

**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:**

***Chartwell Seniors Housing REIT  
(as represented by DuCharme, McMillen & Associates Canada – Matthew Pierson),  
COMPLAINANT***

**and**

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

**before:**

***J. Acker, PRESIDING OFFICER  
Y. Nesry, MEMBER  
R. DesChaine, 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:

---

<b>ROLL NUMBER:</b>	<b>200290666</b>
<b>LOCATION ADDRESS:</b>	<b>301 7 Street SW</b>
<b>HEARING NUMBER:</b>	<b>64931</b>
<b>ASSESSMENT:</b>	<b>\$ 17,080,000</b>

This complaint was heard on 2<sup>nd</sup> day of August, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *Matthew Pierson*

Appeared on behalf of the Respondent:

- *Daniel Lidgren*

**Property Description:**

The subject is a .6 acre property comprised of two separate titles located in the Calgary downtown commercial core. It is improved with a 97,000 square foot 8 storey reinforced concrete purpose built senior citizen's care facility. It was constructed in 2002. Under the Municipal Government Act, this property is assessed as one parcel since the building occupies both of the titled lands.

**Issues:**

1. The land value used for assessment purposes is in excess of market value
2. The subject is not assessed in an equitable manner when compared to other seniors' facilities in the City of Calgary.

**Complainant's Requested Value:** \$ 1,450,000

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

Both parties agreed that the improvement value of \$9,574,000 was appropriate and correct for the subject. The Complainant argued that the land value used for assessment purposes in the DT2-East district of the Central Business Area is \$275/ sq ft (\$7,157,150 for the .6 acre parcel) and is excessive when recent sales are analyzed. He provided 6 recent sales in support of his argument that the appropriate land value should be \$4,388,400.

The Respondent countered with 6 sales indicating support for the \$275/sq ft valuation. He further indicated that the Complainant's comparable sales were flawed insofar as two of the sales were court ordered and one was a foreclosure sale. He argued that these three should not be considered as 'market' sales since there was no willing seller in these transactions.

The Complainant's equity argument was based on 9 equity comparables of seniors' facilities throughout the City of Calgary which demonstrated an equitable assessment for the subject of \$12,495,000.

The Respondent argued that none of these comparables are located in the City Centre and thus are not comparable to the subject.

**Board's Decision:**

The Board rejected the Complainant's argument on equity by giving greater weight to the Respondent's argument that these properties were not comparable to the subject in location alone and that there was little detail on the comparables to allow the Board to reach any conclusion on the comparability of structure and amenities.

In reviewing the evidence and argument on the appropriateness of the \$275/sq. ft. land value, the Board analyzed both party's sales evidence. The Board did not agree with the argument of the Respondent that the court ordered sales should be rejected. Evidence shows a sworn statement that the sale of the property at 935 8 Avenue S.W. at \$6,000,000 for .75 acres was at market value. The court agreed in allowing the sale to proceed. This particular sale was given significant weight by the Board insofar as it occurred in the assessment year (July 06, 2010), was of comparable size and is located in the same assessment district (DT2 East) as the subject.

Having determined that the sales evidence supported a lesser land value, the Board applied a derived land value to the subject of \$4,800,000. The improvement value was not disputed at \$9,574,000. **Accordingly, the Board grants the appeal of the Complainant and sets the value for assessment purposes at \$14,500,000.**

DATED AT THE CITY OF CALGARY THIS 9 DAY OF AUGUST 2011.

  
\_\_\_\_\_  
J. P. Acker  
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 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.*