

**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: 201207529

LOCATION ADDRESS: 9016 40 Street SE

HEARING NUMBER: 58536

ASSESSMENT: \$3,570,000

This complaint was heard on 22 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:

- *Ian McDermott*

Property Description:

The subject property is a warehouse consisting of one building of 9,900 square feet on a 4.48 parcel, in the South Foothills area. The warehouse was built in 1982 and had a site coverage of five per cent.

Issues:

Is the assessment in excess of its market value as of the valuation date?

Background Information for Board's Decision:

Complainant's position

The Complainant relied primarily on a sales comparable in South Foothills which had an adjusted PPSF of \$223 square feet. The Complainant was seeking an assessment of \$3,000,000.

The Complainant argued that the City comparables in the South Foothills area were either on smaller lots or in other areas of the City.

Respondent's position

The Respondent took the position that his four primary sales comparables supported the current assessment. The time adjusted sale price per square foot ranged from \$161 to \$245 for the comparables to support the assessed rate per sq. ft. of \$172.

The Respondent stated that the "extra" land of 3.73 acres had to be added to the property assessment, which amounted to \$1,867,519.

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

The Board determined that the "extra" land value was very subjective and was given very little support in evidence by the Respondent as how such a value was determined.

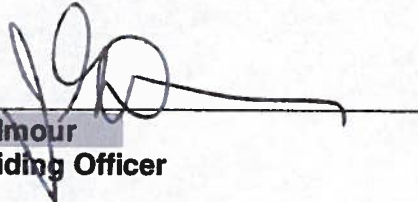
None of the Respondent's sales comparables were deemed to be comparable by the Board as to location, site coverage or parcel size.

For the above reasons, the Board relied on the evidence of the Complainant and reduced the assessment to \$3,000,000.

Board's Decision:

The assessment is reduced to \$3,000,000.

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.*