

**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:**

***Northeast Auto LTD. (as represented by Brenda MacFarland Tax Consulting),  
COMPLAINANT***

**and**

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

**before:**

***T. Golden, PRESIDING OFFICER  
H. Ang, MEMBER  
D. Pollard, 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: 200813103**  
**LOCATION ADDRESS: 2225 3 AV NE**  
**HEARING NUMBER: 63024**  
**ASSESSMENT: \$2,400,000.00**

This complaint was heard on 3rd day of August, 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:

- *B. MacFarland*

Appeared on behalf of the Respondent:

- *T. Luchak*

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

There were no preliminary matters discussed.

**Property Description:**

The subject property is a vacant 2.74 acre (ac) industrial site located in the north east portion of the city. It is an unimproved corner lot.

**Issues:**

1. Is the subject property equitably assessed compared to similar properties in the area?

**Complainant's Requested Value:** \$2,000,000.00

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

1. The property is equitably assessed

The Complainant firstly drew the Board's attention to a land title for the property indicating that it was purchased at the height of the market in 2007 for \$2,250,000.00 and indicated general land values have not increased during that time to now. This provided an indication to the owner that the assessment was excessive. The Complainant discussed that the land was located a block removed from the main traffic corridor of Centre Avenue and was not a high visibility site and therefore unlikely be a prime site for any commercial use in the future. Since the subject land is in close proximity to a residential area, industrial uses would also be restricted. The corner orientation in this specific location was of little advantage because of the limitations of the site.

It was also suggested that other parcels were given negative adjustments to the land rate for conditions such as parcel shape or the level of services available. The subject property should also be considered for a shape adjustment as it is little different than properties receiving the adjustment.

To support the argument that the assessment is inequitable the Complainant provided the Board with 4 equity comparables:

| Comp # | Address            | Size    | Assessment  | Asmt /Sq Ft |
|--------|--------------------|---------|-------------|-------------|
| 1      | 247 Mayland PI NE  | 55,113  | \$877,000   | \$15.19     |
| 2      | 2652 3 AV SE       | 94,726  | \$1,680,000 | \$17.74     |
| 3      | 530 Meridian Rd NE | 45,102  | \$776,000   | \$17.21     |
| 4      | 2710 5 AV NE       | 108,827 | \$2,160,000 | \$19.85     |

Based on this table of information the Complainant developed a sq. ft. equitable value of \$17.50 leading to the requested amount of \$2,000,000.00. Although the issue was the equity of the assessment, a table of 3 sale comparisons was presented in the evidence.

The respondent questioned the equity comparisons presented by the Complainant suggesting that the lower assessments were due to the adjustments on the properties. Comparable 1 was adjusted for a triangle shape and restricted access. Number 2 also had a shape adjustment. The third comparable had a downward adjustment for partial services although the exact problem with services was not identified. The Respondent noted that the last comparable supported the assessment as did the sales comparison presented in the Complainants evidence. With reference to the Complainant's sale data the parcel at 20 Freeport Dr. NE it was pointed out by the respondent to be in a different assessment area and should be excluded from the analysis.

The questioning pointed out to the Board that there was a problem locating comparable 2, therefore reducing the reliability of the item of evidence. Although perhaps minor the evidence indicated some level of improvement on Comparable 4.

The contention that the subject property was in some way inferior because of location was in the Board's opinion not supported as the evidence was anecdotal. The Board agreed with the Respondent that the properties used in the Complainants table are not comparable to the subject. In the opinion of the Board the evidence presented by the Complainant to support an inequitable assessment was not strong and the Board was not convinced the assessment should be varied.

In addition the Complainant's sales data serves as a test for the assessment. Board agrees that the 20 Freeport Dr. NE property should be excluded from the sales information. The two remaining sales at 11885 16 St NE and 3820 32 St NE average \$21.46/sq ft compared to subjects assessed value of \$20.09/sq ft. This supports the assessment. The Respondent's evidence was not reviewed as the case to reduce the assessment was not made by the Complainant.

**Board's Decision:**

The assessment is confirmed at \$2,400,000.00

DATED AT THE CITY OF CALGARY THIS 1<sup>st</sup> DAY OF September 2011.

for 

**T. Golden**  
**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  |

*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.*