

**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:**

***Altus Group, COMPLAINANT***

**and**

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

**before:**

***W. Kipp, Presiding Officer  
J. Massey, Board Member  
D. Steele, Board Member***

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

**ROLL NUMBER: 646001412**

**LOCATION ADDRESS: 7515 – 84 Street SE, Calgary AB**

**HEARING NUMBER: 55956**

**ASSESSMENT: \$7,010,000**

This complaint was heard on the 31<sup>st</sup> day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- D. Mewha

Appeared on behalf of the Respondent:

- J. Lepine

**Property Description:**

The subject property is a large industrial land parcel of 25.27 acres that is impacted by wetlands comprising 8.89 acres. The land is not fully serviced. There is a single building on the site with a floor area of 4,000 square feet.

**Issues:**

The Complainant raised the following matters in section 4 of the complaint form:  
*Assessment amount (No. 3 on the form) and Assessment class (No. 4 on the form).*

The Complainant also raised the following specific issues in section 5 of the Complaint form:

*"The Subject property is in excess of its market value as derived using the direct sales comparison approach. The land value portion of the assessment is overstated.*

*The Subject property is inequitable with similar properties within the municipality.*

*The influence adjustment factors applied in calculating the assessment, have been inequitably applied to the base land rate, including limited services, access and other concerns.*

*The assessment does not account for the portion of the property which is designated wetland. This portion should be assessed at a nominal rate, if at all."*

The Complainant did not take issue with the building assessment. The issues were the values of the wetland and the remaining usable land.

**Complainant's Requested Value:**

\$4,440,000

**Board's Decision in Respect of the Issue:**

The Complainant's evidence included a copy of the *Calgary Wetland Conservation Plan* of 2004 which set out the City's policy on wetlands. A report from Westhoff Engineering Resources, Inc. (Westhoff) provided details of the portion of the subject land parcel that is designated wetland. Westhoff estimated the size of the wetland at 3.6 hectares (8.89 acres).

It was the Complainant's evidence that this 8.89 acres could not be disturbed. If the property owner did wish to develop or otherwise disturb the wetland, they would have to compensate by providing a monetary compensation of 10 times the value or provide 10 times the land area in other wetland in the same watershed.

As a consequence of this wetland restriction, the Complainant argued that the wetland should be assessed at \$0 or at worst, at a nominal land value of \$375 per acre. A summary of an Alberta Court of Appeal decision was entered wherein the appellate court upheld a Municipal Government Board decision that set the value of environmental reserve land that was part of a larger parcel at \$0.

The Complainant also provided a list of sales of land parcels with areas between 10 and 50 acres to show that the assessed value of the usable land was excessive. The sales data indicated a rate of \$240,000 per acre.

The requested assessment set the usable land (16.38 acres) at \$240,000 per acre and the wetland (8.89 acres) at \$375 per acre. With the \$507,820 addition for the building, the requested assessment was \$4,442,354.

The Respondent provided a summary of the subject property assessment wherein the land (in total) was valued at \$6,510,649 (an average of \$257,643 per acre for the 25.27 acres). There was a table of land sales data wherein the median sale price from 28 sales was \$297,658 per acre. The Respondent conceded that 25 of the 28 sales were parcels with less than 10 acres and the inclusion of those smaller lots would perhaps have skewed the median rate. Further, the Respondent did not have evidence to refute the Complainant's evidence regarding wetland.

**Findings**

In view of the above considerations, the Composite Assessment Review Board (CARB) finds as follows:

The Board finds that the wetland portion of the subject site should be assessed at a minimal value. The Complainant valued the acreage at \$375 per acre in calculating the requested assessment and the Board accepts that rate.

The Complainant's evidence on land sales was compelling because it obtained the unit price from sales of parcels that were closer in size to the subject. Three of the Complainant's seven sales were included in the Respondent's land sales chart. The Respondent conceded that there was no evidence with which to refute the Complainant's evidence on sales and on wetland.

**Board's Decision:**

The Board reduces the 2010 property assessment from \$7,010,000 to \$4,440,000.

It is so ordered.

DATED AT THE CITY OF CALGARY THIS 5 DAY OF October 2010.

  
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W. Kipp  
Presiding Officer

**SUMMARY OF EXHIBITS****Exhibit**

C1	Assessment Review Board Complaint Form
C2	Evidence Submission of the Complainant
C3	Shepard Business Park/Walton Industrial Land Sales
C4	Calgary Wetland Conservation Plan
C5	Alberta Court of Appeal 0201-0318-AC
R1	Respondent's Assessment Brief

*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.*