

**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

Sokol Developments Inc. (as represented by Serena Pockar Holbrook), COMPLAINANT

and

The City Of Calgary, RESPONDENT

Before

***Lana Yakimchuk, PRESIDING OFFICER
Allan Zindler, MEMBER
John Mathias, 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 2011 Assessment Roll as follows:

ROLL NUMBER:	033012709
LOCATION ADDRESS:	4144 6A Street NE
HEARING NUMBER:	63352
ASSESSMENT:	\$1,010,000

This complaint was heard on July 25, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 - 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *Serena Pockar Holbrook, General Manager Greenview Park Holdings Ltd.*

Appeared on behalf of the Respondent:

- *Kimberly Cody, City of Calgary Assessment Business Unit*

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

The Board was notified that Greenview Park Holdings Ltd. had purchased the property from Sokol Developments Inc. and would be represented by Serena Pockar Holbrook, General Manager.

Property Description:

4144 6A St. NE is 1.575 Acres of Industrial – General land. This land is known to require environmental remediation and at the time of assessment had improvements on it which needed to be removed.

Issues:

The matter marked on the complaint form was (3) an assessment amount. The issue was that the land was assessed over the price at which the complainant had purchased it after the assessment period, and the assessment did not sufficiently recognize the environmental damage to the property.

Complainant's Requested Value: \$550,000

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

Serena Holbrook, representative of the complainant, submitted evidence that the property had been purchased by Greenview Park Holdings Ltd. on May 24, 2011 for \$400,000. As well, the disclosure package contains a legally brokered conditional offer to purchase the property for \$500,000 with buyer conditions, dated March 3, 2010, signed for the seller.

Mrs. Holbrook stated that the property is contaminated and requires environmental remediation as well as removal of two condemned structures.

The complainant also suggested that the comparables submitted by the respondent were not comparable to the property in question because of differing locations and condition.

The respondent, Kimberly Cody, presented a City Sales Comparables Chart (Exhibit R-1) with four adjusted sales ranging from 0.872 Acres to 2.170 Acres. Two of the four sales were I-G, like the subject land. The range in values was \$809,688.35 per acre to \$1,080,069.12 per acre.

Ms. Cody also reported that the assessment of the subject property had been adjusted by -30% for environmental concerns. The assessment was on land only.


The Board decided that this property is atypical because it is known to be contaminated land, as shown in evidence from both the complainant and respondent. It also had a building which was in poor shape and needed to be removed. For these reasons, none of the comparables apply to the property in question, as there was no proof of how to adjust for the risk a buyer takes in purchasing such property. The best evidence submitted was the brokered, arm's length Offer to Purchase dated March 4, 2010. The offer date falls within the assessment period and the offer was accepted by the owner but the sale was not completed. It is supported by the actual sale the following year, *post facto*, at the fee simple lower price of \$400,000.

For these reasons, the best evidence of market value within the assessment period would be the offer to purchase submitted by the complainant. The Board supports this value.

Board's Decision:

The Board has reduced the assessment to \$500,000.

DATED AT THE CITY OF CALGARY THIS 29 DAY OF August 2011.


Lana Yakimchuk
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Rebuttal
3. C3	Addition to Complainant Rebuttal
4. 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.*