

**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:

392155 Alberta Ltd. (as represented by Mr. V. Piponski), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Golden, PRESIDING OFFICER

P. Pask, MEMBER

S. Rourke, 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: 080197106

LOCATION ADDRESS: 2428 14 St. SW

HEARING NUMBER: 63287

ASSESSMENT: \$1,160,000.00

This complaint was heard on 20 day of September, 2011 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:

- *Vasil and Katarina Piponski*

Appeared on behalf of the Respondent:

- *A. Cornick*

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

The Complainant provided no disclosure evidence in advance of the hearing and the Board relied on the information contained in the Complaint form as the basis of the complaint. The Complainant was informed that the presentation would be restricted to only the issues mentioned in the Complaint form.

Property Description:

The property is located directly on 14 ST. SW and is an older 3 storey walk up apartment building. It was presented that the building was in need of repair and required a great deal of maintenance. There are 8 suites in the structure including six 2 bedroom suites, one 1 bedroom suite and one bachelor suite.

Issues:

- 1) Is the assessment on the property appropriate?

Complainant's Requested Value: \$800,000.00

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

- 1) The assessment applied by the City to the property is appropriate.

The Complainant stated to the Board that that the assessment on the property was excessive given the limitations of the site and the quality of the structure. The site was felt by the Complainant to be over assessed because; firstly the traffic on 14 St SW was disruptive, loud and heavy at all hours. This inconvenienced renters as well as reduced rents. Secondly the lane access to the building and parking was restricted in width and subject to poor City maintenance. The lane was also on a slope making winter use difficult. These factors reduced the ability to rent the suites and reduced the rents attainable. For these reasons the assessment should be reduced. Upon questioning the Complainant stated the requested value was based on his knowledge of the sale of a similar building. The Complainant also showed a reluctance to

complete and return the City Request for information forms over the period that the Income approach to assessment was used on this type of property.

The City informed the Board that the Complainant had never returned the City Request for Information forms. This would have allowed the assessment department to conduct an evaluation of the rents achieved in the structure. The Income approach to valuation was therefore based on typical rents found in the area and not checked against actual rents. In the City's opinion the subject building is typical for the area and no adjustments were generally made for traffic in this general location. It was also pointed out that the Complainant failed to link the requested assessment to any quantifiable measure of value related to the argued restrictions.

The Board agrees with the City Representative that no market evidence was presented demonstrating that the property is over assessed. The impact on value related to the suggested poor lane access and high traffic on 14 St SW was not linked to the requested assessment reduction. The Complainant stated that the basis for the requested assessment was a sale of a similar property and not related to the site issues discussed. No sale information was available to confirm the sale considered by the Complainant in determining the requested assessment.

It was apparent to the Board that the Complainant failed to provide the information to the City that would result in a re-evaluation of the assessment nor did the Complainant contact the assessor regarding the assessment. Information requested by the City was not made available and the absence of any other market data gives the Board no indication about whether or not the property is typical or not. With no market evaluation of the impact of the site conditions on value of the subject property the Board had no basis to alter the current assessment. The onus is on the Complainant to demonstrate the assessment is in error and that onus was not met in this case.

Board's Decision:

The assessment is confirmed at \$1,160,000.00

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF September 2011.



Presiding Officer

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

NO.	ITEM
1. 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.*