

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business assessment as provided by the *Municipal Government Act*, Chapter M-26.1, Section 460(4).

between:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

C. Griffin, PRESIDING OFFICER

J. Rankin, MEMBER

B. Kodak, MEMBER

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

ROLL NUMBER: 032508749 and 032508764

LOCATION ADDRESS: #2 & #3 2280 – 39 Avenue NE

HEARING NUMBER: 56356 & 56357

ASSESSMENT: \$ 345,000 & \$ 343,000. Respectively

This complaint was heard on 21 day of June, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- D. Chabot

Appeared on behalf of the Respondent:

- B. Partridge

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

Not Applicable

Property Description:

The properties under complaint consist of two industrial condominium units, each of which contains a main floor area of 1,485 square feet. These units are contained within an industrial condominium building that was constructed in 1977 and which is located within the North Airways Industrial Park in northeast Calgary.

Issues:

1. The subject property is assessed in contravention of Section 293 of the Municipal Government Act and Alberta Regulation 220/2004.
2. The use, quality and physical condition attributed by the municipality to the subject property is incorrect, inequitable and does not satisfy the requirement of Section 298 (2) of the Municipal Government Act.
3. The assessed value should be reduced to the lower of market value or equitable value based on numerous decisions of Canadian Courts.
4. The information requested from the municipality pursuant to Section 299 or 300 of the Municipal Government Act was not provided.
5. The aggregate assessment per square foot applied is inequitable with the assessments of other similar and competing properties and should be \$150.
6. The aggregate assessment per square foot applied does not reflect market value for assessment purposes when using the direct sales comparison approach and should be \$150.
7. The characteristics & physical condition of the subject property support the use of the income approach utilizing typical market factors for rent, vacancy, mgmt., non recoverable and capitalization rates indicating an assessed market value of \$100.

Complainant's Requested Value: \$297,000 (Unit #2) & \$297,000 (Unit #3).

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

1. The Board does not agree with this contention of the Complainant as no evidence was provide by the complainant to indicate in what manner the assessment was prepared in contravention of Section 293 of the M.G.A.

2. The Board was not provided with any evidence or argument from the Complainant to support this issue.
3. The Board agrees with this assertion, assuming there is evidence to warrant a reduction.
4. The Complainant provided no evidence or argument to support this contention so the Board did not give this matter consideration.
5. The Complainant introduced sales evidence pertaining to 5 properties they deemed comparable to the subject properties; however, these sales provided support for an assessed value in the range of \$200/Sq. Ft. not \$150/Sq. Ft..
6. The Board was convinced by the sales evidence provided by the Complainant that the assessment of the subject properties should in fact be in the \$200/Sq. Ft. range. Additionally, the evidence of the Respondent, when reduced to a rate per square foot of unit area also supported the \$200/Sq. Ft. value range.
7. The assessment of the subject property was prepared using the Direct Comparison Approach to Value and not the Income Approach to Value; however, the Board is concerned with the resultant assessment, not the manner in which the assessment was derived. While the Complainant did provide an abbreviated income approach that suggested value in the range of \$140/Sq. Ft. the Board was more convinced by the sales evidence presented as same was more comprehensive in scope.

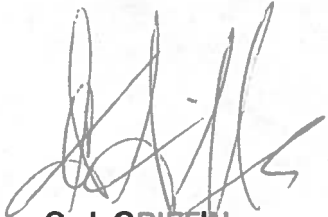
Board's Decision:

The assessments are reduced as follows:

Roll Number 032508749 \$297,000.

Roll Number 032508764 \$297,000.

DATED AT THE CITY OF CALGARY THIS 6th DAY OF July 2010.



C. J. GRIFFIN
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.*