

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

between:

J E C Enterprises Inc.(as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, J. Zezulka
Board Member ,D. Pollard
Board Member, J. Kerrison***

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: 386000608

LOCATION ADDRESS: 2202 - 128 Avenue NE

HEARING NUMBER: 68097

ASSESSMENT: \$328,500

This complaint was heard on the 18th. day of September, 2012, at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom six.

Appeared on behalf of the Complainant:

- B. Neeson
- K. Fong

Appeared on behalf of the Respondent:

- J. Lepine

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

- (1) None

Property Description:

(2) The subject is an irregular shaped, 40.5 acre parcel of undeveloped land, located adjacent west of Deerfoot Trail, north of the 128 Avenue alignment, in NE Calgary. In this location, 128 Avenue is physically non-existent. Municipal trunk services are installed along the 128 Avenue alignment, along the subject's south boundary. The land is designated Special Purpose - Future Urban Development (S-FUD), in accordance with the City of Calgary Land Use Bylaw.

- (3) The subject parcel is contained within annexation order OC999/198919137

Issues / Appeal Objectives

(4) This is a complaint regarding the land assessment. The land is currently being assessed as farmland in accordance with the procedure as set out in section 4 of the Matters Relating to Assessment and Taxation Regulation (MRAT). The assessment is made up of three acres assessed at market value, that, in this instance, is limited by the annexation order at \$319,000, and the remaining land at a farmland rate of \$262.50 per acre.

(5) In part, the 'Grounds for Appeal', as set out in the Complainant's submission state as follows;

2. *The assessment of the subject property is not fair and equitable considering the assessed value and assessment classification of comparable properties.*
5. *The assessed property assessment classification breakdown is incorrect and should be 100% farm land.*
6. *The assessed rate per acre is in excess of market value and should be reduced.*

(6) In part, Section 4 of MRAT states;

4(1) *The valuation standard for a parcel of land is*

- (a) *market value, or*
- (b) *if the parcel is used for farming operations, agricultural use value.*

(3) *Despite subsection (1)(b), the valuation standard for the following property is market value:*

- (d) *an area of 3 acres that*
 - (i) *is located within a parcel of land, and*
 - (ii) *can be serviced by using water and sewer distribution lines located in land that is adjacent to the parcel.*

(4) An area referred to in subsection (3)(c), (d), (e) or (f) must be assessed as if it is a parcel of land.

Complainant's Requested Value: \$9,844.

Evidence / Argument

(7) The Complainant submitted a table containing 36 undeveloped sites throughout the City with nominal assessments. All of the sites are about two acres or smaller. No details or explanation regarding the sites or the assessments were presented. The Board also notes that all but three of the assessments shown appeared in multiples of 100. The remaining three are in multiples of 50. That is not consistent with farmland assessment. These properties are not considered comparable to the subject.

(8) The Respondent countered the Complainant's market evidence by showing that the Complainant's comparables consist mostly of required parking for neighbouring business. These are assessed in a different manner and cannot be considered indicative of the subject property.

(9) The Complainant also submitted a list of 16 larger parcel transactions throughout the City. Per acre selling prices range from \$35,267 to \$501,302 per acre. The subject's current assessment calculates to \$8,111 per acre. No details relative to the transactions was submitted either in written form or verbal testimony, leaving the Board to speculate as to why there is such a large variation between the subject's assessment and the per acre selling prices of the data.

(10) Except for discrediting the Complainant's comparables, the Respondent confined his submission and testimony to the validity of the assessment in accordance with section 4 of MRAT; i.e: a hypothetical three acre building site at market value, with the balance of the land at the regulated farmland rate.

(11) The complainant did not challenge the Respondent's market value rate for the hypothetical three acres. Rather, the Complainant's own comparables appear to add validity to the assessment amounts.

Board's Findings

(12) Much of the argument presented by the Complainant is based on unsupported opinion. The Complainant has challenged the land rates applied by the City, but has not submitted adequate supporting evidence. The site appears to meet the criteria set out in section 4 of MRAT. It is the opinion of this Board that there is not enough evidence to prompt a change in the assessment.

Board's Decision

(13) The assessment is confirmed at \$328,500.

DATED AT THE CITY OF CALGARY THIS 11 DAY OF Oct , 2012.


 Jerry Zezulka
 Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
 AND CONSIDERED BY THE BOARD:**

NO.	ITEM
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| 1. | C1 Evidence Submission of the Complainant |
| 2. | R1 Evidence Submission of the Respondent |

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. 0932/2012 - P			Roll No. 009007006	
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Land only	Farmland	N/A	Market value v. regulated value