

**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:**

**970742 Alberta Ltd.  
(as represented by Linnell Taylor Assessment Strategies), COMPLAINANT**

**and**

**The City Of Calgary, RESPONDENT**

**before:**

**M. Vercillo, PRESIDING OFFICER  
S Rourke, MEMBER  
A. Zindler, MEMBER**

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

**ROLL NUMBER: 072138506**  
**LOCATION ADDRESS: 4802 17 AV SE**  
**FILE NUMBER: 66044**  
**ASSESSMENT: \$1,570,000**

This complaint was heard on 10<sup>th</sup> day of August, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *J. Mayer*

Appeared on behalf of the Respondent:

- *K. Gardiner*

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

[1] 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:**

[2] The subject property is a single tenanted property containing one building of 4,860 square feet (SF) in size that is situated on a 30,571 SF site in SE Calgary. The subject has a land use designation of C-COR2.

[3] Although the subject's improvement is assessed using the Cost Approach to value, the total assessment is based on land value only and includes a 5% corner lot positive influence in its assessment calculation.

**Issues:**

[4] The Complainant addressed the following issue at this hearing:

- 1) The land value assessment is excessive and should be reduced.

**Complainant's Requested Value:**

[5] \$1,038,000 on the complaint form. \$1,193,798 at this hearing.

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

**ISSUE 1:      The land value assessment is excessive and should be reduced.**

**The Complainant** provided a 14 page document entitled "Disclosure of Information" that was entered as "Exhibit C1". The Complainant, along with Exhibit C1, provided the following evidence or argument with respect to this issue:

[6]      A table of two vacant land sales comparables in the vicinity of the subject along 17 AV SE. The land sales occurred in May, 2010 and December, 2011 respectively. Both properties were zoned C-COR2 like the subject. The May, 2010 land sale was 19,602 SF in size and sold for \$954,000 or \$48.67 per SF. The December, 2011 land sale was 63,249 SF in size and sold for \$1,861,650 or \$29.43 per SF. The average price rate of the two sales was \$39.05 per SF. The Complainant noted that the subject's current assessment rate was \$51.36 per SF and the requested assessment of \$1,193,798 would result in an assessment rate of \$39.05 which would be equitable with the land sale comparables.

**The Respondent** provided a 29 page document entitled "Assessment Brief" that was entered as "Exhibit R1". The Respondent, along with Exhibit R1, provided the following evidence or argument with respect to this issue:

[7]      Argument that the Complainant's May, 2010 land sale comparable had environmental issues according to the City of Calgary assessment records. This would explain the relatively low price rate that it sold for. The Complainant's December, 2011 land sale comparable is *post facto* and therefore should not be considered in the assessment. As a result, the Respondent suggested that the Complainant's land sale comparables do not provide enough proof the subject's assessment is in error.

[8]      A table of four vacant land sales comparables, one of which was the May, 2010 sale used in the Complainant's analysis. The land sale dates varied from February 5, 2010 to May 31, 2011. Two of the properties had land use designations C-COR1 and the other two properties had land use designations C-COR2 like the subject. With consideration given to time adjustments factors, the sales price rates varied from \$46.24 per SF for the May, 2010 sale to \$113.68 per SF. The May, 2010 sale was adjusted to \$61.65 per SF after consideration given to the negative environmental influence and the positive corner lot influence. Given the Respondent's analysis, he concluded that the subject's current assessment rate of \$51.36 per SF was fair and equitable.

**The Complainant** provided a 2 page rebuttal document that was entered as "Exhibit C2". The Complainant, along with Exhibit C2, provided the following evidence or argument with respect to this issue:

[9]      That the Respondent has provided no evidence to support the claim that the May, 2010 land sale had environmental concerns attached to the sale.

[10]      That the *post facto* sale should be considered by the CARB as the sale was likely negotiated prior to the valuation date.

[11]      That the Respondent's comparables are all smaller than the subject and are several

miles away from the subject, in different economic zones and with better traffic flow exposure.

**The CARB** finds the following with respect to this issue:

[12] That the Complainant's land sales comparables were significantly different in size, both from each other and the subject. The May, 2010 land sale was a 19,602 SF, while the December, 2011 *post facto* sale was 63,249 SF in size. The CARB has difficulty in drawing any conclusions from this land sale analysis.

**Board's Decision:**

[13] The complaint is denied and the assessment is confirmed at \$1,570,000.

**The CARB** provides the following reasons for the decision:

[14] The CARB has a great deal of difficulty in drawing any conclusions from the Complainant's land sales analysis given the size differences of the land comparables to the subject.

[15] The Respondent was successful in not only casting doubt on the comparability of the Complainant's land sales but was also able to defend his assessment through his own land sale analysis.

DATED AT THE CITY OF CALGARY THIS 28 DAY OF August 2012.



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. R1	Respondent Disclosure
3. C2	Complainant's Rebuttal

*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 MGB Office Only)**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
CARB	Retail	Stand Alone	Sales Approach	Land Value