



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:

***Concert Real Estate Corporation
(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***

This is a complaint to the Calgary 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:

ROLL NUMBER:	201816576
LOCATION ADDRESS:	4610 76 AV SE
FILE NUMBER:	75266
ASSESSMENT:	\$2,160,000

This complaint was 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 Complainant:

- *J. Smiley* *Agent, AEC Property Tax Solutions*

Appeared on behalf of the Respondent:

- *T. Nguyen* *Assessor, City of Calgary (first 10 minutes)*

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 75075P-2014 to this hearing.
- [2] There are no additional preliminary, procedural, or jurisdictional issues.

Property Description:

[3] The subject is a vacant land parcel of 146,273 square feet located near 40th Street on the north side of 76th Avenue SE in the Foothills industrial park non-residential zone [NRZ] of FH2. The land use designation is industrial general [I-G]. The property abuts a train track and has an onsite spur line and loading dock. The property is assessed using the Direct Sales Comparison Approach.

Issues:

[4] Four issues are identified on the complaint form with the Complainant verifying at the hearing that the primary issue is the assessment amount calculation. The Respondent used a typical vacant land rate of \$645,000 per acre. The Complainant does not dispute the calculations; however, is asking for a base rate of \$590,000.

Complainant's Requested Value: \$1,980,000

Board's Decision:

[5] The Board found the assessment to be correct and confirmed the assessment value at \$2,160,000.

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 site is 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 east of the subject in Starfield industrial park finding a point two-two percent (.22%) per month value increase. And three properties are a bit southeast of the subject 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.

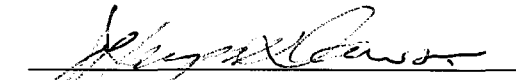
Board's Reasons for Decision:

[10] The Board found the five sales in Starfield 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
Mean:					\$612,342		
Median:					\$623,309		

[11] The Board found the median to be within four percent (4%) of the \$645,000 per acre assessment of the subject property. While the Board questions the validity of the time adjustment analysis provided by the Respondent, the end value represents market value of the subject property.

DATED AT THE CITY OF CALGARY THIS 15th DAY OF July 2014.

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

J. Dawson
Presiding Officer

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

NO.	ITEM
1. C1 – 29 pages	Complainant Disclosure
2. R1 – 95 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.*

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