

**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:**

***Pasutto's Hotels (1984) Ltd. (as represented by Colliers International), COMPLAINANT***

**and**

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

**before:**

***T. Golden, PRESIDING OFFICER***

***R. Kodak, MEMBER***

***D. Steele, 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: 068229806**

**LOCATION ADDRESS: 221 9 AV SE**

**HEARING NUMBER: 61344**

**ASSESSMENT: \$8,270,000.00**

This complaint was heard on 4 day of October, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- *M. Uhryn*

Appeared on behalf of the Respondent:

- *D. Satoor*

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

The Respondent presented that the Board had no jurisdiction to hear this Compliant. Section 8 (2) of MRAC requires the Complainant to file a summary of testimonial evidence as part of the process of disclosure. In addition section 9 of MRAC prohibits a Composite Assessment Review Board from hearing any evidence not disclosed in accordance with the Regulation. The Respondent suggested that the Complainant did not provide a sufficient summary of testimony to allow the City to prepare a response defending the assessment. The summary is vague and insufficient. The statements "NRZ MAP" etc. contained in the Complainants Exhibit C-1 were insufficient to make any informed response.

The Complainant pointed to the properly disclosed document exhibit C-1 page 2 entitled Summary of Testimonial Evidence. This section of the disclosure outlines the various issues to be addressed at the hearing and is further expanded in the attached information.

The Board will proceed with the hearing.

Exhibit C-1 was reviewed by the Board and in particular page 2 "Summary of Testimonial evidence ". The Board finds that the issues briefly referred to in the summary are further explained in the following text in some detail. When the summary and the document are read in their entirety the Respondent would be able to prepare to defend the assessment from the arguments to be presented by the Complainant.

**Property Description:**

The subject property is a vacant 54,706 square foot (sq. ft.) parcel of land being used as a parking lot. This property is commercially zoned land and receives downward adjustments for train tracks, transitional zone and environmental concerns. A positive corner adjustment is also applied. Although discussed for clarification these adjustments were not in question.

**Issues:**

- 1) Is the requested base assessment rate of \$175.00/ sq. ft. appropriate for the subject parcel?

**Complainant's Requested Value:** \$5,265,452.50

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

- 1) The base assessment rate of \$275.00 as used by the City is the appropriate rate.

The Complainant presented 10 sales that occurred between 2006 and 2010 that ranged in sale price of between 108 /sq. ft. and 261.00 /sq. ft. This analysis resulted in a mean value of \$162.00 /sq. ft. which was used to support the requested rate of \$175.00/ sq. ft. Two sales of the subject parcel were briefly discussed.

The Respondent challenged the sales data presented by the Complainant indicating all the sales were in the East Village where the market values were lower than in the market area where the subject parcel is located. As well the properties were not similar in size to the subject lands. Of more importance were the two sales of the subject property. In late 2004 the property sold for \$5,300,000.00 and in July of the assessment year the property sold for \$11,000,000.00. The 2010 sale was a foreclosure sale. The Respondent noted that the Complainant's requested value for 2010 was similar to the 2004 sale amount and the Complainant offered little explanation as to why that should be. The sale of the property mere days after the assessment date is supportive of the assessment.

The Board placed little weight on the Complainant's sales information and agreed with the Respondent that the market areas were not sufficiently similar to give good market value comparisons. The Board finds the most convincing evidence to be that of the actual sale of the land for \$11,000,000.00 within days of the assessment date. This sale supports the lesser assessed value.

**Board's Decision:**

The assessment is confirmed at \$8,270,000.00

DATED AT THE CITY OF CALGARY THIS 22<sup>nd</sup> DAY OF November 2011.



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.*

<b>Appeal Type</b>	<b>Property Type</b>	<b>Property Sub-Type</b>	<b>Issue</b>	<b>Sub-Issue</b>
CARB	Other property	parking	Sales approach	Land value