

**CALGARY
COMPOSITE ASSESSMENT REVIEW BOARD (CARB)
DECISION WITH REASONS**

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

between:

Colliers International Realty Advisors , COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

J. Fleming, PRESIDING OFFICER

J. Pratt, MEMBER

I. Fraser, 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	LOCATION ADDRESS	HEARING NUMBER	ASSESSMENT
201202330	7 Technology Way SE	57903	\$1,160,000
201202348	15 Technology Way SE	57901	\$1,160,000
201202355	23 Technology Way SE	57899	\$1,160,000

This complaint was heard on 18th day of Oct., 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:

- *M. Uhryn for the Complainant*

Appeared on behalf of the Respondent:

- *J. Lepine; City of Calgary for Respondent*

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

At the request of the parties, the three properties were heard together.

There were no other procedural or administrative matters raised.

Property Description:

The properties are 3 adjacent vacant unimproved lots located in a relatively new industrial park in southeast Calgary. All 3 lots are approximately 4 acres in size and zoned Direct Control DC 56. It was reported that the lands are largely unserved. The properties are valued on the sales comparison approach to value.

Issues:

The Complainant identified 13 issues on the complaint form, but at the hearing identified that only three of those were applicable to the subjects. The three may be summarized as follows;

1. The comparable sales for the subject in the relevant time frame suggest that the assessed value is in excess of the market value.

Complainant's Requested Value:

ROLL NUMBER	LOCATION ADDRESS	HEARING NUMBER	Requested ASSESSMENT
201202330	7 Technology Way SE	57903	\$960,000
201202348	15 Technology Way SE	57901	\$960,000
201202355	23 Technology Way SE	57899	\$960,000

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

When all of the comparable sales in the relevant time frame are considered the assessed value is not in excess of the market value.

Board's Decision:

The assessment is confirmed for the three properties as set out below.

ROLL NUMBER	LOCATION ADDRESS	HEARING NUMBER	ASSESSMENT
201202330	7 Technology Way SE	57903	\$1,160,000
201202348	15 Technology Way SE	57901	\$1,160,000
201202355	23 Technology Way SE	57899	\$1,160,000

REASONS:

The Complainant provided seven comparable sales dating from October 2008 to April 2009 which all substantiated a price per acre averaging \$240,000 (Ex. 4A pg 17). He also noted that the subject

properties had sold as one parcel (although still 3 lots) in August 2008 for roughly \$240,000 per acre. He suggested that the more recent sales of \$240,000 per acre were the best evidence of value and asked that the assessment s be reduced to reflect that value.

The Respondent provided evidence of 22 comparable sales in the area (which included all of the Complainants sales) (Ex 1 R pg 15). These sales were dated from Feb. 2008 to April 2009, and had a median of \$325,332 per acre. The Respondent noted that they had only used \$290,000 per acre to value the subjects.

The CARB considered all of the evidence. The Complainant's argument for using recent sales was compelling however the CARB observed that the Complainant had not used all of the recent sales. The CARB noted that if one were to consider all of the sales which took place in the assessment year (July 2008 – July 2009) there were 15 sales which met that criteria, as opposed to the 7 put forward by the Complainant. It was noted that neither party applied a time adjustment for sales in the assessment year. The average price per acre of the 15 sales was over \$280,000, which the CARB notes is within 5% of the assessed value of \$290,000 per acre. Accordingly, the CARB confirms the assessment as noted above.

The CARB recognizes the sale of the subject properties in August 2008 (i.e.: within the Assessment year) for a price of \$240,000 per acre. While this is strong evidence of the value, the City demonstrated there were two examples of paired sales in the neighbourhood (Ex R1 pg 15 & 19) where values increased by \$100,000 per acre within as short a period as a week (in the case of 387 Exploration Ave SE). Accordingly, the CARB put less weight on the sale of the subjects.

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF October 2010.


James Fleming
Presiding Officer

APPENDIX "A"

DOCUMENTS RECEIVED AND CONSIDERED BY THE CARB

No.	Item
1.	Exhibit C1
2.	Exhibit C2
3.	Exhibit C3
4.	Exhibit C4
3.	Exhibit R1
	Completed Complaint Form 23 Technology Way SE.
	Completed Complaint Form 15 Technology Way SE
	Completed Complaint Form 7 Technology Way SE
	Complainant's Brief
	Respondent's 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.*