



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:

Arbor Memorial Inc. (as represented by Altus Group Ltd) COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair; J. Zezulka
Board Member; P. Pask
Board Member; J. Lam***

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: 079002101

LOCATION ADDRESS: 304 - 18 Avenue SW

FILE NUMBER: 76060

ASSESSMENT: \$6,490,000

This complaint was heard on the 16th day of July 2014 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- A. Izard, Agent, Altus group

Appeared on behalf of the Respondent:

- S. Gill, Assessor, City of Calgary
- R. Urban, Assessor, City of Calgary

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

(1) There were no procedural or jurisdictional matters raised by either party, and the CARB proceeded to hear the merits of the complaint as outlined below.

Property Description:

(2) The property consists of the Leyden's Funeral Home, located in the Mission District of SW Calgary. The building contains 14,500 s.f. of rentable area, and was built in 1985. The building is classified as a B+ quality. The assessed land area is 0.42 acres.

Issues / Appeal Objectives

(3) The issue brought forward by the Complainant is the valuation technique, from which flows a question of equity. The subject is currently assessed using the cost approach. The City values the land at \$5,416,425, and adds the building at \$1,077,148. The building value is derived from the Marshal & Swift Valuation Service.

(4) The Complainant argues that the subject should not be valued on the cost approach, but rather should be assessed on the basis of the land only. The Complainant contends that the current method of valuation produces an assessment that is "*disproportionately inequitable with other surrounding properties without the value of the improvements as "land only" when there are not specific details that prevent this property from becoming redeveloped.*"

Complainant's Requested Value:

(5) \$2,890,000, revised to \$5,410,000.

Board's Decision:

(6) The assessment is confirmed.

Legislative Authority, Requirements and Considerations:

(7) This Board derives its authority from section 460.1(2) of the Act.

(8) Section 2 of Alberta Regulation 220/2004, being the Matters Relating to Assessment and Taxation Regulation (MRAT), states as follows;

"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"

(9) Section 467(3) of the Act states;

"An assessment review board must not alter any assessment that is fair and equitable, taking into consideration

(c) the assessments of similar property or businesses in the same municipality."

(10) For purposes of this Complaint, there are no extraneous requirements or factors that require consideration.

(11) The Board notes that the assessment has increased from \$4,180,000 in 2013, to \$6,490,000 in 2014. The increase is 55.3 per cent.

Position/Evidence of the Parties

(12) The Complainant's sole argument is based on a funeral home across 17 Avenue from the subject that is assessed as land only.

(13) The Complainant did not provide the Board with any land and/or building data upon which the Board could rely on for an alternate assessment.

(14) The Respondent explained that the subject was not similar to the Complainant's comparable because the comparable has been closed as a funeral home since 2009, all of the equipment has been removed, and the building was described as "very old".

(15) The Respondent provide eight funeral home equity comparables that demonstrated that the subject is being valued in the same manner as other funeral homes in the City.

Board's Reasons for Decision:

(20) Neither party adduced any evidential data that would lead this Board to a decision other than the assessment before it. The onus of proving that an assessment is incorrect lies with the individual alleging it. The onus rests with the Complainant to provide convincing evidence to justify a change in the assessment. In the Board's opinion, the Complainant did not submit sufficient evidence to show that the assessed value is incorrect or that the assessment is prepared incorrectly.

DATED AT THE CITY OF CALGARY THIS 28th DAY OF July 2014.



Jerry Zezulka

Presiding Officer

APPENDIX "A"

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

NO.	ITEM
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1. C1 Complainant Disclosure
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

Decision No. CARB 76060P/2014			Roll No. 079002101	
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Funeral home	Market Value	Cost approach	Equity, highest and best use