

**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:	119013100
LOCATION ADDRESS:	9616-40th St. SE
HEARING NUMBER:	58475
ASSESSMENT:	\$3,750,000

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 is located in the South Foothills area of the City of Calgary, on a parcel of land of four acres. There are two warehouses on the property, with building areas of 6,647 and 8,193 sq. ft. respectively, and built in 1990 and 1995. The site coverage of the property is 7.5%. The rates per sq. ft. of the two properties are \$252/sq. ft. and \$253/sq. ft.

Background Information for Board's Decision:

Complainant's position

The Complainant sought a reduced assessment of \$3,190,000.

The Complainant in evidence relied on two sales comparable in the South Foothills area. Both sold in 2008. With adjustment, the property at 6410 90 Avenue SE had very similar characteristics as the subject and produced a price per sq. ft. of \$216. This property was also a comparable relied on by the City.

The other comparable tried by the Complainant was at 8815 44 Street SE. This comparable was older and slightly larger than the subject.

The two comparable properties averaged an adjusted figure of \$189/sq. ft., close to the requested amount that the Complainant was seeking of \$197/sq. ft.

Respondent's position

The City in evidence relied on a number of sales comparables, however, those sales were completed in 2006 and 2007. The sale at 6410 90 Avenue SE with a time adjusted sale price per sq. ft. of \$196 was also relied on by the Complainant. This sale was completed in 2008.

The City also noted equity comparables in the South Foothills area, but most of their comparables were older than the subject with different site characteristics.

Board Decision:

Reduce the assessment to \$3,190,000

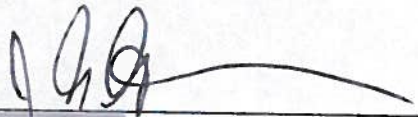
Reasons For The Decision:

Many of the equity comparables submitted by the City were under appeal.

The Complainants best sales comparable at 6410 90 Avenue supported this requested

assessment, based on similar characteristics of the subject property. For these reasons, the Board decided to reduce the assessment to \$3,190,000.

DATED AT THE CITY OF CALGARY THIS 22 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.*