

**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, Section 460(4).

between:

ASSESSMENT ADVISORY GROUP, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, J. Zezulka
Board Member, S. Rourke
Board Member, R. Roy***

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: 032505406

LOCATION ADDRESS: Unit 9, 3600 – 21 Street NE, Calgary, Alberta

HEARING NUMBER: 58485

ASSESSMENT: \$602,000

This complaint was heard on the 2 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 6.

Appeared on behalf of the Complainant:

- *T. Howell*

Appeared on behalf of the Respondent:

- *B. Partridge*

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

Not Applicable

Property Description:

A single bay in a multi unit office / warehouse condominium project. The bay is 2,979 s.f., of which 2,259 s.f. is warehouse and 720 s.f. is developed office space.

Issues:

1. The assessed value is not reflective of the property's market value.
2. The assessed value is inequitable with comparable property assessments.

Complainant's Requested Value: \$475,000 shown on the Complaint Form, later amended to 518,346, or \$174 per s.f.

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

The current assessment calculates to \$203 per s.f.

Issue 1

In support of their argument, the Complainant, on pages 12 to 27 of The Assessment Advisory Group Disclosure of Evidence offered four comparables. Those are summarized on page 11 of the submission. Selling prices range from \$178 to \$203 per s.f. The complainant adjusted these to \$162 to 187 per s.f. During his oral submission, the claimant conceded that the negative time adjustment used might have been excessive, and perhaps should have reflected minus 6.0 per cent rather than 10.0 per cent. One of the claimant's comparable sales was post facto.

The respondent presented a number of sales comparables on pages 32 to 36 of the City of Calgary Assessment Brief. The time adjusted selling prices ranged from \$147 to \$220 per s.f. The Board recognizes that there are factors in the market that affect any adjustment process, and that the results are seldom perfect. However, the City's adjusted prices are considered adequate to support the current assessment.

Of particular note in the City's evidence was the December, 2008 sale of unit #5 in the subject development. The unit is 2,959 s.f. of which 694 s.f. is office space. The \$630,000 selling price calculates to \$213 per s.f. That same unit is currently assessed at \$203 per s.f., similar to the subject.

Issue 2

The complainant offered no evidence relative to the issue of equity.

The respondent offered two comparable charts to demonstrate equity in the subject assessment. The first chart, on page 30 of the Assessment Brief, included five units in the same project as the subject. These reflected assessment ranging from \$203 to \$223 per s.f.

The second chart five properties in various comparable locations. Assessments ranged from \$203 to \$251 per s.f.

Board's Decision:

The assessment is confirmed at \$602,000.

DATED AT THE CITY OF CALGARY THIS 14th DAY OF July 2010.


J. Zezulka
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.*