



## Calgary Assessment Review Board

### DECISION WITH REASONS

In the matter of the complaints against the property assessments as provided by the *Municipal Government Act*, Chapter M-26, Section 460, Revised Statutes of Alberta 2000 [the Act].

between:

***Panterra (6035) Properties Inc. and  
Panterra (3224) Properties Inc.  
(as represented by AEC Property Tax Solutions), COMPLAINANT***

and

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

before:

***J. Dawson, PRESIDING OFFICER  
I. Fraser, BOARD MEMBER  
R. Cochrane, BOARD MEMBER***

These are complaints to the Calgary Assessment Review Board [CARB or the Board] in respect of property assessments prepared by the Assessor of The City of Calgary and entered in the 2014 Assessment Roll as follows:

ROLL NUMBER:	LOCATION ADDRESS:	FILE NUMBER:	ASSESSMENT:
201212016	8453 60 ST SE	75075	\$1,050,000
201212008	8467 60 ST SE	75076	\$1,050,000
201211992	8475 60 ST SE	75073	\$1,070,000
201212040	5884 86 AV SE	75071	\$1,070,000
201212057	5876 86 AV SE	75185	\$1,200,000
201212032	5914 86 AV SE	75080	\$1,680,000
201212115	5990 86 AV SE	75079	\$1,060,000
			Continued

ROLL NUMBER:	LOCATION ADDRESS:	FILE NUMBER:	ASSESSMENT:
201459997	8515 60 ST SE	75072	\$1,340,000
201212065	5858 86 AV SE	75077	\$1,080,000
201212073	5830 86 AV SE	75078	\$1,060,000

These complaints were heard on 23rd day of June, 2014 at the office of the Assessment Review Board [ARB] located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainants:

- *J. Smiley*                      *Agent, AEC Property Tax Solutions*
- *M. Kudrycki*                      *Analyst, AEC Property Tax Solutions*

Appeared on behalf of the Respondent:

- *T. Nguyen*                      *Assessor, City of Calgary*

Present as an observer:

- *A. Sivalingam*                      *Agent, AEC Property Tax Solutions*

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

- [1] The Complainants and Respondent agreed to hear the ten complaints in one hearing as nine are the same property owner and the tenth is owned by an associated company.
- [2] There are no additional preliminary, procedural, or jurisdictional issues.

**Property Description:**

- [3] The subjects are vacant land parcels ranging in size between 79,440 and 126,480 square feet bounded by 86th Avenue to the south, Glenmore Trail to the north and 60th Street to the east. The ten parcels are located in the non-residential zone [NRZ] of FO1, which is referred to as South Foothills or Section 23. The land use designations are industrial general [I-G]. Six of the properties abut Glenmore Trail but do not have access to Glenmore Trail. The properties are assessed using the Direct Sales Comparison Approach.

**Issues:**

- [4] Three issues are identified on the complaint forms with the Complainant verifying at the hearing that the primary issue is the assessment amount calculation. The Respondent used a typical vacant land rate \$645,000 per acre and reduced the base amount by ten percent (10%)

for location adjustment (resulting in a value of \$580,500 per acre). One property receives an additional twenty-five percent (25%) adjustment for partial servicing. The Complainant does not dispute the calculations; however, is asking for a base rate of \$590,000 reduced by ten percent (10%) for location adjustment (resulting in a value of \$531,000 per acre).

#### **Complainant's Requested Values:**

ROLL NUMBER:	LOCATION ADDRESS:	FILE NUMBER:	REQUEST:
201212016	8453 60 ST SE	75075	\$966,000
201212008	8467 60 ST SE	75076	\$966,000
201211992	8475 60 ST SE	75073	\$987,500
201212040	5884 86 AV SE	75071	\$982,000
201212057	5876 86 AV SE	75185	\$1,100,000
201212032	5914 86 AV SE	75080	\$1,530,000
201212115	5990 86 AV SE	75079	\$977,000
201459997	8515 60 ST SE	75072	\$1,230,000
201212065	5858 86 AV SE	75077	\$989,000
201212073	5830 86 AV SE	75078	\$977,000

#### **Board's Decision:**

[5] The Board found the assessments to be correct and confirmed all assessment amounts as follows:

ROLL NUMBER:	LOCATION ADDRESS:	FILE NUMBER:	DECISION:
201212016	8453 60 ST SE	75075	\$1,050,000
201212008	8467 60 ST SE	75076	\$1,050,000
201211992	8475 60 ST SE	75073	\$1,070,000
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#### **Legislative Authority, Requirements, and Considerations:**

[6] The Board did not find any atypical considerations.

#### **Position of the Parties**

##### **Complainant's Position:**

[7] The Complainant argued that the subject sites are assessed too high due to the flawed time adjustment analysis of the Respondent. The Respondent's city wide analysis finds a bit more than one percent (1%) per month of value increase during the July 1, 2012 through June 30, 2013 period. The Complainant pointed to specific errors in the Respondent's package, including the use of a bare land condo sale versus fee simple sales and using a resale analysis without considering the added value found with a development permit application in place.

[8] The Complainant narrowed their analysis to eight properties. Five properties are just north of the subjects in Starfield industrial park finding a point two-two percent (.22%) per month value increase. And three properties are just south of the subjects in South Foothills industrial park finding a point four-four percent (.44%) per month value increase. The Complainant averaged the values to arrive at a point three-three percent (.33%) per month value increase during the July 1, 2012 through June 30, 2013 period.

#### Respondent's Position:

[9] The Respondent argues that their time adjustment analysis was performed correctly; however, admitting that no value is found in the development permit application in their resale comparison and that an error was done by using the bare land condo property.

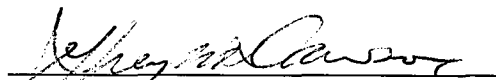
#### Board's Reasons for Decision:

[10] The Board found the sales used by the Complainant to be good, nearby comparators; however, rather than concentrating on the time adjustment aspect as presented, the Board looked at the sales to see the value per acre being achieved in the market place surrounding the subject properties.

ROLL NUMBER:	ADDRESS:	NRZ:	SALE DATE:	SALE PRICE:	PRICE PER ACRE:	LAND USE:	PARCEL SIZE:
201452828	6420 79 AV SE	SF2	18-Jul-12	\$1,905,550	\$575,035	I-G	3.31
201452869	7745 66 ST SE	SF2	31-Aug-12	\$992,600	\$634,560	I-G	1.56
201452877	7855 66 ST SE	SF2	31-Aug-12	\$992,600	\$634,560	I-G	1.56
201452836	7860 62 ST SE	SF2	14-Nov-12	\$975,000	\$623,309	I-G	1.56
201452851	6285 76 AV SE	SF2	10-Dec-12	\$2,189,480	\$594,247	I-G	3.68
201116605	7113 108 AV SE	FO3	18-Jan-12	\$1,699,500	\$514,388	I-G	3.30
201773538	10748 74 ST SE	FO3	9-May-13	\$978,000	\$598,742	I-G	1.63
201804549	10908 70 ST SE	FO3	12-Jun-13	\$1,700,000	\$514,575	I-G	3.30
Mean:					\$586,177		
Median:					\$596,495		

[11] The Board found the mean and median to be very close to the \$580,500 per acre assessed to the subject properties. While the Board questions the validity of the time adjustment analysis provided by the Respondent, the end values represent the market value of the subject properties.

DATED AT THE CITY OF CALGARY THIS 15<sup>th</sup> DAY OF July 2014.



**J. Dawson**  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
1. C1 – 69 pages	Complainant Disclosure
2. R1 – 112 pages	Respondent Disclosure
3. C2 – 39 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