

**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:

F.W. Wesseling, PRESIDING OFFICER

F. Wong, MEMBER

S. Rourke, 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: 201494036

LOCATION ADDRESS: 1803-60 Street SE

HEARING NUMBER: 58394

ASSESSMENT: \$1,620,000.00

This complaint was heard on 10th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *S.Cobb and K. Jeerh*

Appeared on behalf of the Respondent:

- *K. Gardiner*

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

N/A

Property Description:

Property is located on the South West corner of 17th Ave and 60th Street SE and contains 2.65 acres. Access to the property is from 60th Street. Currently the property is vacant however a building permit has been issued for the construction of an auto centre in 2 buildings. The land use classification for the property is Industrial general (I-G) district in the City of Calgary Land Use Bylaw.

Issues:

Pursuant to Section 460 of the MGA and Schedule 1 of the Alberta Regulation AR 310/2009, the complainant has identified the following issues for adjudication by the Board:

1. Subject property is assessed in excess of market value
2. The influence adjustment of 5% for corner parcels should not be applied as access onto 17th Ave is not possible.

Complainant's Requested Value: \$ 1,410,000.00

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

Complainant's Position: At issue here is strictly the assessment value. In May of 2008, the City of Calgary sold a portion of this property to the owner for a value of \$533,250.00 per acre. The assessment valuation should be based on price negotiated in the market place. The complainant suggested that the value has actually declined further however is not requesting a time adjustment. As the parcel will only achieve access from 60th Street and not from 17th Ave, the corner lot influence should not be applied. In addition, the parcel has land use restrictions due to its proximity to the City of Calgary solid waste disposal site. No evidence was presented as to the impact on land value of this factor.

Respondent's Position: In the past environmental concerns were at issue on this site however remediation has taken place and a Development Permit and Building Permit have been issued for the property. Current assessment is based on land only as no construction had taken place at time of assessment. The City outlined the standard assessment process for these kinds of sites, ---

\$1,050,000.00 for the first acre and \$300,000.00 per acre for further land. This application is used throughout the City. Four comparable land sales were provided for Valleyfield, an area adjacent to Forest Lawn. These sales were from early 2008 and were not time adjusted. A median price of \$644,882.00 was outlined.

Board's Decision: Upon review of the verbal and written evidence provided by the parties, the Board found the Complainant's position to be compelling in terms of land value however the Board did not accept the complainant's argument with regard to the influence adjustment for corner lots. The Board reduces the assessed value to \$1,480,000.00

Reasons for the Decision:

The Board found that the recent sale of a portion of the property from the City of Calgary at a value of \$533,250.00 per acre as the most reliable information available to establish an assessment value.

The influence adjustment of 5% for a corner lot is applicable in this situation as the visual impact from two significant traffic arteries is substantiated.

DATED AT THE CITY OF CALGARY THIS 18 DAY OF August 2010.



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.*