

**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: 119010205

LOCATION ADDRESS: 4415 Glenmore Trail SE

HEARING NUMBER: 58573

ASSESSMENT: \$7,070,000

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:

- I. McDermott

Property Description:

The subject property consists of three warehouses on a four acre parcel in the South Foothills area. The three structures were built in 1988 and 1995 on a site coverage of 22 per cent. The total building area equalled 41,000 square feet.

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 sought an assessment reduction of \$2.5 million, based on two comparables in the Foothills area which resulted in a lower average adjusted PPSF of \$118.

The question of "servicing" in the area was not agreed upon by the two parties.

In an opinion letter from a realtor submitted by the Complainant, dated June 2009, it advanced the range of the property should be between \$5.5 million and 5.9 million with rates of \$133 and \$143 respectively.

Respondent's position

The Respondent relied on ten sales comparables which showed a range of \$140-236 rates per square foot. The Respondent admitted that many of his comparables did not conform to the characteristics of the subject property.

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

The Board considered the best comparable was of the recent sale at 9415 48 Street SE. The time adjusted sale price per square foot was \$141. This figure coincided with the range in the realtor's opinion letter between \$133 and \$143. As a result, the Board is of the opinion that the assessment should be reduced to \$5,810,000. This reduced assessment is deemed by the Board to be fair and equitable.

Board's Decision:

The assessment is reduced to \$5,810,000.

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.*