

**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:

J. Gilmour, PRESIDING OFFICER

D. Morice, MEMBER

K Farn, 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: 119007102

LOCATION ADDRESS: 8716 48 Street SE

HEARING NUMBER: 58448

ASSESSMENT: \$1,990,000

This complaint was heard on 21st day of June, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

Y. Tao

Appeared on behalf of the Respondent:

I. McDermott

Property Description:

The subject property is a warehouse, built in 1977, consisting of 8,626 square feet on a site area of 4.68 acres and a site coverage of 4.23 per cent on land zoned Industrial General (I -G) in the South Foothills area on 48 Street SE.

Issues:

Should the property assessment be adjusted from other comparables relied on by both parties and the fact that all services have not been achieved as a result of the new zoning requirements initiated in 2008 by the City for the South Foothills area.

Background Information for Board's Decision:

Complainant's position

The complainant is requesting an amended assessment of \$1,500,000. The assessment of the subject property is \$231 per square foot. With adjustments based on two comparables in South Foothills and East Sheppard areas from the subject property, the complainant noted that the adjusted PPSF for the two comparables averaged \$156.

Based on these two comparables and the lack of some services in South Foothills, the Complainant maintained that the selling price should have been reduced by 15 per cent.

Respondent's position

The Respondent argued that one of the comparables relied on by the Complainant cannot be relied on since it was a special purpose property and no services were included. The Respondent relied on five sales comparables to support the subject's \$231 square foot rate.

On the basis of the characteristics of the subject property, the assessor determined that two comparable properties presented by him met similar characteristics of the subject warehouse, with rates per square foot of \$211 and \$196. One of these comparables was also relied on by the Complainant.

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

It is a long established principle of assessment that a taxpayer has the right to an assessment not in excess of actual value, and to an assessment that is equitable with similar property in the municipality. On the basis of the best sales comparables submitted by the Complainant and Respondent, the Board determined that the average time adjusted sale price per square foot was \$203. This figure was based on the subject area of the property which reduced the assessment to \$1,800,000.

Accordingly, in order to preserve the taxpayer's right to equity with similar properties, the subject assessment is lowered to the above amount.

Board's Decision:

The assessment is reduced to \$1,800,000.

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF July 2010.


J. Gilmour
Presiding Officer

JG/mh

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.*