

**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(4).

between:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

H. Kim, PRESIDING OFFICER

D. Pollard, MEMBER

T. Usselman, MEMBER

This is a complaint to the Calgary Assessment Review Board in respect of Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 054006101

LOCATION ADDRESS: 2820 3 Ave NE

HEARING NUMBER: 58190

ASSESSMENT: \$4,020,000

This complaint was heard on the 15 day of June, 2010 at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- *Yuan Tao*
- *Troy Howell*

Appeared on behalf of the Respondent:

- *Jason Lepine*
- *Kim Cody*

Property Description:

The subject is an industrial property consisting of two buildings of 16,049 square feet constructed in 1998 and 11,550 square feet constructed in 1971 on a 4.17 acre parcel in the Meridian Industrial area just east of Barlow Trail and north of Memorial Drive NE. The parcel is zoned Industrial General (I-G) and the assessment is based on land at market value and buildings at cost using Marshall and Swift Estimator.

Issues:

The Complainant identified two issues on the Complaint form:

1. The assessed value is not reflective of the property's market value.
2. The assessed value is inequitable with comparable property assessments.

Complainant's Requested Value: \$3,500,000

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

The Complainant did not lead evidence with respect to Issue 2, therefore only Issue 1 was considered.

Complainant's position:

The Complainant presented an appraisal prepared by Linnell Taylor Lipman & Associates Ltd. dated November 4, 2009 prepared for Venture 93 Holdings Ltd. The purpose of the appraisal was to determine market value as of the date of the report. The analysis in the appraisal report suggested a range of \$3,209,140 to 3,792,620 and concluded a value of 3,500,000 in recognition of a current offer to purchase for that amount. The Complainant submitted that the property had sold in January 2010 for \$3,500,000 and that the assessment of the subject should be set at its sale price.

Respondent's position:

The Respondent disputed whether a sale had occurred. He presented a copy of the Certificate of Title dated May 21, 2010 that showed the owner Conax Properties Ltd. had acquired the property in 1997. There was a Caveat re. Purchasers Interest registered on March 24, 2010 by Venture 93

Holdings Ltd. The Respondent did not have any details of the caveat, but stated that clearly the property had not sold as of May 2010.

Decision and Reasons:

The assessment is confirmed at \$4,020,000. The Complainant relied on an appraisal dated November 4, 2009 substantially after the valuation date of July 1, 2009. The Board was not presented with evidence with respect to change in market value between those dates other than the Complainant's opinion that it had declined slightly. While the Board agrees that the sale price of the subject is a good indication of value, there had only been an offer to purchase as of November 4, 2009. There was no evidence as to when the offer might have been accepted and evidence that as of May, 2010 no transfer had taken place.

Accordingly, the Board found there was insufficient evidence presented to support a change in the assessment.

Board's Decision:

The complaint is denied and the assessment is confirmed at \$4,020,000.

DATED AT THE CITY OF CALGARY THIS 29th DAY OF JUNE 2010.



Presiding Officer

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.*