

**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:

Cal Fund Investments Inc. – Represented by Altus Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, W. Kipp
Board Member Y. Nesry
Board Member J. Massey***

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

ROLL NUMBER: 201256674, 201256682, 201256690, 201256708, 201256716,
201256724, 201256732, 201256740, 201256757, 201256765,
201256773

LOCATION ADDRESS: Units 1-11, 2824 – 58 Avenue S.E., Calgary AB

HEARING NUMBER: 56463, 56385, 56390, 56388, 56391, 56393, 56394, 56436, 56439,
56441, 56443

ASSESSMENT:	Unit 1:	\$324,500	Unit 7:	\$306,000
	Unit 2:	\$299,000	Unit 8:	\$300,500
	Unit 3:	\$300,000	Unit 9:	\$301,000
	Unit 4:	\$299,000	Unit 10:	\$301,500
	Unit 5:	\$299,500	Unit 11:	\$324,000
	Unit 6:	\$308,500		

This complaint was heard on the 21st day of June, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- John Smiley, Altus Group

Appeared on behalf of the Respondent:

- Ian Baigent, The City of Calgary

Property Description:

The properties under complaint are all 11 condominium units in an industrial building at 2824 – 58 Avenue SE in the Foothills Industrial Park. All units are owned by Cal Fund Investments Inc. Unit sizes vary from 1,440 to 1,623 square feet. Some bays have some of the area developed as offices but most of the area is warehouse. According to assessment records, none of the units have any developed mezzanine space. The year of construction is 1978.

Issues:

The Complainant raised the following matters in section 4 of the complaint form: Assessment amount and Assessment class.

The Complainant also raised a number of issues in section 5 of the Complaint form but at the hearing declared that market value (the assessment amount) was the only issue that would be pursued.

Issue 1:

The assessment amounts are too high. Based on the direct sales comparison approach, the assessment rate should be substantially less than the \$200 to \$209 per square foot represented by the assessments.

Complainant's Requested Value:

\$147 per square foot of the area of each unit

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

Issue 1:

Findings

In view of the above considerations, the CARB finds as follows with respect to Issue 1:

There is no compelling evidence before the Board to warrant any adjustment to the assessments of any of the 11 units under complaint.

The Complainant provided summary sales data pertaining to three sales in Foothills Industrial. These sales were a single unit in a newer building containing 5,803 square feet, two units with a total area of 7,471 square feet in another building and several units in a third building with a total area of 12,207 square feet. The sales prices represented from \$147 to \$186 per square foot of area and the Complainant selected \$147 per square foot for the subject based on the most comparable sale property. No additional information was provided for any of the comparables in the Complainant's evidence.

One of the points for comparison brought forward by the Complainant was poorer than average access/egress for the subject property. A number of photographs of the subject and the comparables were provided to show the poorer access/egress but it was not apparent to the Board that there was any significant difference between the properties for this characteristic.

The Respondent provided three comparable sales including a smaller unit in the same newer building as the 5,803 square foot unit used by the Complainant. The other two were nearer to the subject bays in size but still larger (1,910 and 1,978 square feet) but these were in much newer buildings as well. The sales prices for these three comparables ranged from \$217 to \$242 per square foot.

Given the small amount of information for the comparables of the parties and the apparent differences between the comparables and the units that went without any adjustment support, the Board was unable to rely upon any of the evidence to make any changes to the assessments.

Board's Decision:

The assessments on all eleven units are confirmed.

DATED AT THE CITY OF CALGARY THIS 13 DAY OF July 2010.



W. Kipp
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.*