



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:

***Hatrick Enterprises Inc., Riley's Reproductions & Printing Ltd., (as represented by
Assessment Advisory Group), COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***R. Fegan, PRESIDING OFFICER
B. Bickford, BOARD MEMBER
E. Bruton, 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:	067077909
LOCATION ADDRESS:	617 8 AV SW
FILE NUMBER:	71977
ASSESSMENT:	\$1,910,000

This complaint was heard on the 31st day of July, 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:

- *D. Bowman, (Assessment Advisory Group)*

Appeared on behalf of the Respondent:

- *D. Zhao (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 improved with a two storey structure which is currently used as a movie theatre. The assessment of the subject property is based on land value only using a base rate of \$310.00 per square foot.

Issues:

- [3] The assessment is too high based on the recent sale of the subject property.

Requested Value: \$1,670,000.

Board's Decision:

The complaint is allowed and the assessment is revised to \$1,670,000.

Position of the Parties

Complainant's Position:

- [4] The Complainant introduced evidence of the November 15, 2011, sale of the subject property. The property sold in an arm's length transaction for \$1,675,000.

- [5] The Complainant argued that the sale price was the best evidence of the market value of the subject property.

Respondent's Position:

[6] The Respondent provided a sales analysis using three sales from the area referred to as "Downtown Two East". The sale dates ranged from November 30, 2010 to January 24, 2012.

[7] Two of the sales were improved at the time of the sale and one was vacant land at the time of sale. No adjustments were applied to any of the sales.

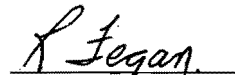
Board's Reasons for Decision:

[8] The Board noted that the land only sale in the Respondent's analysis sold for significantly more than either of the two improved property sales.

[9] The Board found that there were significant differences between the sales used by the assessor. The allowable floor area ratios varied. Two of the sold properties were improved at the time of the sale. No adjustments had been made for the differences in floor area ratios, demolition costs, or for the time difference between sale dates. The Board noted that the Respondent had used the sale of the subject property as one of the three sales in the analysis.

[10] The Board found that the November, 2011 sale of the subject property was the best indicator of the market value for the subject property.

DATED AT THE CITY OF CALGARY THIS 14 DAY OF August 2013.



R. Fegan

Presiding Officer

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

NO.	ITEM
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.*

CARB Identifier Codes

Decision No. CARB 71977-P		Roll No. 067077909		
<u>Complaint Type</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Commercial	Redevelopment Land	Market Value	Sale of subject

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