



## **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

**1445122 Alberta Ltd.**  
**(as represented by MNP LLP), COMPLAINANT**

and

**The City Of Calgary, RESPONDENT**

before

**L. Yakimchuk, PRESIDING OFFICER**  
**B. Bickford, BOARD MEMBER**  
**G. Milne, BOARD 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 2013 Assessment Roll as follows:

**ROLL NUMBER: 048071500**

**LOCATION ADDRESS: 3133 19 St NE**

**FILE NUMBER: 70508**

**ASSESSMENT: \$812,000**

This complaint was heard July 2, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- *G. Worsley, MNP LLP*

Appeared on behalf of the Respondent:

- *N. Domenie, City of Calgary Assessor*

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

- [1] There were no procedural or jurisdictional matters.

**Property Description:**

- [2] The subject property has been assessed as a 1.14 Acre (A) I-G vacant land parcel. It is located in NE Calgary, south of the airport. This parcel is currently used as overflow parking for an adjacent property and the map shows it is accessible only through the adjacent property.

**Issues:**

- [3] Is the subject property valued appropriately using comparable land transactions?

**Complainant's Requested Value: \$752,500**

**Board's Decision:**

- [4] The Board confirms the assessment at \$812,000.

**Legislative Authority, Requirements and Considerations:**

The Composite Assessment Review Board (CARB) derives its authority from the Municipal Government Act (MGA) RSA 2000 Section 460.1:

- (2) Subject to section 460(11), a composite assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on an assessment notice for property other than property described in subsection (1)(a).

For the purposes of this hearing, the CARB will consider MGA Section 293(1)

In preparing an assessment, the assessor must, in a fair and equitable manner,

- (a) apply the valuation and other standards set out in the regulations, and

- (b) follow the procedures set out in the regulations.

Matters Relating to Assessment and Taxation Regulation (MRAT) is the regulation referred to in MGA Section 293(1)(b). The CARB decision will be guided by MRAT Section 2, which states that

An assessment of property based on market value

- (a) must be prepared using mass appraisal,
- (b) must be an estimate of the value of the fee simple estate in the property, and
- (c) must reflect typical market conditions for properties similar to that property.

and MRAT Section 4(1), which states that

The valuation standard for a parcel of land is

- (a) market value, or
- (b) if the parcel is used for farming operations, agricultural use value.

### **Position of the Parties**

#### **Complainant's Position:**

[5] The Complainant, G. Worsley, MNP LLP, presented a list of five NE land only, I-G comparable properties with a median sale value of \$880,281.69/A. 2013 Industrial Land Values for the Northeast Quadrant of Calgary are \$950,000 for the first two acres.

[6] The Complainant calculated a base rate value (based on \$880,281/A) for the property which resulted in a value of \$1,003,521. He subtracted 25% of this value for Limited Access and calculated a requested value of \$752,640.

[7] G. Worsley argued in Rebuttal that the City of Calgary has used comparable properties that are assessed incorrectly, with Assessment to Sales Ratios (ASRs) outside the acceptable .95 -1.05 range. Further, the Complainant argued that several of the proposed comparable properties have different zoning and larger areas than the subject.

#### **Respondent's Position:**

[8] N. Domenie, City of Calgary Assessor, presented a table of comparable I-G Industrial Sales in NE Calgary. The table showed a median value of \$828,038/A for properties ranging in size from 0.87 to 11.47 A. The Respondent further reduced the table to show that properties under one A had a median value of \$967,030/A.

[9] The Respondent provided RealNet information on the two smaller comparable properties he listed. He also provided a table of Influences affecting property, used by the City of Calgary, and the values applied to them.

#### **Board's Reasons for Decision:**

[10] The Board considered the comparable properties listed by the Complainant and by the Respondent. The Board decided that these sales somewhat supported the base rate applied by the City. The Board decided that the base rate per acre for bareland was equitable for land only

as all bareland in the NE quadrant is assessed in the same way.

[11] For these reasons the Board confirmed the assessment.

DATED AT THE CITY OF CALGARY THIS 1 DAY OF August 2013.

A handwritten signature in black ink, appearing to read 'Lana Yakimchuk', is written over a horizontal line.

**Lana Yakimchuk**

**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. C2	Complainant Rebuttal
3. 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	Vacant Land	Sales Approach	Land Value