



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:

***SUPERIOR HOLDINGS LTD.,
(represented by Altus Group), COMPLAINANT
and***

The City Of Calgary, RESPONDENT

before:

***M. CHILIBECK, PRESIDING OFFICER
D. MORICE, BOARD MEMBER
R. KODAK, 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 2014 Assessment Roll as follows:

ROLL NUMBER: 068182005

LOCATION ADDRESS: 110 – 15 AV SE

FILE NUMBER: 74509

ASSESSMENT: \$1,150,000.

This complaint was heard by the Composite Assessment Review Board (Board) on 22nd day of July, 2014 in Boardroom 3 on Floor Number 4 at the office of the Assessment Review Board located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- *D. Chabot, Agent of Altus Group*

Appeared on behalf of the Respondent:

- *M. Byrne, Property Assessor of the City of Calgary*

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

- [1] Neither party raised any objections to any member of the Board hearing the subject complaint
- [2] Neither party raised any procedural or jurisdictional matters.

Preliminary Matter:

- [3] Neither party raised any preliminary matter(s).

Property Description:

- [4] The subject property is a vacant parcel of multi-residential land with 7,005 square feet (sq. ft.), designated City Centre Multi-Residential High Rise (CC-MH). It is situated in the Beltline District on 15 AV between 1st St and 2nd ST located in the southeast quadrant of the City of Calgary.

Issues:

- [5] The Complainant identified the matter of the assessment amount under complaint on the complaint form and attached a schedule listing several reasons (grounds) for the complaint. At the outset of the hearing the Complainant identified the following issues:

1. The assessment of the subject property should be adjusted for having restricted access.
2. The assessment of the subject property should be adjusted to reflect it is located in a flood plain.

Complainant's Requested Value: \$630,000.

Board's Decision:

[6] The Board confirmed the assessment at **\$1,150,000.**

Legislative Authority, Requirements and Considerations:

[7] The Composite Assessment Review Board (CARB) derives its authority from Part 11 of the Act:

S.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).

[8] For purposes of the hearing, the CARB will consider Part 9, Division of the Act:

S.293(1) In preparing the 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

[9] The Matters Relating to Assessment and Taxation Regulation (MRAT) is the regulation referred to in section 293(1)(b) of the Act. The CARB consideration will be guided by MRAT, Part 1, Standards of Assessment, Mass Appraisal:

S.2 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

(c) must reflect typical market conditions for properties similar to that property

Assessment Background:

[10] The subject property is located in non-res zone 2 (MR2) and assessed using the direct sales comparison method at a rate of \$165 per sq. ft. of land area for an assessment of \$1,150,000.

Position of the Parties

1. Restricted Access

Complainant's Position:

[11] The Complainant argued that the property owner believes that the subject property cannot be developed according to Calgary's requirements. The subject property has no rear access, it only can be accessed from the street in front of the property. Having no lane at the rear impedes development of the subject property.

[12] A copy of the Respondent's "Description of Influence Adjustments" was provided showing a description of "Restricted Access" together with a chart of the influence adjustments showing restricted access adjustment of 15%

[13] The Complainant argued that the restricted access and the size of the parcel make it difficult to develop the parcel which hinders its market value.

Respondent's Position:

[14] The Respondent argued that an adjustment for restricted access is not warranted because adjacent properties have not been given an adjustment and there are similar parcels of land that have been developed without access from the rear.

[15] A photo and a map of a developed property showing a narrow high rise building on a narrow lot was provided by the Respondent in support of the position that development on this type of lot is possible.

Board's Reasons for Decision:

[16] The Board finds the subject property is similar to other adjacent properties which have no rear access and understands that no access adjustment has been given to these properties. The Complainant provided no information to show how the lack of rear access affects the market value of the subject other than the fact of rear access and the map.

[17] The Complainant provided no specific information to support the position that the development of the subject is restricted because of its size and lack of rear access.

[18] The Board finds the subject has access from 15th AV from both directions, east and west bound.

[19] The Board has insufficient evidence to convince it to grant an adjustment for restricted access.

2. Flood Plain Adjustment

Complainant's Position

[20] The Complainant argued the subject should receive a "flood plain" adjustment because it was flooded in June, 2013. The Complainant noted that the request is for a flood plain adjustment, not for a flood damage adjustment and believes the subject is located in a flood plain.

[21] A copy of a letter was provided indicating that the subject was flooded that resulted in damage to the chain link fence and residue of silt.

[22] The Complainant asserted the adjoining residential property was given a adjustment for the 2013 flood and therefore the subject should receive the flood adjustment.

[23] A chart of five single-residential sales was provided wherein the Complainant determined the difference between the time adjusted sale price and the 2014 assessment was attributed to the effect of the flood. The average difference was calculated at 19.42% which the complainant asserted supports their request for a 15% adjustment.

Respondent's Position

[24] The Respondent advised that a flood adjustment is not given to vacant land.

[25] The Respondent provided several Property Detail Reports showing that a flood adjustment was granted to improved properties which were not fully remediated by the December 31, 2013 condition date.

Board's Reasons for Decision

[26] The Board accepts that the subject property was affected by the June, 2013 flood.

[27] The Complainant did not provide any documentation to support their claim that the subject is located in a flood plain. The Respondent advised that the subject is not located in a flood plain and a flood adjustment is not given to vacant land.

[28] The Board is not convinced by the Complainant's argument and lack of sufficient evidence to apply a flood plain adjustment.

DATED AT THE CITY OF CALGARY THIS 13 DAY OF AUGUST 2014.

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

M. CHILIBECK

Presiding Officer

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

| NO. | ITEM |
|------------|--------------------------|
| 1. C1 | Complainant's Disclosure |
| 2. R1 | Respondent's 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. 74509P-2014 | | | Roll No. 068182005 | |
|---------------------------------|-----------------------------|--|-----------------------------|-------------------------|
| <u>Complaint Type</u> | <u>Property Type</u> | <u>Property Sub-Type</u> | <u>Issue</u> | <u>Sub-Issue</u> |
| CARB | Residential Mixed Use | Multi-Residential Commercial/Retail | Sales Method Vacant Land | Land Rate |

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