

**CALGARY  
COMPOSITE 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-26.1, Section 460(4), revised Statutes of Alberta, 2000 (the Act).

**between:**

***Hampton Development Ltd., COMPLAINANT,  
as represented by Altus Group***

**and**

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

**before:**

***T. Helgeson, PRESIDING OFFICER  
B. Jerchel, MEMBER  
R. Kodak, 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 2011 Assessment Roll as follows:

**ROLL NUMBER: 091035303**

**LOCATION ADDRESS: 3700 Blackfoot Trail S.E.**

**HEARING NUMBER: 63927**

**ASSESSMENT: \$3,060,000**

This complaint was heard on the 24<sup>th</sup> day of October, 2011 at the office of the Assessment Review Board located at 4<sup>th</sup> Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *J. Weber*

Appeared on behalf of the Respondent:

- *J. Greer*

**Board's Decision with Respect to Procedural of Jurisdictional Matters:**

No procedural of jurisdictional matters were raised during the hearing.

**Property Description:**

The subject property at 3700 Blackfoot Trail SE is an 83,100 square foot parcel of land in the Highfield District. The subject property is zoned C-Cor3 under City of Calgary Land Use Bylaw 2P80. A casino, the "Cash Casino" is located in a building on 4040 Blackfoot Trail, a property to the south of and adjacent to the subject.

**Regarding Brevity:**

In the interests of brevity, the Board will restrict its comments to those items the Board found relevant to the matters at hand. Furthermore, the Board's findings and decision in this matter reflect the evidence that was presented and examined by the parties before the Board at the time of the hearing.

**Issue:** Is the subject property over-assessed?

**Summary of the Complainant's Submission:**

Sales of 15 comparable properties, all with an FAR of 1 and a height of 16 metres under the Land Use Bylaw, indicate a median sale price per acre of \$802,490, and a median assessment per acre of \$694,172. Permitted uses for most of these properties have the same permitted uses as C-Cor3, and discretionary uses are similar. An appraisal report for 6118 30<sup>th</sup> Street SE, a vacant parcel located near Barlow Trail in the Foothills Industrial area, and zoned C-Cor3, just like the subject property, indicates a value per acre of \$850,000. Unit rates for comparable properties in the appraisal range from \$675,000 to \$890,000. Seven sales of C-Cor land indicate a median assessment-to-sales ratio of 74 percent.

**Summary of the Respondent's Submission:**

The Complainant's evidence includes many sales of vacant parcels that show a sale price of approximately \$800,000 per acres. Trouble is, all these parcels are industrial land, not C-Cor land. All C-Cor land is, by definition, on a traffic corridor. Furthermore, all these parcels are inferior to the

subject property, and one of the sales is not a valid sale. The Complainant presents eight sales comparables, and questions where the \$65 per sq. ft. rate for the first 20,000 sq. ft. and the \$28 per sq. ft. for the remainder comes from. Our evidence includes eight sales, all of them C-Cor properties, whose time-adjusted sale prices indicate a median value of \$80.40 per sq. ft. (under 20,000 sq. ft.), and a median value of \$44.59 (over 20,000 sq. ft.), figures that amply support our dual rates of \$65 per sq. ft. and \$28 per sq. ft. The Complainant's sale comparables are not C-Cor land, and unlike the subject property, are not located on major traffic thoroughfares. We respectfully request that the complaint be dismissed.

### **Summary of the Complainant's Rebuttal**

The Respondent's C-Cor comparables include one property that is in the Beltline, i.e., 2450 10<sup>th</sup> Avenue SW, another that is contaminated (4504 17<sup>th</sup> Avenue SE), one that includes building value (7212 Macleod Trail SE), and one, 3131A 27<sup>th</sup> Street NE, with a sale that was not arm's length. These "comparables" are not worthy of the name, and their inclusion in the Respondent's analysis raises serious questions about the validity of the Respondent's derivation of values. The assessment-to-sales ratios of all the Respondent's sales are out of whack. Price per buildable space is what counts. Sixty-five dollars per sq. ft. for the first 20,000 sq. ft. is not acceptable.

### **Boards Decisions in Respect of Each Matter or Decision:**

The Board was not impressed with the Respondent's comparables. That said, the subject property is located on a major traffic corridor with high traffic volumes. Mr. Weber, with his usual candour, admitted that none of the properties in the comparable sales analysis on page 31 of Exhibit C-1 were located on major traffic arteries. While it is often said that one sale does not an assessment make, the same could be said for an appraisal of one property, particularly where the appraised property is located near, but not on, a major traffic corridor. The Board was not convinced that the Complainant was comparing apples to apples.

### **The Board's Decision:**

The Board finds that the evidence of the Complainant was insufficient to support a reduction of the assessed value of the subject property, therefore the decision of the Board is that the assessment of the subject property be confirmed at \$3,060,000.

DATED AT THE CITY OF CALGARY THIS 13 DAY OF December 2011.



T. Helgeson  
Presiding Officer

### **Exhibits**

C-1, Complainant's Evidence Submission

R-1, Respondent's Assessment Brief

**C-2, Complainant's Rebuttal**

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<u>Appeal Type</u>	<u>Property Type</u>	<u>Property Sub-type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Other Property Types	Vacant Land	Development Land (Types 1 to 6)	Land Value

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*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.*