

**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:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

L. Wood, PRESIDING OFFICER

J. Massey, MEMBER

D. Pollard, 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: 200613487

LOCATION ADDRESS: 2204 ALYTH PL SE

HEARING NUMBER: 59066

ASSESSMENT: \$2,230,000

This complaint was heard on 6th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 5.

Appeared on behalf of the Complainant:

- *Mr. R. Worthington*

Appeared on behalf of the Respondent:

- *Mr. G. Bell*

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

No procedural/jurisdictional issues were presented at this hearing.

Property Description:

The subject property is a one- storey, single tenant warehouse constructed in 1960. It is comprised of 4000 sq ft and is situated on a 2.42 acre site in Alyth/Bonnybrook.

Issues:

1. The parcel should be assessed as land only.

Complainant's Requested Value: \$1,090,000

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

The Board notes that there are several statements listed on the appendix to the complaint form, however, there was only one issue in regards to land value that was before the Board.

The parcel should be assessed as land only.

The Complainant submitted that the building is in poor condition and therefore only the land should be valued. There is a lease in place for the building for \$12.00 psf. The Respondent submitted that this is not a vacant parcel of land and therefore he presented improved equity/ sales comparables in support of the assessment (Exhibit R1 pages 14 & 15). The Board finds that the building on site has no contributory value and therefore found the Respondent's comparables were of little assistance.

The Board finds that the vacant land sale at 1009B-26 Avenue SE to be the best indication of value (Exhibit C1 page 14). It sold for \$521,173 per acre in March of 2009. It is inferior to the subject property due to a shape influence.

Based on the sale at 1009B- 26 Avenue SE, the Board has applied an upwards adjustment of 25% for shape to arrive at \$650,000/acre. The Board finds that this indicates a land value for the subject property of \$1,570,000 (truncated).

Board's Decision:

It is the decision of the Board to reduce the assessment of the subject property from \$2,230,000 to \$1,570,000 for the 2010 assessment year.

DATED AT THE CITY OF CALGARY THIS 6th DAY OF AUGUST 2010.



Lana J. Wood
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.*