

**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:

Stone Lane Properties Ltd.
(as represented by Linnell Taylor Assessment Strategies), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

J. Krysa, PRESIDING OFFICER
J. Massey, MEMBER
P. Pask, 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:	201344876
LOCATION ADDRESS:	7690 110 Ave NW
HEARING NUMBER:	66496
ASSESSMENT:	\$7,440,000

The complaint was heard on August 14, 2012, in Boardroom 11 at the office of the Assessment Review Board, located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

D. Sheridan

Appeared on behalf of the Respondent:

R. Ford

Board's Decision in Respect of Procedural or Jurisdictional Matters

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

Property Description

The subject property is a 205,597 sq.ft. (square foot) parcel of land, improved with a 30,723 sq.ft. "B" quality, automobile dealership, constructed in 2008. The assessment has been prepared by means of the cost approach to value.

Issues

The Complainant identified the following matter in section 4 of the complaint form:

3. an assessment amount

The Complainant set out the grounds for the complaint in section 5 of the complaint form with a requested assessment value of \$7,087,208. At the hearing, the Complainant's issue was limited to the following:

Issue: Is the market value of the subject land impacted by the required "setbacks" set out in local land use bylaws.

The Complainant raised no issue with the improvement valuation, nor the applied land rate.

Complainant's Requested Assessment

At the hearing, the Complainant requested an assessment of \$7,240,000.

Board's Decision in Respect of the Issue

[1] The Complainant submitted that the subject property is restricted by mandated setback requirements set out in Bylaw 84Z2007, affecting an area 6 metres in depth along the subject's 191.35 metre frontage on 112 Avenue NW. The Complainant argued that this area, equating to 1,148.10 m² (12,358 sq.ft.) is unusable, and a detriment to the utility of the remainder of the site, and should be deducted from the subject property's gross site area.

[2] In support of the arguments, the Complainant provided Amendment LOC2006-0037 to Bylaw 84Z2007, and an excerpt of Land Use Bylaw 1P2007.

[3] The Respondent contends that all land parcels have a variety of levels of mandated setbacks from roadways, which cannot be developed, and that the sale prices of those land parcels reflect the mandated setbacks. The Respondent further argued that as the Assessor's land valuation model predictions are founded on sale prices which reflect the various mandated setbacks, no further adjustment is warranted.

[4] The Respondent further argued that the Complainant's request of a 2.7% reduction is insignificant and within the expected range of reasonable market value estimates, and not supported with any relevant market evidence or analysis. In support of the argument, the Respondent provided a decision of the Assessment Review Board, CARB 0892/2012-P, and submitted that the issue before the Board in that matter, was similar to the Complainant's issue in the subject complaint.

Decision

[5] The Board finds that there was insufficient evidence to demonstrate that the market value of the subject land is impacted by the required "setbacks" set out in local land use bylaws

[6] The Complainant failed to provide substantive market evidence to demonstrate that the market value of the subject property is impacted by the required "setbacks" set out in local land use bylaws.


[7] The Board is persuaded by the Respondent's argument that the estimate of market value predicted by the assessment model would account for typical setback requirements, as the sale prices of the market indicators would reflect the various setbacks of the properties in the model.

The assessment is **CONFIRMED** at: \$ 7,440,000.

DATED AT THE CITY OF CALGARY THIS

11th

DAY OF OCTOBER, 2012.


J. Krysa
Presiding Officer

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

Subject	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Retail	Stand Alone	Cost Approach	Land Value