



## **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:**

***Beltline Real Estate Holdings Ltd. (as represented by Altus Group Ltd.), COMPLAINANT***

**and**

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

**before:**

***Board Chair; J. Zezulka  
Board Member; R. Deschaine  
Board Member; K. Farn***

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 2013 Assessment Roll as follows:

**ROLL NUMBER: 067091900**

**LOCATION ADDRESS: 830 - 11 Avenue SW**

**FILE NUMBER: 72329**

**ASSESSMENT: \$1,710,000**

This complaint was heard on 17 day of June, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 5.

Appeared on behalf of the Complainant:

- *D. Chabot*

Appeared on behalf of the Respondent:

- *L. Wong*

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

- (1) There were no procedural or jurisdictional matters raised by either party.

**Property Description:**

- (2) The property consists of an undeveloped land parcel of 7,817 s.f. located in the Beltline district of SW Calgary. The Land Use Classification is CC-X. For assessment purposes, the sub-market area is described as NONRES BL4.

**Issues / Appeal Objectives**

- (3) The single issue brought forward by the Complainant is market value, stating that the current assessment does not properly reflect the market value of the site. Currently, the land is assessed at \$1,710,000, or \$218.75 per s.f. The Complainant contends that a rate of \$180.00 per s.f. more accurately reflects the market value on July 1, 2012.

**Complainant's Requested Value:**

- (4) \$1,400,000

**Board's Decision:**

- (5) The assessment is confirmed at \$1,710,000.

**Legislative Authority, Requirements and Considerations:**

- (6) This Board derives its authority from section 460.1(2) of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta.

**Position/Evidence of the Parties****Complainant's Position:**

(7) The Complainant submitted two land sales in zone BL4. One of the properties is zoned CC-X, the same as the subject. This property sold for \$248.86 per s.f. The other property is zoned CC-MH, and was advertised as a potential multi-family development site. This property sold for \$112.61 per s.f. Both transactions occurred during 2011. Parcel sizes are 9,750 s.f. and 29,334 s.f. The Complainant also submitted a number of land transactions from other sub-market zones. However, these were submitted for illustration only, but were addressed by the Complainant as being comparable to the subject.

**Respondent's Position:**

(8) The Respondent submitted five land transactions in support of the current assessment. One of the transactions occurred four days after the valuation date. Two are common to the Complainant. Of the four principle transactions, three are zoned CC-X, and one is zoned CC-MH. Site sizes range from 9,768 to 65,619 s.f. Selling prices range from \$112.61 to \$284.98 per s.f. The mean is \$209.62, and the median is \$220.45. The post facto sale reflects a price of \$229.13 per s.f.

**Board's Reasons for Decision:**

(9) Based on the evidence submitted, coupled with the argument presented, it appears that the Complainant's value conclusion is based solely on the average of two sales. The selling price per s.f. of these two varies by over 150 per cent. Because of the wide variation between them, this Board finds it difficult to derive any meaningful relationship between the two. However, as already mentioned, the site reflecting the lower per s.f. site is a potential multi family development site, currently improved with three older houses. The higher priced comparables share the same zoning as the subject, which is described as a Center City Mixed Use District, intended to provide a mix of commercial, residential, and a limited range of light industrial uses, and has the opportunity for a density bonus over and above the base density. This higher priced group of data shares the same land use designation as the subject, and are therefore considered to have more in common with the subject. These range in value from \$204.48 to \$284.98 per s.f.

(10) This Board is also persuaded by the post facto transaction submitted by the respondent. The typical approach taken by the courts and quasi-judicial bodies has been to attribute comparatively little weight to post facto evidence of value. Simply stated, the post facto evidence was not available at the time, so it could not possibly have been used in the preparation of the assessment or valuation. As such, it cannot form the basis for a new conclusion or opinion of value. At the same time, this type of evidence can be useful in testing the validity of a pre-existing conclusion, as in this case.

DATED AT THE CITY OF CALGARY THIS 23<sup>rd</sup> DAY OF July 2013.

  
Jerry Zezulka

Presiding Officer

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

NO.	ITEM
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- |    |                          |
|----|--------------------------|
| 1. | C1Complainant Disclosure |
| 2. | R1Respondent 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. CARB 72329P/2013			Roll No. 067091900	
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Land	Market Value	N/A	Comparables