

**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:**

*Anlin Ventures Inc., 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:** 119015501

**LOCATION ADDRESS:** 4025 – 90 Avenue SE, Calgary, Alberta

**HEARING NUMBER:** 58534

**ASSESSMENT:** \$4,610,000

This complaint was heard on the 29th day of June, 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:

- Y. Tau

Appeared on behalf of the Respondent:

- I. McDermott

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

Not Applicable

**Property Description:**

An industrial plant, comprised of 4.81 acres of land, improved with five buildings as follows;

1. Single tenant warehouse (former residence).....2,036 s.f
2. Single tenant warehouse.....15,180 s.f.
3. Industrial Outbuilding.....720 s.f.
4. Industrial Outbuilding.....1,600 s.f.
5. Single tenant warehouse.....5,002 s.f.

The total building footprint calculates to 24,538 s.f. The location is the south Foothills Industrial Park.

**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:**

\$3,750,000 shown on the Complaint Form, later amended to \$4,250,000.

For purposes of the assessment, buildings No. '3' and '4' were assigned a value of \$10. per s.f. and were not at issue. The remaining buildings reflected an average assessment of \$206.52 per s.f. The requested assessment would reduce these to \$190.66. Due to errors in the floor area calculations, the requested assessment in the Complainant's submission appeared at \$167 per s.f. However, it is the total amount that is paramount, resulting in a change in the final per s.f. rate. For purposes of the complaint, the land and buildings were not isolated.

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

The Board notes that the overall assessment calculates to \$187.87 per s.f. of gross building area, including land, or \$206.52 per s.f. for the warehouse buildings.

Issue 1

In support of their argument, the Complainant, on pages 12 to 26 of The Assessment Advisory Group Disclosure of Evidence presented three comparables. Those are summarized on page 12 of the submission. Selling prices range from \$143 to \$243 per s.f. The complainant adjusted these to \$141 to \$194 per s.f. The three properties had land site areas ranging from 4.70 to 4.87 acres. The complainant applied no adjustment to two of the comparables for land size. The third property was adjusted by 15 per cent. In the board's opinion, these adjustments do not properly reflect market reaction to larger sites.

The respondent presented nine comparables in summary form on page 19 of the City of Calgary Assessment Brief. The first group reflected time adjusted selling prices ranging from \$213 to \$365 per s.f. Building sizes ranged from 2,500 to 6,844 s.f. These were presented in support of the assessment for Buildings '1' and '5' of the City's submission.

The next three sales reflected time adjusted selling prices from \$184 to \$211 per s.f. Building sizes for these ranged from 12,689 to 16,800 s.f. These were presented in support of the \$178.59 per s.f. assessment of the 15,180 s.f. building No.'2'.

Finally, a sale at 8816 – 40 Street S.E. reflected an overall selling price of \$230. per s.f. The property is comprised of 19,247 s.f. of building on a 3.93 acre site. This was presented as an accurate indicator for the overall subject property.

In the final analysis, the board is of the view that the best indicator of the subject's market value is No.'3' in the Claimants submission – a property at 9415 – 48 Street S.E. The property is comprised of 27,260 s.f. of industrial building on a 4.70 acre site. The property sold for \$3,900,000 in April, 2009. Adding an amount that the board considers appropriate to account for the variation in land size produces a relative indicator of \$5,583,000, or \$204.81 per s.f. of building. That rate is within one per cent of the current assessment rate applied to the subject's warehouse buildings. (The land adjustment is calculated for 3.11 acres, being the difference between the subject land size and the comparable land size, at one acre @ \$1,050,000 plus 2.11 acres @ \$300,000)

Issue 2

Neither party offered evidence relative to the issue of equity.

Board's Decision:

The assessment is confirmed at \$4,610,000.

DATED AT THE CITY OF CALGARY THIS 21<sup>st</sup> DAY OF July 2010.

  
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Jerry 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.*