |                         |                         |
|----------------------------|-------------------------|-------------------------|
| <b>Roll Number</b>         | <b>200465946</b>        | <b>200465953</b>        |
| <b>Location</b>            | <b>4 Freeport LD NE</b> | <b>8 Freeport LD NE</b> |
| <b>Hearing Number</b>      | <b>65770</b>            | <b>65768</b>            |
| <b>Assessment</b>          | <b>\$1,600,000</b>      | <b>\$1,600,000</b>      |
| <b>Assessment per Acre</b> | <b>\$800,000</b>        | <b>\$800,000</b>        |

This complaint was heard on 25<sup>th</sup> day of June, 2012 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- A Farley

Appeared on behalf of the Respondent:

- K Buckry

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

[1] No Procedural or Jurisdictional matters were raised by either party.

**Property Description:**

[2] The subject properties are:

- 4 Freeport LD NE is 2.007 acres of land located north of the Calgary International Airport with a Property Type of Land Only and an Industrial-General Property Use. There are no influences impacting on the subject property.
- 8 Freeport LD NE is 2.007 acres of land located north of the Calgary International Airport with a Property Type of Land Only and an Industrial-General Property Use. There are no influences impacting on the subject property.

**Issues:**

[3] The assessed value is not correct, fair and equitable based on sales of comparable properties in the immediate vicinity of the subject property.

**Complainant's Requested Value:**

Roll Number 200465946: \$1,010,000 (\$750,000 per acre)

Roll Number 200465953: \$1,010,000 (\$750,000 per acre)

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

[4] The Complainant and Respondent presented a wide range of evidence consisting of relevant and less relevant evidence.

[5] The Complainant's evidence package included a Summary of Testimonial Evidence, the completed Assessment Complaints Agent Authorization form, the completed complaint form, the City of Calgary 2012 Property Assessment Notice, and the 2012 Assessment Explanation Supplement for the subject property, a site plan, photographs of the subject property, information on sale comparables including the Real Net ICI Land Transaction Summary for each comparable and particulars on the permitted and discretionary uses for the subject property.

[6] The Respondent's evidence package included a Summary of Testimonial Evidence; a map identifying the location of the subject property and the comparables, information on equity comparables from the City of Calgary data base on Industrial Land and information on sales comparables including information from Commercial Edge.

**Complainant**

[7] The Complainant argued that the City of Calgary's assessment of \$800,000 per acre is not supported by the sale price of two comparables with the same Industrial-General (I-G) land use in the immediate vicinity of the subject property. The following table presents particulars on the 2 comparables which support the requested \$750,000 per acre:

| Address                | Transaction Date | Land Use | Size (acres) | Sale Price (per acre) |
|------------------------|------------------|----------|--------------|-----------------------|
| 10 Freeport Dr NE      | 2010-09-02       | I-G      | 1.69         | \$775,148             |
| 20 & 21 Freeport Dr NE | 2010-07-09       | I-G      | 3.35         | \$745,522             |

[8] Further the Complainant's argued in their rebuttal evidence (Exhibit C-2) that the inclusion by the Respondent in their evidence (Exhibit R-1) of 2 properties that are geographically neighbouring parcels of land and are governed by a different Land Use (Direct Control By Law 57Z22001 a General Light Industrial classification) are not comparable with the subject properties which are governed by the I-G Land Use.

[9] The Complainant advised that the 2 properties governed by Direct Control By-Law 57Z22001 are planned to be hotels which is not a comparable Land Use to the subject properties. In support of their position the Complainant presented information as to the permitted and discretionary uses from Part 8: Industrial Districts, Division 2: Industrial –General (I-G) District of an unreferenced City of Calgary document which applies to the subject properties. As hotels are not identified as a permitted and discretionary uses the sales are not comparable to the subject property. The Complainant's evidence contained no details on the provisions of Direct Control By-Law 57Z22001.

[10] In summary the Complainant argued that the sales comparables of similar size and the same Land Use support an assessed value of \$750,000 per acre.

**Respondent**

[11] The Respondent argued that the assessed value of \$800,000 per acre is supported by 4 land sales; and 3 Equity comparables; which are located in the immediate vicinity of the subject property and all zoned I-G. The aerial photograph on page 6 of Exhibit R-1 shows the location of the subject property and the comparables.

[12] The table on page 5 of Exhibit R-1 presents details on the 3 equity comparables located at numbers 8, 32, and 28 Freeport LD NE. The comparables have the same land use of I-G as the subject and ranging in size from 1.824 to 2.007 acres which comparable favourably to the subjects 2.007 acres.

[13] The following table, which is based on the information contained in the table titled Airport Area Industrial Land Sales on page 8 and supported by the information provided by Commercial Edge on page 9 of Exhibit R-1, presents particulars 4 sale comparables. All 4 comparables were zoned I-G at the date of the transaction.

| Address           | Transaction Date | Size<br>(acres) | Sale Price  | July 2011 TASP*<br>per acre |
|-------------------|------------------|-----------------|-------------|-----------------------------|
| 10 Freeport Dr NE | 2010-09-02       | 1.69            | \$1,310,000 | \$775,148                   |
| 20 Freeport Dr NE | 2010-07-09       | 3.35            | \$2,497,500 | \$810,000                   |
| 24 Freeport PI NE | 2011-01-10       | 2.48            | \$2,244,400 | \$905,000                   |
| 20 Freeport PI NE | 2011-04-18       | 2.50            | \$2,118,250 | \$847,300                   |

\*TASP – Time Adjusted Sale Price

[14] The average sale price per acre for the 4 comparables is \$815,384 per acre and the July 2011 TASP is \$834,362 per acre.

[15] The Respondent argued that the equity and sale comparables support the \$800,000 per acre assessed value.

### Board Findings

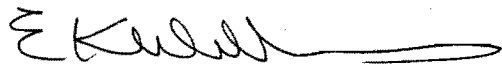
[16] The Complainant argued that the best comparables were those zoned I-G Land Use and not the Respondent's 4 comparables which were governed by Direct Control By-Law 57Z2001. It was noted that on the transaction date the Respondent's 4 comparables were all zoned I-G Land Use. Further the average sale price as of the transaction date for the Respondent's 4 comparables was \$815,384 and the average TASP as of July 2011 was \$834,362. Both average sale prices are above the assessed land value of \$800,000. Therefore, the Respondent's inclusions of the sales comparables are reflective of the market for I-G Land Use. Also the Board noted that the Complainant did not include as evidence any details on the Direct Control By-Law 57Z2001 in support as to why the comparables were not to be included.

### Board's Decision:

[17] Based on the evidence presented to the Board the assessment is confirmed as follows:

|                     |                  |                  |
|---------------------|------------------|------------------|
| Roll Number         | 200465946        | 200465953        |
| Location            | 4 Freeport LD NE | 8 Freeport LD NE |
| Assessment          | \$1,600,000      | \$1,600,000      |
| Assessment per Acre | \$800,000        | \$800,000        |

DATED AT THE CITY OF CALGARY THIS 28<sup>th</sup> DAY OF August 2012.



**Earl K Williams**  
Presiding Officer

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

| <b>NO.</b> | <b>ITEM</b>            |
|------------|------------------------|
| 1. C1      | Complainant Disclosure |
| 2. C2      | Complainant Rebuttal   |
| 3. R1      | Respondent Disclosure  |

*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.*