

**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

K. Farn, MEMBER

D. Morice, 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:	119002806
LOCATION ADDRESS:	4839 90 Av SE
HEARING NUMBER:	58584
ASSESSMENT:	\$3,470,000

This complaint was heard on 21 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:

- *T. Howell*
- *Y. Tao, Assessment Advisory Group*

Appeared on behalf of the Respondent:

- *Ian McDermott, Assessor*

Property Description:

The subject property is a warehouse built in 1987, consisting of a rentable area of 18,584 sq. ft., a site area of 4.44 acres and a site coverage of 7.94%. The land is zoned Industrial General (I-G) in the South Foothills area, bordering on 90 Avenue SE.

Issues:

Should the property assessment be adjusted from the comparables submitted by both parties for allowance of the various factors of determining value between the areas of South Foothills and Foothills?

Background Information for Board's Decision:

Complainant's Position

The Complainant proposed adjustments on a number of sales comparables for three properties, two in the South Foothills and one in East Shepard region, although the Complainant recognized that the latter was not possibly a good comparable. In one comparable, the adjustment factor was a negative 25%; whereas the second comparable had a proposed negative 5%. The average of the adjusted PPSF was 173 for these two comparables. The subject PSF value for the assessed value is \$187.

Respondent's Position

The assessor argued that the Complainant's comparables supports the assessment, particularly when the Complainant's sales comparables is from the South Foothills area, and not Foothills.

The Respondent relied on five sales comparables, of which three had similar characteristics to the subject. These three comparables produced time adjusted sale price per sq. ft. results of \$196, \$230 and \$211.

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

The Board has determined that the sales comparables from both parties support the current assessed value.

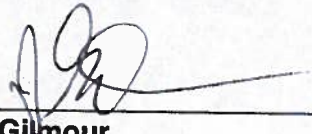
No adjustments were required to be considered by the Board since all his comparables were from the same area as the subject property; namely from the South Foothills area.

The Board determines that on the grounds of equity, the subject property is similar to several of the comparables submitted from both parties. Accordingly, the Board found insufficient evidence to vary the current assessment.

Board's Decision:

Confirm the assessment of \$3,470,000.

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



J. Gilmour
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.*