

**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:

Calgary Salvage Disposal Ltd. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, M. Vercillo
Board Member 1, J. Pratt
Board Member 2, J. Massey***

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 2011 Assessment Roll as follows:

ROLL NUMBER: 200137099

LOCATION ADDRESS: 2015 ALYTH CO SE

HEARING NUMBER: 63390

ASSESSMENT: \$680,500

This complaint was heard on the 23rd day of June, 2011 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:

- *R. Worthington*

Appeared on behalf of the Respondent:

- *R. Luchak*

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

The Calgary Composite Assessment Review Board (CARB) derives its authority to make this decision under Part 11 of the Act. No specific jurisdictional or procedural issues were raised during the course of the hearing, and the CARB proceeded to hear the merits of the complaint, as outlined below.

Property Description and Background:

The subject property is a vacant land industrial property located in the "Alyth/Bonnybrook" industrial area of SE Calgary. According to a City of Calgary "Assessment Explanation Summary (AES)", the subject has a land use designation of "Industrial - General (I-G)" and contains approximately 1.73 acres or approximately 75,350 square feet (SF).

Using a Direct Sales Approach to value, the subject is assessed on the basis of its land use designation. Accordingly, the I-G land rates for 2011 are \$525,000 per acre or approximately \$12 per SF. The assessment is further reduced for a shape negative influence of 25%.

Issues:

The CARB considered the complaint form together with the representations and materials presented by the parties. There were a number of matters or issues raised on the complaint form; however, as of the date of this hearing, the Complainant addressed the following issues as restated below:

1. The subject land is not in a location that is conducive to I-G land classification. The assessment land rates on equity comparables support a reduced assessment.
2. There is limited ingress/egress to the subject parcel and this negative influence would reduce its market value.
3. The subject has evidence of contamination or environmental concerns and this negative influence would further reduce its market value.

Complainant's Requested Value:

\$317,500 on the complaint form revised to \$121,750 at this hearing.

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

ISSUE 1: The subject land is not in a location that is conducive to I-G land classification. The assessment land rates on equity comparables support a reduced assessment.

The Complainant provided a document entitled "Evidence Submission of Complainant" that was entered as "Exhibit C1" during the hearing. The Complainant along with Exhibit C1 provided the following evidence with respect to this issue:

- A map of the Alyth/Bonnybrook industrial area where the subject property is located. The map showed that all the properties in this area had a land classification of I-G (Industrial – General).
- Various pictures of the Alyth/Bonnybrook industrial area showing that the properties in the area have very little infrastructure, are surrounded by railway tracks, have largely unpaved roadways, no curbs and gutters and little building or improvements.
- As an equity comparison the Portland Street industrial area across the railway tracks from the Alyth/Bonnybrook industrial area have highly developed infrastructure, paved roadways, curbs and gutters, are not surrounded by railway tracks and contain substantial development in buildings and improvements. The Portland Street industrial area properties are also zoned I-G land, and like the subject are assessed at \$525,000 per acre.
- Conversely, to the Portland Street industrial area, the Complainant offers an Ogden Dale Rd. SE property across Blackfoot Trail and within reasonable distance to the subject as more comparable to the subject in terms of infrastructure, unpaved roads, lacking curbs and gutters and lacking substantial rail track influences. This property is zoned I-H or Heavy Industrial and assessed at \$350,000 per acre.
- The Complainant concludes that from an equity standpoint, the subject should be classed I-H like its neighbouring Ogden Dale Rd. property and should be assessed accordingly.

The Respondent provided an "Assessment Brief" document that was entered as "Exhibit R1" during the hearing. The Respondent along with Exhibit R1 provided the following evidence with respect to this issue:

- A comprehensive listing of the land use guidelines for I-H and I-G zoned properties. The listing outlines the various permitted uses applicable to each land designation.
- An explanation that the assessment of properties such as the subject considers land use as part of the assessment process because the market has shown that this may add value to the land.

The CARB finds the following with respect to this issue:

- The assessment of vacant land such as the subject must consider land use as part of the assessment process. Land use speaks to development potential of a property which can reasonably be assumed to affect value.

ISSUE 2: There is limited ingress/egress to the subject parcel and this negative influence would reduce its market value.

The Complainant along with Exhibit C1 provided the following evidence with respect to this issue:

- An aerial photograph along with a map of the Alyth/Bonnybrook subdivision was provided. The Complainant described that the area as having limited access from Blackfoot Trail and/or 15th ST SE. He also described the roads as being quite narrow and not typical of what you would find in other comparable industrial areas.
- A chart of land rate adjustments used by the Respondent was provided. The chart indicated that "Limited Access/Uses" is a negative influence which typically reduces a calculated assessment based on land rates by 25%.

The Respondent along with Exhibit R1 provided the following evidence with respect to this issue:

- A comparable property located at 1250 20 AV SE in the Portland industrial area was provided. The assessment of that property showed that adjustments to the assessment were made for limited access, shape, partial services and contamination, all negative influences. The Respondent suggested that the limited access to this property is much more severe than the subject property and therefore an access/egress adjustment is not warranted on the subject property.

The CARB finds the following with respect to this issue:

- The CARB is of the opinion that access to the Alyth/Bonnybrook industrial area is limited.

ISSUE 3: The subject has evidence of contamination or environmental concerns and this negative influence would further reduce its market value.

The Complainant along with Exhibit C1 provided the following evidence with respect to this issue:

- A copy of a Phase 2 Environmental Assessment on the subject property, dated September 17, 1999, authored by Thurber Environmental Consultants Ltd. Of Calgary.
- A chart of land rate adjustments used by the Respondent was provided. The chart indicated that "Environmental Concerns" is a negative influence which typically reduces a calculated assessment based on land rates by 30%.

The Respondent along with Exhibit R1 provided the following evidence with respect to this issue:

- That the Respondent only reduces assessments for environmental concerns if the environmental assessments are produced within the last three years. The environmental report provided by the Complainant is dated and therefore may not be valid.

The CARB finds the following with respect to this issue:

- The Phase 2 environmental report submitted, although dated, can have a significant negative influence to the fair market value of the subject property unless there is evidence to the contrary.

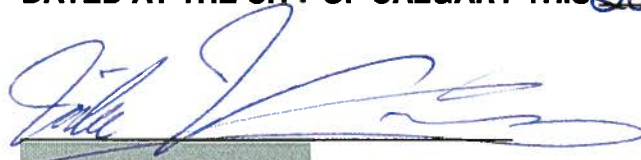
Board's Decision:

The complaint is accepted in part and the assessment is adjusted to \$318,000.

- The CARB determined that the land rate of \$525,000 applied to the subject, used for I-G land is fair and equitable with other I-G zoned property.

- The CARB was convinced that the maps, photographs and evidence provided by the Complainant were sufficient to warrant a 25% reduction relative to ingress and egress to the Alyth/Bonnybrook industrial area.
- The Respondent did not provide any evidence suggesting that the Phase 2 environmental report submitted by the Complainant is no longer an issue affecting the subject property. Therefore, a further 30% reduction relative to environmental concerns is warranted.

DATED AT THE CITY OF CALGARY THIS 22 DAY OF July 2011.



Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. 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:

- the complainant;*
- an assessed person, other than the complainant, who is affected by the decision;*
- the municipality, if the decision being appealed relates to property that is within the boundaries of that municipality;*
- 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.*