

**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:

924643 Alberta Ltd. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

B. Horrocks, PRESIDING OFFICER

A. Huskinson, MEMBER

D. Morice, 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 No.	Location Address	Hearing No.	Assessment
200683779	6820 Railway ST SE	67262	\$1,090,000
200683787	6846 Railway ST SE	67265	\$1,080,000

This complaint was heard on the 14th day of August, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4

Appeared on behalf of the Complainant:

- Mr. J. Smiley (Altus Group Limited)

Appeared on behalf of the Respondent:

- Mr. J. Young (City of Calgary)

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

[1] There were no concerns with the Board as constituted.

[2] It was agreed by the parties to hear File numbers 67262 and 67265 together as they shared common evidence and argument. The merit hearing proceeded.

Property Description:

[3] The subject properties are two parcels of vacant industrial land located in the East Fairview Industrial Park in SE Calgary. The parcels abut against each other and are 1.292 acres and 1.285 acres respectively. The assessments are prepared utilizing a base land rate per acre less a 25% adjustment for limited access.

Issues:

[4] The Assessment Review Board Complaint Form contained 10 grounds for the complaint. At the outset, the Complainant advised there was one outstanding issue, namely: "The municipality has applied the incorrect base values upon which to derive the assessment. The base rate for land with I-G zoning, or like I-G zoning is \$525,000/acre."

Complainant's Requested Value:

Address	Roll No.	Hearing	Area	Requested Asmt
6820 Railway ST SE	200683779	67262	1.292 ac	\$508,500
6846 Railway ST SE	200683787	67265	1.285 ac	\$505,500

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

Issue: What is the correct land base rate to be applied, to determine market value?

[5] The Complainant's Disclosure is labelled C-1.

[6] The Complainant submitted the original assessment was in error which was brought to the City's attention. The Respondent has subsequently agreed with the Complainant's representation of the property. In order to determine the land base rate to be applied to the subject, one must first ascertain what the correct zoning is. The Complainant, at pages 11 and 12 submitted the 2012 Assessment Explanation Supplement for each property, noting the Landuse Guideline is described as DC/I-G for each.

[7] The Respondent's Disclosure is labelled R-1.

[8] The Respondent submitted the Landuse Guideline had originally been applied in error and that the correct Land use Guideline is DC/I-B, as shown on pages 7 and 8.

[9] The Respondent, at page 16, provided the Purpose for the Industrial – General (I-G) District:

“The Industrial-General District is intended to be characterized by:

- (a) A wide variety of light and medium general industrial uses and a limited number of support commercial uses;
- (b) Parcels typically located in internal locations;
- (c) The application of discretion for parcels that share a property line with a major street or expressway to ensure an appropriate interface and compliance with City plans and policies;
- (d) A limited number of non-industrial uses that may be appropriate due to building or parcel requirements generally found in industrial areas;
- (e) Uses and buildings that may have little or no relationship to adjacent parcels;
- (f) Appropriate controls to ensure screening of any outdoor activities; and
- (g) Limits on sales and office activities in order to preserve a diverse industrial land base.”

[10] The Respondent, at page 26, provided the Purpose for the Industrial – Business (I-B) District:

“The Industrial – Business District is intended to be characterized by:

- (a) Prestige, high quality, manufacturing, research and office developments;
- (b) Parcels in desirable locations that contribute to employment centres or locations that are visible from expressways and major streets;
- (c) Activities contained within buildings;
- (d) A limited range of small uses that provide services to the office and industrial uses within the immediate area;
- (e) Pedestrian pathway connections to and between buildings and to transit;
- (f) Flexibility in building density established through floor area ratios for individual parcels; and
- (g) Varying building heights established through maximum building height for individual parcels.

[11] The Complainant, in Rebuttal (C-2) pages 7 and 17, provided the same definitions.

[12] The Respondent, at page 12, provided a table titled 2012 Industrial Land Values noting the base land rate for land in SE Calgary that is zoned I-G is \$525,000 per acre and for land that is zoned I-B the land rate is \$600,000 per acre.

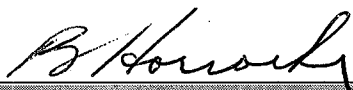
[13] The Board finds, in the absence of a zoning map, the subjects are most likely zoned DC/I-G, and as a result the correct land base rate is \$525,000/acre. The parties agreed that a negative adjustment of 25% is then applied to arrive at the estimated market value for assessment purposes.

Board's Decision:

[14] The 2012 assessment is reduced as follows:

Roll No.	Location Address	Hearing No.	Assessment
200683779	6820 Railway ST SE	67262	\$508,500
200683787	6846 Railway ST SE	67265	\$505,500

DATED AT THE CITY OF CALGARY THIS 30 DAY OF August 2012.



B. Horrocks
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure
3. C2	Complainant 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 Administrative Use

Subject	Property type	Property Sub-type	Issue	Sub-issue
CARB	Other	Vacant Land	Sales Approach	Base Rate