



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:

LANSDOWNE EQUITY VENTURES LTD.
(as represented by Assessment Advisory Group Inc.)

Complainant

and

THE CITY OF CALGARY

Respondent

before:

T. Shandro, PRESIDING OFFICER
T. Usselman, BOARD MEMBER
P. Pask, 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:	074000266
LOCATION ADDRESS:	1830R – 52 Street SE, Calgary, Alberta
FILE NUMBER:	73819
ASSESSMENT:	\$198,000

This complaint was heard on November 1, 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:

- D. Bowman, Agent, Assessment Advisory Group Inc.

Appeared on behalf of the Respondent:

- J.-S. Villeneuve-Cloutier, Assessor, The City of Calgary

Procedural or Jurisdictional Matters

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

Property Description

[2] The subject property is an oddly-shaped residual parcel which is 9,570 square feet ("SF"), designated as "Commercial – Corridor 3" ("C-COR3"), and located in Forest Lawn Industrial. Three non-residential influence adjustments have been applied: Limited or Restricted Access; Residual Parcel; and Shape Factor. Each influence decreased the rate used to assess the property by 25% to a total of 75%.

[3] The Complainant received an assessment which assessed the subject property at a nominal amount of \$750. The agent appearing on behalf of the Complainant advised that the subject property had "always been" assessed at the nominal amount of \$750. The Complainant has been the owner of the subject property since October 2000.

[4] On or about May 31, 2013, the Complainant received an Amended Assessment Notice which assessed the subject property at \$198,000.

Issues

[5] The Board identified the issue as follows:

1. Should the subject property be assessed using the C-COR3 rate?

Complainant's Requested Value

[6] In the Complaint Form, the Complainant requested a reduced assessment of \$10,000. At the hearing the Complainant amended the requested value to \$750.

Board's Decision

[7] The Board confirms the assessment of the subject property.

Complainant's Position

[8] The Complainant provided several arguments. First, the Complainant argued that the percentage increase from \$750 in past years to \$198,000 was unfair to the Complainant. Second, the Complainant argued that the subject property has no commercial application and suggested that the correct market value of the subject property is in fact \$0. No buyer or developer, the Complainant submitted, would find value in a property this narrow. The Complainant pointed to the land use bylaw and the setback requirements for any development.

[9] The Complainant further distinguished the comparables of the Respondent by arguing that the size, shape and access to those comparables illustrate that the subject property is different.

[10] At p. 31 of C-1, the Complainant appears to provide an alternative calculation should the Board determine that a nominal amount should not be used. This alternative calculation used an industrial land rate and subtracted 75% for the three non-residential influence adjustments. This calculation resulted in an assessment of \$32,175.

Respondent's Position

[11] The Respondent submitted several equity comparables which were also oddly-shaped properties:

- (a) 6820 Macleod Trail SE, which is skinny property approximately as wide as a car length, which also received influence adjustments for limited access, residual parcel and shape factor;
- (b) 9912 Macleod Trail SE, which is a small, triangular parcel which also received adjustments for limited access, residual parcel and shape factor; and
- (c) 1511 – 16 Avenue SW, which is a skinny, L-shaped parcel in the Beltline, and which received adjustments for residual parcel and shape factor.

[12] There was a fourth property in the Downtown Business District at 525 – 4 Street SW, which the Respondent relied upon to show that residual parcels have value.

Rebuttal

[13] The Complainant argued that the setbacks in the Land Use Bylaw for the City of Calgary would make the subject property undesirable to a potential buyer.

Reasons for Decision

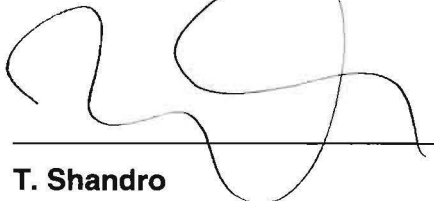
[14] The Complainant is correct that limited access and an odd shape affect the market value of a property. Market value is also affected if a property is a residual parcel. But this does not mean that the subject property should be assessed at a nominal amount. The Complainant has provided insufficient information to convince the Board that the non-residential influence adjustments applied by the Respondent do not already fairly and equitably address these factors. Therefore the Board cannot agree that the subject property should be assessed at a nominal amount, such as \$750.

[15] A sub-issue in this matter was the Complainant's alternative argument: if the subject property should not be assessed at a nominal amount, what is the correct land rate to use.

[16] The subject property is designated as C-COR3. Therefore the Board has determined that it would be incorrect to assess the subject property with an industrial rate as submitted by the Complainant.

[17] From the information before it, the Board has determined that there is insufficient information to find the assessment as either unfair or inequitable. The Board therefore confirms the assessment.

DATED AT THE CITY OF CALGARY THIS 2 DAY OF December 2013.

A handwritten signature in black ink, consisting of a large, stylized 'S' shape with a loop at the top and a horizontal line extending to the right.

T. Shandro

Presiding Officer

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

NO.	ITEM
1. C-1	Complainant Disclosure
2. R-1	Respondent Disclosure
3. C-2	Complainant Rebuttal

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.*

For Administrative Purposes Only

Property Type	Property Sub-Type	Issue	Sub-Issue
Commercial	Vacant	Influence adjustments	Comparables