

**CALGARY
COMPOSITE 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, Section 460, Revised Statutes of Alberta 2000 (the Act).

Between

***565531 Alberta Ltd. (as represented by Assessment Advisory Group Inc.),
COMPLAINANT***

And

The City Of Calgary, RESPONDENT

Before:

***M. Chilibeck, PRESIDING OFFICER
R. Deschaine, MEMBER
A. Wong, 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 2012 Assessment Roll as follows:

ROLL NUMBER: 046062204

LOCATION ADDRESS: 2009 – CENTRE ST NW

HEARING NUMBER: 67297

ASSESSMENT: \$766,500

[1] This complaint was heard by the Composite Assessment Review Board on 16th day of July, 2012 in Boardroom 11 on Floor Number 3 at the office of the Assessment Review Board located at 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- S. Cobb
- T. Youn

Appeared on behalf of the Respondent:

- L. Cheng

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

[2] Neither party raised any objections to a member of the Board hearing the subject complaint.

[3] There were no preliminary matters raised by either party.

Property Description:

[4] The subject property is a former residential property converted to a commercial use and subject Land Use Designation of DC – Direct Control District. It is located in the community of Tuxedo Park in the area of 18 Avenue and Centre Street in the Northwest (NW) quadrant of The City of Calgary. The subject has a building constructed approximately in 1900 that contains 762 sq ft of floor area above ground located on a parcel of land of 5,245 sq ft.

Issues:

[5] The Complainant identified the matter of an assessment amount on the Assessment Review Board Complaint and attached a list outlining several reasons for the complaint. At the hearing the Complainant identified the issues as follows:

1. The assessed value is in excess of its market value and is not equitably assessed with other similar property.

Complainant's Requested Value: \$449,600

Board's Findings in Respect of Each Issue:

[6] The subject property is valued using the sales comparison method at a rate of \$1005 per sq ft of building area.

[7] The Complainant requested that the value be reduced to \$590 per sq ft based on four sale comparables, eight assessment comparables and three land sale comparables.

[8] The Board finds the Respondent's evidence and argument persuasive wherein two of the Complainant's sales are house conversion properties similar to the subject. These sales are at \$762,500 (\$756 per sq ft) and \$894,000 (\$1039 per sq ft) support the subject assessment at

\$766,500. The four assessment comparables (excluding the two-storey property) that include two sale comparables range in assessment from \$732,500 (\$578 per sq ft) to 889,000 (\$1033 per sq ft) also support the subject assessment. The Board finds that making comparisons solely on a square foot basis is not fair. Consideration needs to be given for the differing characteristics between the comparables and the subject, such as parcel size, building size, building style, year of construction, and other significant characteristics.

[9] The Board finds several discrepancies, most notably the area of the buildings, between the Complainant and the Respondent where the Complainant has used the incorrect building area to calculate the rate per square foot and as a result distorted the rate of the comparables. To support the requested \$590 per square foot for the subject, the Complainant used the above grade area of the subject (762 square feet). For the balance of the analysis the Complainant used the total area as shown on the Assessment Explanation Supplement for each comparable that includes the area above and below grade. As a result the Board has no confidence in the Complainant's analysis.

Board's Decision:

[10] The Board confirms the assessment at \$766,500.

DATED AT THE CITY OF CALGARY THIS 10th DAY OF Aug 2012.



M. Chilibeck
Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD**

NO.	ITEM
1. C1	Complainant's Disclosure
2. C2	Complainant's Disclosure – Assessment Explanation
2. R1	Respondent's Disclosure

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.*

FOR MGB ADMINISTRATIVE USE ONLY

Decision No. 046-1117-2012P			Roll No. 046062204	
<u>Complaint Type</u>	<u>Property Type</u>	<u>Property Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Office	Stand Alone	Sales Approach	Equity Comparables