

**CALGARY
ASSESSMENT REVIEW BOARD
REVISED 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

WWW Trading Ltd.
(as represented by Brenda MacFarland Tax Consulting), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before

L. Yakimchuk, PRESIDING OFFICER
J. Massey, MEMBER
D. Cochrane, 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:	200585578
LOCATION ADDRESS:	1211 Centre St. NW
HEARING NUMBER:	63020
ASSESSMENT:	\$2,250,000

This complaint was heard on September 6, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 - 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- Ms. Brenda MacFarland, *Brenda MacFarland Tax Consulting*

Appeared on behalf of the Respondent:

- Ms. Brenda Thompson, *City of Calgary Assessment Business Unit*

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

Preliminary to the hearing, Ms. MacFarland registered an objection to the structure of the CARB in Calgary. She believes the process of board selection limits the Complainant's chance to have a fair hearing. She said she believes in the right of taxpayers to appeal assessments and would continue to appeal despite this objection. She did not object to the specific Board members therefore the hearing proceeded.

Property Description:

The property is assessed as commercial (LI), assessment class NR-100. It is a car dealership located on 0.502 acres of land at 1211 Centre St. NW. The building covers 13,548 square feet (over 40% of the property) and was completed in 1967, with an \$822,000 improvement in 2007. The Board noted that various sizes were attributed to the improvements in both parties' documents, ranging from 9,984 square feet to 13,548 square feet. Both parties agreed that 13,548 square feet is the correct number. Assessed value is \$2,250,000 or \$167.08 per square foot.

Issues:

The Matter for Complaint was the assessment is too high. The issue is equity with other assessments of similar properties and market value.

Complainant's Requested Value: \$1,797,000 (\$180 per square foot based on 9984 square feet).

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

Brenda MacFarland, on behalf of the Complainant, argued that the market value of the improvements is too high. She said that the property was unusual for a car dealership in that it has very little land attached to it. This would hasten obsolescence. Further, she said that adding improvements to a property does not always increase its market value.

Ms. MacFarland said that the assessment is inequitable. She suggested a value of \$180 per square foot based on a comparable property on 4849 Northland Drive NW which is assessed at \$184 per square foot. Given a size of 9984 square feet, this would make the assessed value \$1,797,120.

The size of the improvements varied in the documents, with the numbers presented by Ms. MacFarland and Ms. Thompson ranging from 9984 square feet to 13,548 square feet.

To support the current property assessment, Brenda Thompson, on behalf of the Respondent, presented a permit which showed that the property, built in 1967, was improved in 2007 at a cost of \$822,000 (R-1, p.19). She also demonstrated that the property owner had not submitted an ARFI, so the city had been compelled to fill the requested information from its own sources (R-1 p.31-33).

Land value for C-COR property is valued at \$65 per square foot for the first 20,000 square feet and \$28 per square foot for the remainder (R-1, p.35)

Ms. Thompson stated that Ms. MacFarland's best sales comparable was a Volkswagen dealership that is only partially complete, and that the full assessment will probably be higher than it is now (R-1, p. 36).

On questioning from the board, the size of the property was established at 13,548 square feet. Given that size and the requested assessment per square foot of \$180 recommended by the Complainant, the assessed value of the property would be \$2,438,640 based on improvements alone. Land value would add \$1,352,332 to that value.

The Board concluded that the property was correctly assessed.

Board's Decision:

The assessment is confirmed at \$2,250,000.

DATED AT THE CITY OF CALGARY THIS 4th DAY OF OCTOBER 2011.



Lana Yakimchuk
Presiding Officer

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

NO.	ITEM
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.*