

**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:

**Remington Development Corporation  
As represented by  
Altus Group Ltd.  
COMPLAINANT**

and

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

before:

***J. Acker, PRESIDING OFFICER  
D. Pollard, MEMBER  
Y. Nesry, 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 2011 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>201462645</b>
<b>LOCATION ADDRESS:</b>	<b>10610 18 Street SE</b>
<b>HEARING NUMBER:</b>	<b>60897</b>
<b>ASSESSMENT:</b>	<b>\$ 4,190,000</b>

This complaint was heard on 24<sup>th</sup> day of October, 2011 at the office of the Assessment Review Board located at Floor Number 4 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- David Mewha

Appeared on behalf of the Respondent:

- Carol Lee

**Property Description:**

The subject is a 7.0 acre vacant parcel located in the Shepard Industrial development in SE Calgary. The subject fronts 18 Street SE, is serviced and is zoned Industrial-Business (IB).

**Issues:**

1. The vacant land value applied by the assessor is in excess of the market value of the subject.

**Complainant's Requested Value:** \$ 3,675,000

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

1. There is insufficient evidence or argument to disturb the land only valuation applied by the assessor.

**Board's Decision:**

The Complainant provided the Board with 10 sales comparables demonstrating a median value per acre of \$530,000 and an average sale price of \$532,440. He further provided 4 assessment equity comparables of properties in the immediate area of the subject that demonstrated a median assessment of \$441,958 and an average of \$443,507.

The Respondent provided 9 sales comparables from the Royal Vista Business Park located in NW Calgary which demonstrated time adjusted sales (March 2009 through June 2010) ranging from \$619,120 to \$883,282. She further provided two assessment equity comparables – one from East Shepard Industrial and one from the Manchester Industrial Park.

The central issue argued by the Complainant was that IB zoned industrial land is of equal value to IG zoned industrial land and his sales comparables clearly show that the 10 sales of IG land produce a lower assessed value than that rendered by the City Assessor.

Upon examination of the evidence and questioning by the Board, it was determined that there are fundamental differences in the allowed development within each zoning class. IB zoning is clearly more people specific versus IG which is more warehouse oriented. The IB zoning places no restrictions on the amount of office development that can occur within its zone beyond the

height, setback and floor area ratio limitations assigned to each parcel. Any parcel may be assigned a floor area ratio of up to 4.0 under this zoning classification, although the subject is assigned a FAR of 1.0. Under an IG zoning, only a FAR of 1.0 is permitted and the office development within any building is limited to 50%.

The subject is zoned IB with a FAR of 1.0.

Having determined that there is indeed a fundamental difference between the zoning classes, the Board reviewed the evidence submitted by both parties. All of the Complainant's sales comparables were zoned IG and therefore were not similar to the subject. All of the equity comparables were zoned DC - again not clearly demonstrating similarity.

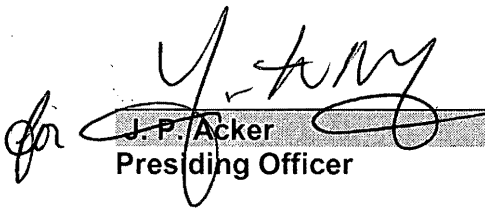
The Respondent's sales comparables were from a different business zone within the City of Calgary and only three were zoned IB while the remainder were all DC zoned. The equity comparables provided were not comparable as one was only .80 acres, not serviced and suffers from an irregular shape. The second was in the more central Manchester Industrial Park and was 5.87 acres in size.

Both parties agreed that there were few sales in Calgary of IB zoned properties from which to draw an inference of value. The Board, however, looks to the parties to provide sufficient insight into the market in order to provide compelling evidence of market value.

The Board was not persuaded that either party had provided sufficient evidence and argument to disturb the assessment.

The assessment is confirmed at \$ 4,190,000.

**DATED AT THE CITY OF CALGARY THIS 10<sup>th</sup> DAY OF November, 2011.**

  
J. P. Acker  
Presiding Officer

*For MGB Administrative Use Only*

Decision No. 2745-2011-P		Roll No. 201462645		
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Other Property Types	Development Land	Incorrect Assessment	Zoning

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

<b>NO.</b>	<b>ITEM</b>
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure
3. R2	Respondent Subject Property Report

*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.*