

**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-26.1, Section 460(4).

between:

Rickard Realty Advisors, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Paul G. Petry, PRESIDING OFFICER

Ed Reuther, MEMBER

Dick Cochrane, MEMBER

This is a complaint to the Calgary Assessment Review Board in respect of Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 054016407

LOCATION ADDRESS: 3501 – 8 Avenue N.E.

HEARING NUMBER: 57620

ASSESSMENT: \$1,750,000

This complaint was heard on 23 day of June, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- Rickard Realty Advisors – B. MacFarland

Appeared on behalf of the Respondent:

- City of Calgary – E. D'Altorio and S. Turner, Assessors

Property Description and Background:

The subject property is a 9096 sq. ft. car dealership situated on a 60,280 sq. ft parcel of land located at 3501 – 8 Avenue N.E. The assessment is \$1,750,000 for 2010 based on a land rate of \$24.10 per sq. ft. and a value of \$302,551 for the improvements. The Complaint indicated that the land is assessed beyond its market value and the improvements are over valued as well.

Issues:

1. Is the subject property assessed in excess of it market value as of July 1, 2009?

Board's Decision in Respect of Each Matter or Issue:

1. The subject assessment is not in excess of its market value as of July 1, 2009.

Overview of the Positions of the Parties

The Complainant had reviewed their evidence again prior to the hearing and advised the CARB that they had determined that a sale they were relying on is not an arms-length sale therefore the evidence is unlikely to be persuasive. Both parties agreed that the CARB should confirm the assessment.

Reason for the Decision


While both parries submitted their evidence neither made any oral representations to the CARB based on the evidence submitted.

Decision Summary

Based on the foregoing the decision of the CARB is to confirm the assessment for the subject

property at \$ 1,750,000.

DATED AT THE CITY OF CALGARY THIS 6 DAY OF July 2010.



P. Petry
Presiding Officer

PP/ig

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.*