

**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:**

***Bertrand Crump Property Corporation, COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***R. Reimer, PRESIDING OFFICER***

***K. Kelly, 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: 078008901**

**LOCATION ADDRESS: 1048 18 Ave SE**

**HEARING NUMBER: 56978**

**ASSESSMENT: \$474,500**

This complaint was heard on 30th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *Sean Dennie, President, Bertrand Crump Property Corporation*

Appeared on behalf of the Respondent:

- *Randy Farkas, Assessor*

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

There was no objection to the composition of the Composite Assessment Review Board (CARB).

There were no other procedural or jurisdictional matters raised.

**Property Description:**

The subject property consists of one and one half city lots and is adjoining another property consisting of one and one half lots, which has a 7,025 sq. ft. building. A small part of the building encroaches on the subject property. Both properties are owned by the same owner and were purchased as a single transaction in February, 2008. The subject property is used as parking for the building.

**Issues:**

The issues identified on the Assessment Review Board Complaint Form included; the assessment amount, the assessment class, the assessment sub-class and the type of property.

**Complainant's Requested Value:**

On the Assessment Board Complaint Form, the Complainant requested a value of \$221,500.

**Position of the Parties:**

The Complainant opened by stating that he does not disagree with the overall assessment of the two adjoining properties. The two properties, taken together, are assessed at \$696,000 with the subject property assessed at \$474,500 and the adjoining property, which contains the building, assessed at \$221,500. The Complainant's position was that the parking lot should not be assessed at twice the value of the neighbouring property that contains a building. The Complainant submitted a real property report, exhibit C2, which confirmed that the building did encroach on the subject property. He stated that the subject property could not be sold, as City regulations required that it be available as parking for the building, as well as the fact that the building encroached on the property and there is a two metre setback along the east property line, which restricts development possibilities.

The subject property was assessed as vacant land, however, it was the Complainant's position that it should not be assessed as vacant land in that it had a small portion of the building on it and was being used for parking.

The Respondent's position was that, notwithstanding the encroaching building, the subject property is a parking lot and has no improvements on it. The subject property has separate title from the adjoining property and is under a different roll number. Accordingly, it was assessed as vacant land. The Respondent submitted exhibit R1, which, on page 16, indicates that vacant land with the same zoning as the subject property and less than 10,000 sq. ft., is valued at \$107/sq. ft. The subject property consists of 4,225 sq. ft., resulting in an assessment of \$474,679, rounded to \$474,500. The Respondent, on page 17 of exhibit R1, provided three sales dated between July 6, 2007 and April 16, 2008 and showing a time adjusted sale price range of \$107.44 - \$165.47/sq. ft.

The Respondent, on page 20 of exhibit R1, provided information regarding the sale of the subject property on February 29, 2008. The property had sold, in a single transaction including the adjoining property, for \$700,000. The Respondent indicated that it was his belief that time adjustments to the selling price from February, 2008 to July 1, 2009, would be minimal.

The Respondent indicated that, for 2011 assessment, the City would be combining the two properties under a single roll number.

**Board's Decision:**

The CARB will deal with the assessment class, sub-class and type of property first. The Complainant asserted that, since the subject property had a use and purpose, it was not vacant land and should not be assessed as vacant land. The CARB finds that, the encroaching portion of the neighbouring building notwithstanding, the only improvement the subject property has is asphalt pavement. The CARB finds that the subject property is correctly assessed as vacant land.

The CARB will next address the assessment amount. The CARB concedes that, when a vacant lot is assessed at twice the value of the adjoining lot, which is the same size and has a 7025 sq. ft. structure on it, it may appear as though Logic and Reason have left the building. It is important to note that the two properties are owned by the same owner and operate as a single property. The Complainant stated several times that he did not disagree with the overall assessment of the two properties, only the balance between the two. The Complainant did not argue equitable assessment, only that the parking lot should be assessed lower than the improved lot with the building.

The CARB accepts that the property sold, in February, 2008, together with the adjoining property, for \$700,000. While the assessment of each property in relation to the other may appear to be, to use a highly technical term, out of whack, the overall assessment of the two properties is \$696,000, which seems to the CARB to be a correct assessment.

The Assessment is confirmed at \$474,500.

DATED AT THE CITY OF CALGARY THIS 2 DAY OF September 2010.

  
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R. Reimer  
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.*