

**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:**

***Asheet Ruparell  
(as represented by Brenda MacFarland Property Tax Consulting), COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***M. Vercillo, PRESIDING OFFICER  
J. Lam, MEMBER  
D. Pollard, 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: 057189904**

**LOCATION ADDRESS: 114 11 AV NW**

**FILE NUMBER: 65918**

**ASSESSMENT: \$626,500**

This complaint was heard on 30<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 1.

Appeared on behalf of the Complainant:

- *N. Liard*

Appeared on behalf of the Respondent:

- *L.T. Cheng*
- *N. Domenie*

**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 is a vacant land parcel located in the Crescent Heights community of SE Calgary. According to the information provided, the property has an assessable land area of 6,596 square feet (SF) and has a land use designation of Direct Control (DC) with a property use of multi-residential. Currently it is being used by the adjacent car dealership for parking cars.

[3] The subject is assessed using the Sales Comparison Approach to Value with a resulting land rate of \$95 per SF.

**Issues:**

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

- 1) The market value of the land is too high.

**Complainant's Requested Value:**

[5] \$350,000 on the complaint form. \$448,500 at this hearing.

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

**ISSUE 1: The market value of the land is too high.**

**The Complainant** provided a 23 page document entitled "Assessment Appeal Disclosure Report" 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 chart of 4 nearby sales comparables within the Crescent Heights community, 3 of which were located in the NW and 1 in the NE part of the city. The chart provided the following information on the 4 sales of the comparable properties that occurred from August 13, 2009 to September 8, 2010:

- 1) Site areas ranged from 4,498 SF to 8,937 SF.
- 2) None of the comparable properties had a land use designations exactly like the subject, although two of them had multi-residential designations.
- 3) Unadjusted sales prices per SF ranged from \$60.31 to \$116.72. The two multi-residential land use comparables (the "best comparables"), had sales rates per SF ranging from \$60.31 to \$75.90. The corresponding assessments of those comparables were \$95.00 per SF and \$86.89 per SF respectively.

Detailed or backup information on each sale indicated that all the properties contained improvements and assessed accordingly, although one multi-residential designated property was assessed as land only.

**The Respondent** provided a 51 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] A table of 9 vacant land property sales comparables with the same multi-residential (MR3) land use designations as the subject. The sale dates ranged between July 29, 2009 and January 18, 2011. Most of the sales occurred in the NW quadrant. The parcel sizes varied between 3,731 SF and 47,045 SF. The time adjusted sales price per SF of land varied from \$92.02 to \$144.88, with an average of \$109.30 and a median of \$107.25. The time adjusted sales prices per SF were then compared to their respective assessments to develop an assessment to sales ratio (ASR). The ASR's varied from 0.76 to 1.03 with an average of 0.93 and a median of 0.99.

[8] Listing and transfer documents of the Complainant's sales comparables. The documents indicated that 3 of the 4 sales comparables, including the Complainant's best comparables were foreclosure sales. The fourth sale comparable of the Complainant, which was not a foreclosure sale, had a sales price per SF of \$116.72 and would not be supportive of a further reduction on the subject's current assessment.

**The Complainant** provided an 11 page rebuttal document entitled "Assessment Appeal Rebuttal Report" 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's sales comparables are not in the same community as the subject and therefore are inferior to the Complainant's sales comparables.

[10] That although 3 of the 4 sales comparables of the Complainant were lender owned, they were listed by a broker through the Multiple Listing Service (MLS) and were therefore typical market transactions.

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

[11] That foreclosure sales are not typical and generally not indicative of market value.

[12] That the Complainant's non-foreclosure sale does not support a reduction to the subject's assessment.

**Board's Decision:**

[13] The complaint is denied and the assessment is confirmed at \$626,500.

The CARB provides the following reasons for the decision:

[14] It seemed that the main argument of the Complainant was that the prior year's complaint was based on similar evidence and was successful; therefore this year's complaint should succeed on those same merits. However, there was no indication in last year's CARB decision that the Complainant's sales comparables were revealed to be predominately foreclosure sales. Moreover, the Respondent provided two sales in late 2010 and early 2011 that had time adjusted sales prices per SF of \$96.18 and \$117.65 respectively. Neither of these more recent sales supports a reduction in the assessment of the subject.

[15] Although the sales comparables of the Respondent did not occur in the community of Crescent Heights, the neighbouring communities Bridgeland and West Hillhurst for example, were deemed to be sufficiently comparable to the subject's community. Moreover, the CARB believes that sales of multi-residential land in similar neighbouring communities are superior market evidence to foreclosure sales of multi-residential land in the same community.

DATED AT THE CITY OF CALGARY THIS 27 DAY OF SEPTEMBER 2012.



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'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)**

| Column 1 | Column 2             | Column 3    | Column 4       | Column 5   |
|----------|----------------------|-------------|----------------|------------|
| CARB     | Other Property Types | Vacant Land | Sales Approach | Land Value |
|          |                      |             |                |            |
|          |                      |             |                |            |