

## **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:

**Knightview Developments Inc., (as represented by Assessment Advisory Group Inc.),**  
**COMPLAINANT**

and

**The City Of Calgary, RESPONDENT**

before:

**R. Fegan, PRESIDING OFFICER**  
**P. McKenna, BOARD MEMBER**  
**A. Zindler, 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:

<b>ROLL NUMBER:</b>	<b>067099606</b>
<b>LOCATION ADDRESS:</b>	<b>712 12 AV SW</b>
<b>FILE NUMBER:</b>	<b>71902</b>
<b>ASSESSMENT:</b>	<b>\$2,860,000</b>

This complaint was heard on the 5<sup>th</sup> day of July, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- S. Cobb, (Assessment Advisory Group Inc.)
- D. Bowman, (Assessment Advisory Group Inc.)

Appeared on behalf of the Respondent:

- L. Wong (City of Calgary)

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

[1] No procedural or jurisdictional matters were raised.

**Property Description:**

[2] The subject property is a vacant parcel of land consisting of 13,021 square feet, located in the community of Beltline. The subject property has a land use designation of CCX (Centre City Mixed Use) as is currently used for parking.

**Issues:**

[3] The issues in this complaint are market value and equity.

**Requested Value: \$2,530,000**

**Board's Decision: The assessment is confirmed at \$2,860,000.**

**Position of the Parties**

**Complainant's Position:**

[4] The Complainant argued that the assessor had applied a much higher land value rate to the area in which the subject property is located, than had been applied to similar properties in neighbouring locations. The Complainant noted that the assessor had used 2<sup>nd</sup> Street SW as a boundary and that rates on the west side of 2<sup>nd</sup> ST SW were \$220 per square foot while rates on the east side of 2<sup>nd</sup> ST SW were \$160 per square foot.

[5] The Complainant also pointed out that the subject property assessment had increased significantly from 2012 (\$2,010,000) to 2013 (\$2,860,000). The Complainant argued that there was no market evidence to support such an increase.

[6] In support of his position, that the market value of the subject was too high, the Complainant presented one sale. 614 10 AV SW sold on March 15 2012 for \$17,000,000. This represents a sale price per square foot of \$259.00.

[7] In support of his position that the subject property was not assessed equitably, when compared to similar properties in the vicinity, the Complainant presented a chart with two equity comparables. 505 11 AV SW was assessed at an overall rate of \$187 per square foot and 221 10 AV SW was assessed at a rate of \$168.00 per square foot.

**Respondent's Position:**

[8] The Respondent provided a map showing the various sub-neighbourhoods in the Beltline. The map indicated that a rate of \$160 per square foot had been applied in BL-2 and a rate of \$220 per square foot had been applied in BL-3 and BL-4.

[9] The Respondent provided a sales analysis using 3 sales from BL-2 and one sale from BL-8. This analysis indicated a median sale price of \$166.64. In addition to this analysis the Respondent also provided a single sale dated July 06, 2012 for a property located at 214 11 AV SW. which sold for \$172.57 per square foot.

[10] The Respondent provided a sales analysis using 2 sales from BL-3 and 2 sales from BL-4. The median of these sales was \$220.45. In addition to this analysis the Respondent also provided a single sale dated July 04, 2012 for a property located at 1515 8 ST SW. which sold for \$229.13 per square foot.


**Board's Reasons for Decision:**

[11] The Board found that the only sale presented by the Complainant was for a property in close proximity to the subject property and that sale price supported the assessed rate per square foot that had been applied to the subject property.

[12] The Board found that one of the two comparable properties identified by the Complainant had been assessed using the same base rate that was applied to the subject property; however, a negative 25% adjustment had been made to account for the "L" shape of that property. The Board found that this property was not sufficiently similar to the subject for comparison purposes. The second equity comparable identified was taken from the east side of 2<sup>nd</sup> ST SW. The Board found from the Respondent's evidence that values did increase as you moved from east to west between the districts of BL-2, BL-3 and BL-4. The subject is located approximately four blocks from the 2<sup>nd</sup> ST SW boundary between BL-2 and BL-3 and hence would have a higher value than properties in BL-2.

[13] The Board found that the analysis provided by the Respondent was sufficient to demonstrate that values in the Beltline did increase as you moved from east to west through BL-2, BL-3 and BL-4.

DATED AT THE CITY OF CALGARY THIS 15<sup>th</sup> DAY OF August 2013.

  
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R. Fegan

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.*