

**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:**

***1480962 Alberta Ltd, COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***P. Mowbrey, PRESIDING OFFICER  
B. Jerchell, 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: 041021403**

**LOCATION ADDRESS: 3131 68 ST NW**

**HEARING NUMBER: 55798**

**ASSESSMENT: \$ 2,100,000**

This complaint was heard on 2nd day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 12.

Appeared on behalf of the Complainant:

- Anthony Szakal

Appeared on behalf of the Respondent:

- Marcus Berzins

**Board's Decision in Respect of Procedural or Jurisdictional Matters:**

A Preliminary Matter was brought forward by the Respondent advising that the Complainant's evidence was submitted June 04, 2010, which is after the due date of May 20, 2010. The Respondent indicated a letter was sent to the Assessment Review Board stating that there can be no evidence submitted beyond that filed with the complaint form to support the requested change of Assessment.

The Respondent further stated that the evidence submitted late by the Complainant contained a sale of the subject property which the Respondent has validated and has no objection to the sale being brought forward as evidence by the Complainant, C1, for the Board to consider.

**Property Description:**

The subject property is a multi-tenant office/warehouse building, constructed in 1976, located in the NW industrial area of Calgary, on a corner parcel with a site area of 0.50 acre, a site coverage of 44.06%, and a building footprint of 9,600 sq ft and net leasable area of 11,200, including 1,600 sq ft of second floor office.

**Issues:**

1. Is the 2010 Assessment of \$2,100,000 too high considering the sale of the subject property at \$1,250,000, at a date close to the July 1, 2009 valuation date?
2. Is the 2010 Assessment of \$2,100,000 too high considering the 6 page summary of the 46 page Full Narrative Appraisal Report at April 02, 2010, with a Leased Fee Estate value of \$1,325,000?

**Complainant's Requested Value:** \$1,200,000

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

The Complainant presented as evidence, C1, which included the sale of the subject property, and explained that attached to the Assessment Review Board Complaint form, was the Assessment Request for information, on which the Complainant stated the date the price was agreed upon was July 1, 2009, and the "Offer to Purchase" was signed, June 24, 2009 and that the sale was an arms-

length transaction. The Complainant also attached a Transfer of Land for the subject property indicating a date of October 09, 2009 indicating that although the transfer date is post facto to the valuation date, the price was agreed to on July 1, 2009, the valuation date.

The Complainant presented a 6 page appraisal summary from a 46 page Full Narrative Appraisal Report, C1, prepared for the purpose of internal use or financing, which indicated a value of the subject Leased Fee Estate, at April 02, 2009, of \$1,325,000.

The Respondent advised the Board that the sale of the subject property has been validated and there is no objection to the sale being submitted as evidence, C1. The Respondent stated there were no sales to be used as comparables in the NW industrial area of the City of Calgary, and that the 2010 Assessment value was prepared using comparable properties from other areas of the City. The subject sale and an adjacent property sale will be used in the next assessment year, but had not been included in the 2010 Assessment as the Transfer of Title did not occur until October 2009.

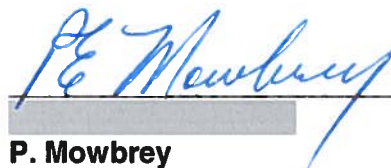
The Respondent presented no evidence as the Complainant's evidence had been considered late.

1. The Board accepts the validation of the sale of the subject property by the Respondent.
2. The Board places greatest weight on the sale of the subject property, C1, as the date of agreement of the purchase price is indicated on the City of Calgary Request for Information, and was attached to the Complaint form and stated it was July 1, 2009, the valuation date for the 2010 Assessment year.
3. The Board places less weight on the 6 page summary of the 46 page Full Narrative Appraisal Report, C1, as the background, data and analysis of the value is lacking, however, it is noted, the market value of \$1,325,000, is similar to the sale price of the subject property.

**Board's Decision:**

The Decision of the Board is to reduce the 2010 Assessment from \$2,100,000 to \$1,250,000.

DATED AT THE CITY OF CALGARY THIS 8<sup>th</sup> DAY OF JULY 2010.

  
P. Mowbrey

Cc: Owner

*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.*