

**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 assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 119012409

LOCATION ADDRESS: 4045 – 96 Avenue SE

HEARING NUMBER: 58458

ASSESSMENT: \$5,790,000

This complaint was heard on 25th 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 two warehouse buildings on a parcel of land of four acres. The two structures, built in 1998 have rentable building areas of 11,480 and 15,000 square feet, on a site coverage of 13.8 percent. The assessed rates per square foot resulted in calculations of \$230 and \$210. The property is located in the south foothills area of the City.

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 a revised assessment of \$4,450,000. The complainant relied on three comparables in the south foothills area of the City. In evidence before the Board, the Complainant argued that his best comparable was at 9415 48th Street SE, a sale completed in 2009, similar in size and area to the subject property. With adjustments, the PPST equalled \$137.

Respondent's position

The Respondent in evidence relied on a number of warehouse sales in 2007 and 2008. His best comparable, at 9615 52 Street NE had half the site coverage of the subject and resulted in an adjusted sale price per square feet below the subject rates. His second best comparable at 6410 90 Avenue SE also resulted in an adjusted rate of only \$196.

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

The Board is of the opinion that the complainants sales comparable at 9415 48th Street SE was the best comparable on the basis that it was a recent sales and had similar characteristics to the subject property. The sales comparable submitted by the city were older and further away from the subject's warehouse. The complainant's comparables support a reduced assessment of \$4,450,000 or \$168 a square foot.

Board's Decision:

Reduce the assessment to \$4,500,000.

DATED AT THE CITY OF CALGARY THIS 2nd 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.*