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**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business assessment as provided by the *Municipal Government Act*, Chapter M-26, Section 460(4).

between:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Steven C Kashuba, PRESIDING OFFICER

Ed Reuther, MEMBER

Ron Roy, MEMBER

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

ROLL NUMBER: 081061400

LOCATION ADDRESS: 2513 – 14 Street SW

HEARING NUMBER: 58422

ASSESSMENT: \$1,190,000

This complaint was heard on the 5th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- T. Howell

Appeared on behalf of the Respondent:

- J. Young and P. Sembrat

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

No procedural or jurisdictional matters were raised.

Property Description:

The subject property is located at 2513 – 14 Street SW in the Community of Bankview and consists of 13,953 square feet of vacant land. The subject property is currently occupied by a vacant commercial building. According to the City there exists some level of contamination which has a direct impact upon the assessment of the property.

Issues:

1. In light of environmental issues, is the subject property assessed correctly?

Complainant's Requested Value: \$830,000

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

1. Is the subject property over-assessed as a result of contamination?

According to the Complainant, the subject property reflects the presence of several contaminants (1-C, page 10, environmental report prepared by Jasa Engineering Inc. In April of 2006). The results of the assessment and laboratory chemical analysis indicate that subsurface petroleum hydrocarbon impacts were present onsite and may extend offsite as a result of the historical service stations that operated on this property. In 2007, boreholes were drilled by O'Connor Associates Environmental Inc. at ten locations and soil samples collected (1-R, pages 30-43) with the conclusion that *no exceedences of the governing groundwater or soil vapour criteria were noted* (1-R, page 43).


Despite the evidence that the subject property contained contaminants, the board notes that the subject property sold in 2006 *to an informed purchaser* at a value which approximates the current assessment value. Having regard for this sale and the current assessment which, according to the Respondent, reflects a decrease in the assessed value from the previous year by nearly 30%, the board is satisfied that the subject property is assessed correctly, fairly, and equitably.

As for the evidence presented by the Complainant, the board notes that the environmental report is somewhat dated and a more recent analysis as to the degree and impact of any contamination within the subject property which would negatively impact the market value of the subject to any further degree was not presented. Finally, the board places considerable weight upon the Respondent's evidence that the subject property sold in 2006 at a value approaching its current assessed value at a time when the purchaser did have knowledge of any environmental concerns.

Board's Decision:

It is the decision of the board to confirm the assessment of the subject property for 2010 at \$1,190,000.

DATED AT THE CITY OF CALGARY THIS 16 DAY OF July 2010.


Steven C Kashuba
Presiding Officer

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.*