

**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:

**OREC (CALGARY) HOLDINGS INC. c/o OPGI MANAGEMENT GP INC.
(represented by: ALTUS GROUP LTD.), *Complainant***

and

THE CITY OF CALGARY, *Respondent*

before:

**J. KRYSA, *Presiding Officer*
R. DESCHAIINE, *Member*
B. BICKFORD, *Member***

This is a complaint to the Calgary Assessment Review Board in respect of the property assessment prepared by the Assessor of The City of Calgary and entered in the 2012 Assessment Roll as follows:

ROLL NUMBER:	448000208
LOCATION ADDRESS:	1620 Airport Trail NE
HEARING NUMBER:	68143
ASSESSMENT:	\$61,720,000

The complaint was heard on October 25, 2012, in Boardroom 6 at the office of the Assessment Review Board, located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- **D. MEWHA; D. HAMILTON** (Altus Group Ltd.)

Appeared on behalf of the Respondent:

- **N. DOMENIE** (The City of Calgary)

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

[1] At the commencement of the hearing, the Complainant requested that the evidence and argument in respect of exhibits C2 to C10 presented at the earlier hearing of File 68142 (Tax Roll 447000126), be carried forward and considered by the Board in this matter without further mention. The Respondent did not object to the Complainant's request and asked that his evidence and argument in response to exhibits C2 to C10 also be carried forward and considered by the Board in this matter without further mention.

[2] **Decision:** The Board agrees to the parties' request. The evidence and argument presented by both parties at the hearing of File 68142 (Tax Roll 447000126) will be considered by the Board in this matter without further mention.

Property Description:

[3] The subject property is a 159.66 acre parcel of development land located north of Airport Road between 15th and 19th streets NE. As at December 31, 2011, the property was undergoing various activities for the purpose of subdivision, sale and development into an industrial/commercial business park consistent with the municipality's Revised Stoney Industrial ASP (Area Structure Plan), and deep servicing of Phase 1 on these lands had commenced.

Issues:

[4] The Complainant raised the following matters in section 4 of the complaint form:

3. an assessment amount
4. an assessment class
5. an assessment sub-class
9. whether the business or property is assessable
10. whether the business or property is exempt from taxation

[5] At the commencement of the hearing the Complainant withdrew matters 4 through 10, and led evidence and argument only in relation to matter 3, an assessment amount. The Complainant set out seventeen issues and grounds for the complaint in section 5 of the complaint form with a requested assessment of \$24,930,000. However, at the hearing only the following issues were before the Board:

1. Does the assessment of the subject property exceed its market value?
2. Is the assessment of the subject property equitable in relation to the assessments of similar properties?

Complainant's Requested Value:

[6] At the hearing, the Complainant requested an assessment of \$49,430,000

Board's Decision in Respect of the Issues

[7] During the course of the hearing, the Respondent conceded that the current assessment valuation methodology is inappropriate, and put forward a revised market value estimate of \$49,488,145, founded on a "blended" base rate of \$516,416 per acre, before the application of the Respondent's standard size adjustment factors [R1].

[8] The Complainant agreed that the Respondent's proposed valuation is a reasonable estimate of market value. The Complainant acknowledged the status of the lands at the condition date and agreed the evidence shows buildings now existing on parts of the subject lands.

Decision

[9] The Board accepts the Respondent's proposed assessment is a reasonable estimate of the subject's market value.

The assessment is **REVISED** from: \$61,720,000 to: **\$49,480,000.**

DATED AT THE CITY OF CALGARY THIS DAY

20

OF DECEMBER, 2012.


J. Krysa
Presiding Officer

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

NO.	ITEM
1. C1	Complainant's Submission (129 pages)
2. C2	Land Sales Addenda (229 pages)
3. C3	Diminishing Returns SE Large Parcels and Adj. (91 pages)
4. C4	Servicing Adjustments and Comparables (52 pages)
5. C5	Limited / Restricted Access (67 pages)
6. C6	Time Adjustment (60 pages)
7. C7	Revised Stoney Industrial Area Structure Plan (203 pages)
8. C8	Roads, Ponds and Other Public Lands (63 pages)
9. C9	Relevant Board Orders, Case Precedent, <i>et al</i> (41 pages)
10. C10	2012 Rebuttal Evidence (303 pages)
11. R1	Respondent's Recommendation (1 page)

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 ADMINISTRATIVE USE

Subject	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Other	Vacant Land	Development Land	Land Value, Zoning