

**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-26.1, 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/Business assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	119007300
LOCATION ADDRESS:	8812 – 44 Street SE
HEARING NUMBER:	58542
ASSESSMENT:	\$2,850,000

This complaint was heard on 24th day of June, 2010 at the office of the Assessment Review Board located at Floor Number four, 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 one warehouse of 5,698 square feet and two storage buildings, with a site coverage of three acres and on a 4.76 acre parcel. The property is located in the South Foothills area.

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 requested a reduced assessment of \$2,400,000. The Complainant relied on a comparable sales property in the same area at 6410 90th Avenue SE. The adjusted PPSF for the comparable, with a six percent five adjustment for the sales date in 2008, was \$279. This figure was used to compute his requested revised assessment based on the similar characteristics of the subject, with the exception of the size of the comparable warehouse. The comparable property was also slightly newer than the subject property.

Respondent's position

The Respondent argued that the high rate per square footage of the property was the result of the additional "excess" land. This rate was \$498. The assessor also relied on a number of three sales out of a total of eight, to demonstrate to the Board that they had similar characteristics to the subject property, with rates of \$211 - \$245 per square foot.

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

The respondent in argument failed to substantiate the high rate per square foot of \$498 of assessing a 5000 square foot warehouse. Instead of arguing how the value was increased by this "excess" land, which was not revealed in his evidence before the Board, the panel was left in the position that the aforementioned high rate per square foot of the assessment must only be confined to the rentable building area of 5,600 square feet. Without this information, the Board determined that the Complainant's sales comparable was much more reasonable than the evidence of the Respondent and therefore reduced the assessment to \$2,400,000. The Board determines that the revised assessment is both fair and equitable.

Board's Decision:

Reduce the assessment to \$2,400,000.

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


J. Gilmour
Presiding Officer

JG/ms

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.*