



## **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:**

***1445122 Alberta Ltd., (as represented by Altus Group Limited), COMPLAINANT***

**and**

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

**before:**

***Board Chair, T. Hudson PRESIDING OFFICER  
BOARD MEMBER, J. Pratt  
BOARD MEMBER, E. Reuther***

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 2014 Assessment Roll as follows:

**ROLL NUMBER: 048071500**

**LOCATION ADDRESS: 3133 19 ST NE**

**FILE NUMBER: 74516**

**ASSESSMENT: \$1,170,000**

This complaint was heard on the 24th day of June, 2014 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Board room 5.

Appeared on behalf of the Complainant:

- *Mr. M. Cameron, Agent, Altus Group Limited*

Appeared on behalf of the Respondent:

- *Mr. N. Sunderji, Assessor City of Calgary*
- *Mr. M. Ryan, Assessor City of Calgary*

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

[1] There were no procedural or jurisdictional matters in dispute between the Parties.

**Property Description:**

[2] The subject property is a 1.14 acre vacant land parcel used as a parking lot for a neighbouring office building, and located in the South Airways community at 3133 19 ST NE.

[3] The property is assessed based on I-G zoned land sale values in NE Calgary.

[4] The total assessed value is \$1,179,900, or \$1,170,000 (rounded).

**Issue:**

[5] The Complainant contends that the assessment should be reduced by 25% due to the presence of a "limited access" negative influence on value.

**Complainant Requested Value: \$877,500 (rounded).**

**Board's Decision:**

[6] The assessment of the subject property is confirmed at **\$1,170,000 (rounded)**.

**Legislative Authority, Requirements and Considerations:**

[7] The Composite Assessment Review Board (CARB) derives its authority from Part 11 of the Municipal Government Act (MGA) RSA 2000:

*Section 460.1(2): Subject to section 460(11), a composite assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on an assessment notice for property other than property described in subsection (1)(a).*

[8] For purposes of the hearing, the CARB will consider MGA Section 293(1):

*In preparing the assessment, the assessor must, in a fair and equitable manner,*

- (a) apply the valuation and other standards set out in the regulations, and*
- (b) follow the procedures set out in the regulations.*

[9] The Matters Relating to Assessment and Taxation Regulation (MRAT) is the regulation referred to in MGA section 293(1) (b). The CARB consideration will be guided by MRAT Part 1 Standards of Assessment, Mass appraisal section 2:

*An assessment of property based on market value*

*(a) must be prepared using mass appraisal,*

*(b) must be an estimate of the value of the fee simple estate in the property, and,*

*(c) must reflect typical market conditions for properties similar to that property.*

### **Position of the Parties**

#### **Complainant**

[10] The Complainant argued that the assessment of the subject property has historically been adjusted by -25% due to limited access.

[11] In support, the Complainant submitted the 2012 and 2013 Property Assessment Summary Reports for the subject property published by the City of Calgary and confirming the adjustment, (Exhibit C1 pages 32 and 34.)

[12] The Complainant also submitted photos of the subject and the assessments and photos of three industrial properties similar to the subject, assessed based on land value, and reduced in 2014 due to the "limited access" influence, (Exhibit C2, pages 1-9).

#### **Respondent**

[13] The Respondent acknowledged that the assessment of the subject property had been adjusted for the "limited access" negative influence prior to 2014.

[14] "Limited Access" is defined in the valuation model as a negative influence that *"is applied to properties which cannot be easily accessed in such a way as to inhibit development"*, (Exhibit R1, page 23).

[15] The Respondent then advised that a comprehensive review of all properties receiving the adjustment was recently conducted. As a result, it was determined that the "limited access" negative adjustment for the subject property would be eliminated in 2014.

[16] The Respondent submitted several photos of the subject showing three separate access points to the property, including one located on the parcel of the neighbouring office building, that is also owned by the owner of the subject parking lot, (Exhibit R1, pages 11-19).

#### **Board's Reasons for Decision:**

[17] The Board found that the photographic evidence indicates that the subject property has reasonable access at three distinct points at this time, and therefore the "limited access" negative adjustment is not justified.

DATED AT THE CITY OF CALGARY THIS 25<sup>th</sup> DAY OF July 2014.



**T. B. Hudson**

**Presiding Officer**

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

<b>NO.</b>	<b>ITEM</b>
1. C1	Complainant Disclosure
2. C2	Complainant Rebuttal
2. R1	Respondent 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**

<i>Decision No. 74516P-2014</i>			<i>Roll No 048071500</i>	
<u>Subject</u>	<u>Type</u>	<u>Sub-Type</u>	<u>Issue</u>	<u>Sub-Issue</u>
CARB	Industrial	Surface Parking Lot	Market Value and Equity	Limited Access