



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:

Sonali Jewellers Ltd.,(as represented by Assessment Advisory Group Inc.),
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:	201107042
LOCATION ADDRESS:	521 5075 Falconridge BV NE
FILE NUMBER:	72041
ASSESSMENT:	\$131,500

This complaint was heard on the 30th 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 Inc.)

Appeared on behalf of the Respondent:

- F. Taciune, (City of Calgary)

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

- [1] No procedural or jurisdictional issues were raised.

Property Description:

- [2] The subject property is a 707 square foot unit in a commercial condominium building. The land use designation is Commercial Community 2.

Issues:

- [3] The issue in this complaint is the proper method of valuation. The subject property suffered fire damage in April 2012. The Complainant argued that due to the extent of the damage the most suitable method of valuation was a land only value using the City's land rate table for similarly zoned land parcels.

Requested Value: \$85,000.

Board's Decision: The complaint is denied and the assessment is confirmed at \$131,500.

Position of the Parties

Complainant's Position:

- [4] It was the Complainant's position that as of December 31, 2012 the fire had destroyed the structure to the point where it was unusable and not capable of being occupied and had no value over and above the land value.
- [5] The Complainant provided a letter from the owner describing the damage caused by the fire and the subsequent activity to rebuild the building.
- [6] The fire took place in April 2012 and reconstruction did not start until December 2012.

Respondent's Position:

[7] The Respondent argued that the fire damage was not as severe as described in the owner's letter. According to the Respondent the exterior walls and the walls between condominium units were intact and reusable as well as the windows. The Respondent had visited the site on more than one occasion after the fire.

[8] It was the Respondent's position that a 30% reduction in the assessed value correctly reflected the loss in value that the subject property suffered as a result of the fire.

[9] The 30% reduction was an estimate made by an assessor following a visit to the property, subsequent to the April, 2012 fire.

[10] The Respondent acknowledged that the subject property was under construction and not capable of being used as of December 31, 2012.

Board's Reasons for Decision:

[11] Based on the evidence provided, the Board was not able to ascertain the exact physical condition of the subject property as of December 31, 2012.

[12] There was insufficient evidence to determine whether or not the 30% adjustment made by the assessor adequately reflected the loss in value as a result of the fire.

[13] In summary the Board found that the assessment had been reduced as a result of fire damage but had insufficient evidence to determine whether or not the reduction accurately reflected the loss in market value.

DATED AT THE CITY OF CALGARY THIS 16th 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. 72041P-2013			Roll No. 201107042	
<u>Complaint Type</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Commercial	Condominium	Physical Condition	Fire Damage

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