

**CALGARY
COMPOSITE 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

***526304 Alberta Ltd. (as represented by Colliers International Realty Advisors Inc.),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***M. Chilibeck, PRESIDING OFFICER
R. Deschaine, MEMBER
A. Wong, MEMBER***

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:

ROLL NUMBER: 068231505
LOCATION ADDRESS: 224 – 10 AV SW
HEARING NUMBER: 66009
ASSESSMENT: \$8,220,000

[1] This complaint was heard by the Composite Assessment Review Board on 17th day of July, 2012 in Boardroom 11 on Floor Number 3 at the office of the Assessment Review Board located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- T. Howell

Appeared on behalf of the Respondent:

- L. Wong

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

[2] Neither party raised any objections to a member of the Board hearing the subject complaint.

[3] There were no preliminary matters raised by either party.

Property Description:

[4] The subject property is a vacant parcel of commercial land located on 10th Avenue between First Street and Second Street adjacent to the railway in the Beltline District of the SW quadrant of The City of Calgary. This parcel is subject to Land Use Designation of CC-X and is categorized to be in Non-residential Zone (NRZ) of Beltline 2 (BL2) for assessment purposes.

Issues:

[5] The Complainant identified the matter of an assessment amount on the Assessment Review Board Complaint and attached a list outlining several reasons for the complaint. At the hearing the Complainant identified the issue as follows:

1. The positive corner influence should be removed from the assessment of the subject property.

Complainant's Requested Value: \$7,760,000

Board's Findings in Respect of Each Issue:

[6] The assessment for the subject property recognizes two influence adjustments to its value; corner lot at positive 5% and abutting train track at negative 15%.

[7] The Complainant argued that the positive influence for the corner lot should be removed which was supported with one equity comparable and the related CARB decision of 2010 and photographs showing the physical barriers on First and Second streets.

[8] A comparable, 725 – 9 AV SW, on which a 2010 CARB decision was made to remove the positive influence adjustment and no corner influence adjustment is recognized in the 2012 assessment, was presented by the Complainant. Also, it was asserted that the retaining walls shown on the photographs of the comparable are physical barriers similar to the subject. Also it

was asserted that the retaining walls on Fourth Street and Fifth Street shown in the photographs of the subject, are physical barriers to access the parcel and limit the exposure and visibility of the subject. These retaining walls are required because of the slope to the tunnel under the railway tracks.

[9] The Respondent made reference to a 2011 CARB decision for the subject property wherein the Board decided that the positive corner influence adjustment would not be removed and asserted this decision supersedes the 2010 CARB decision on 725 – 9 AV because the circumstances of the subject property have not changed from the year previous. Also a photograph was provided of a comparable property on First Street and Tenth Avenue to show that the retaining wall does not appear to hinder the development of the parcel and exposure or visibility of the building.

[10] The Board finds the retaining walls referred to by the Complainant do not take away or hinder the exposure the property at the corners of First Street and Second Street. The Board believes the photograph of the property at first Street shows that development of the property does not appear to be hindered and it has exposure and visibility to both the street and avenue. There may be challenges regarding access to the subject parcel from the street which is not unlike for other parcels adjacent to the railway, however in this case the considerable frontage on Tenth Avenue mitigates the matter. Also, the Board is persuaded by the 2011 CARB decision that dealt with the same issue and received similar fact scenario as was received in this case.

Board's Decision:

[11] The Board confirms the assessment at \$8,220,000.

DATED AT THE CITY OF CALGARY THIS 10th DAY OF Aug 2012.



M. Chillbeck
Presiding Officer

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

NO.	ITEM
1. C1	Complainant's Disclosure
2. R1	Respondent's 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.*

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Decision No. 046-1122-2012P			Roll No. 068134600	
<u>Complaint Type</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Other Property Types	Vacant Land	Sales Approach	-Land Value -Equity Comparables