

**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, Section 460(4).

between:

Medeana Inc., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

B. Horrocks, PRESIDING OFFICER

P. Pask, MEMBER

J. Rankin MEMBER

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 066529082

LOCATION ADDRESS: 1510-17th Ave. SW.

HEARING NUMBER: 57130

ASSESSMENT: \$729,000

This complaint was heard on 7th day of July 2010 at the office of the Assessment Review Board located at 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 12.

Appeared on behalf of the Complainant:

- *M. Moussa* *Property Owner*

Appeared on behalf of the Respondent:

- *C. Keough* *Assessor, City of Calgary*
- *J. Toogood* *Assessor, City of Calgary*

Preliminary Matters:

None. The merit hearing proceeded.

Property Description:

The subject is a 1389 sq. ft. condo situated on the ground floor of a lowrise apartment building in the Sunalta community of Calgary. The building was constructed in 2000 and is considered to be of good quality. The land use designation is commercial-corridor 1. The subject is used as office space. The 2010 assessment is \$729,000.

Issue:

The assessment is too high in comparison to neighboring properties.

Complainant's Request:

\$652,000

Complainant's Submission:

- The Complainant evidence package contained assessments of 3 commercial bays in the Bella Vista development which ranged from \$259.06/sq. ft. to \$500.00/sq. ft. (Table 2).
- The Complainant provided 7 comparables of other commercial properties located within one block of the subject with assessments ranging from \$129.89/sq. ft. to \$320.43/sq. ft. and an average assessment of \$193/sq. ft. (Table 3.0).
- The Complainant provided a summary of the 2010 assessments of all commercial bays in the Caramoor Condominium development with assessments ranging from \$469.59/sq. ft. to \$683.84/sq. ft. (Table 1.0).
- The Complainant argued that the best indicators of value were in the Bella Vista development.
- The Complainant argued that a more reasonable and fair assessment would be in the range of \$400/sq. ft. to \$450/sq. ft.
- The Complainant argued assessments of neighboring properties decreased 12%-15% from 2009, while the subject had increased by 12%. No evidence was submitted in support of that argument.

Respondent's Submission:

- The Respondent provided an "Assessment Brief".
- The Assessment Brief contained one sale at 1516-17th Ave. SW. as a comparable. The sale was for \$778,000 or \$785.25/sq. ft.
- The Assessment Brief contained a "Final Estimate of Value" prepared by Cushman Wakefield Lepage for the subject property. The final estimate of market value contained two value estimators as computed by the Direct Comparison Approach (\$780,000) and the Income Capitalization Approach (\$760,000). No further details were provided.
- The Respondent argued that the best comparable was the one sale in the same building as the subject at \$785.85/sq. ft.
- The Respondent advised that unit 1445 in Table 2.0 of the Complainant's brief had been remeasured resulting in a reduction in the size to 1530 sq. ft. and a recalculated assessment of \$500/sq. ft.

Board Decision:

The Board determined that the best comparable was the Bella Vista building located across the avenue from the subject.

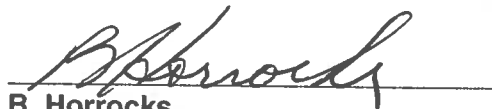
The comparable assessments in the Bella Vista development support a reduction in the assessment of the subject.

Averaging the corrected assessments in Table 2.0 of the Complainants brief yields an average assessment of \$469/sq. ft.

Board Findings:

The assessment is reduced to \$652,000.

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



B. Horrocks
Presiding Officer

BH/sd

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.*