



## 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:

***First Capital Holdings (ALB) Corporation  
(as represented by Altus Group Ltd.), COMPLAINANT***

and

***The City Of Calgary, RESPONDENT***

before:

***J. Dawson, PRESIDING OFFICER  
R. Roy, BOARD MEMBER  
T. Livermore, BOARD MEMBER***

This is a complaint to the Composite Assessment Review Board [CARB or the 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:

<b>ROLL NUMBER:</b>	<b>067190504</b>
<b>LOCATION ADDRESS:</b>	<b>936 16 AV SW</b>
<b>FILE NUMBER:</b>	<b>74668</b>
<b>ASSESSMENT:</b>	<b>\$4,870,000</b>

This complaint was heard on 30th day of June, 2014 at the office of the Calgary Assessment Review Board [ARB] located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *D. Chabot*                      *Agent, Altus Group Ltd.*

Appeared on behalf of the Respondent:

- *H. Yau*                              *Assessor, City of Calgary*

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

- [1] The Complainant and Respondent agreed to carry forward all evidence, testimony, answers and questions from decision CARB 74670P-2014 to this hearing.
- [2] There are no additional preliminary, procedural, or jurisdictional issues.

**Property Description:**

- [3] The subject is a vacant land parcel comprised of 16,295 square feet at the corner of 9th ST and 16th AV SW in the Beltline (BL4) Non-Residential Zone [NRZ]. The Direct Sales Comparison Approach to value is used with a base rate of \$285 per square foot and a positive influence of five percent (5%) for corner lot.

**Issues:**

- [4] The single issue before the Board is the assessment value with the Complainant requesting an assessment based on comparable sales in the BL4 zone.

**Complainant's Requested Value: \$3,920,000**

**Board's Decision:**

- [5] The Board changed the assessment to the requested value of \$3,920,000.

**Legislative Authority, Requirements, and Considerations:**

**The Municipal Government Act**  
Revised Statutes of Alberta 2000 Chapter M-26

**Interpretation**

**1(1)** In this Act,

- (n) "market value" means the amount that a property, as defined in section 284(1)(r), might be expected to realize if it is sold on the open market by a willing seller to a willing buyer;

**Position of the Parties****Complainant's Position:**

- [6] The Complainant provided the '2014 Property Assessment Notice' showing the assessment has increased approximately thirty percent (30%) on a year over year basis (C1 p. 5).
- [7] The Complainant disclosed 'Property Assessment Summary Report', photographs and maps (C1 pp. 6-11).
- [8] The Complainant reviewed a sale of similar property on the same block also owned by the Complainant (C1 pp. 15-29).
- [9] The Complainant reported the plans for the subject site along with other owned property on the same block (C1 pp. 30-35).
- [10] The Complainant provided an analysis of 'BL4 Land Sales' finding a median of \$241 per square foot with supporting information and a report from the Respondent indicating location is the first physical characteristic considered in developing an assessment (C1 pp. 36-42).
- [11] The Complainant explained the Respondent's 'Land Sales Analysis' provided through a '2014 Property Assessment Information Request' [PAIR], which includes all of the Beltline finding a base value of \$285 per square foot. The Complainant demonstrated that when Non-Residential Zone [NRZ] BL4 is separated that the median value is the nearby property sale at \$241.19 per square foot (C1 pp. 43-45).
- [12] The Complainant reviewed CARB 70552/P-2013 wherein the Board found the inclusion of multiple NRZ for analysis does not produce fair and equitable assessments (C1 pp. 46-53).
- [13] The Complainant concluded with a requested assessment value of the median of all valid sales in the BL4 NRZ, which is \$241 per square foot, and is the same amount for a sale within the same block (C1 p. 63).

**Respondent's Position:**

- [14] The Respondent reviewed the summary of testimonial evidence and the 'Property Assessment Detail Report' indicating the issue is the land rate applied to the subject's 16,295 square feet at a rate of \$285 per square foot plus five percent (5%) for corner lot influence for a total truncated assessment of \$4,870,000 (R1 pp. 3 and 7).
- [15] The Respondent explained the 'Beltline Non Residential Zone Map' indicating that BL3, BL4, BL6 and BL7 were grouped together when analysing sales to arrive at the \$285 per square foot base vacant land value. The location of the subject was shown on the map placing it within BL4. The Respondent testified that of the sales analysed, when compared to just the sales in the last eighteen (18) months the median became \$325 per square foot indicating a rising market (R1 pp. 9-10).

[16] The Respondent provided maps and photographs to demonstrate the sale of the property on the same block in context to other analysed sales. Two sales just three blocks east of the subject sold for \$329 and \$332 per square foot indicating that the assessed \$285 per square foot is less than actual sales in the area (R1 pp. 11-20).

**Board's Reasons for Decision:**

[17] The Board examined the vacant land sales provided by the Respondent and noted that no time adjustment is made indicating that all the sales reflect market value on the valuation date of July 1, 2013. The Respondent used the sale on the same block within their study finding it to be a valid arm's length transaction. The Board finds the sales reported by the Respondent to be valid with no adjustment required for time of sale.

[18] The Board found two sales of six addresses at the corner of 15th AV and 6th ST SW is a land assembly introducing possible motivation as an influence that could skew the results of the analysis.

[19] The Board found the vacant land sales in BL4 created an adjusted median of \$230 per square foot with the eighteen (18) month median remaining at \$230 per square foot.

[20] The Board found the vacant land sales in BL3 created an adjusted median of \$324 per square foot with the eighteen (18) month median at \$329 per square foot.

[21] The Board found that the trend is not upward as suggested by the Respondent, that instead the timing of sales between the combined zones is analysed in error. The Board found the evidence indicates a clear delineation of value between the BL3 and BL4 zones with no upward trend in value over the analysed period.

[22] The Board finds the subject property should be assessed at the median square foot value of BL4 sales or \$3,920,000.

DATED AT THE CITY OF CALGARY THIS 24 DAY OF July 2014.

  
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Jeffrey Dawson  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
1. C1 – 58 pages	Complainant Disclosure
2. R1 – 33 pages	Respondent Disclosure
1. C2 – 5 pages	Complainant Rebuttal 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.*

<b>Municipal Government Board use only: Decision Identifier Codes</b>				
<b>Appeal Type</b>	<b>Property Type</b>	<b>Property Sub-Type</b>	<b>Issue</b>	<b>Sub-Issue</b>
CARB	Other Property Types	Vacant Land	Sales Approach	Land Value