

**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:

Colliers International Reality Advisors, on behalf 2792800 Canada Ltd. COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T Golden, PRESIDING OFFICER

Y Nesry, MEMBER

J Joseph, 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:	031016090
LOCATION ADDRESS:	3405 34 St. NE
HEARING NUMBER:	58834
ASSESSMENT:	\$6,050,000

This complaint was heard on 5 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *M Uhryn*

Appeared on behalf of the Respondent:

- *R Ford*

Property Description:

The subject is a free standing structure of 37,300 sq ft of area and a single occupant being Value Village. The structure is removed from 32 Ave the major traffic route in the area. Although not adjacent to 32 Ave the structure has some visibility to the Ave.

Issues:

- 1) Is the subject property equitably assessed?

Complainant's Requested Value: \$ \$4,401,400.00

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

- 1) The board is of the opinion that the property is not equitably assessed when compared to the properties presented as comparables.

Both parties agreed that 3065 29 st NE and 3310 29 st NE were closely comparable to the subject and the properties were in each parties evidence package. Another property at 3333 34 Av. SE was agreed to be the most similar to the subject but was not considered by the Board as the respondent testified the assessment on the property was in error as it was completed as a suburban office classification. In the case of the two accepted comparables the properties were found to be of better quality than the subject property and with a superior location. Using the assessment per sq. ft. as an indicator of equity the board compared the two comparable properties with values of \$118.90 per sq ft and \$134.15 per sq ft to the subject property with a value of \$162.00 per sq ft. Given the degree of difference in per sq ft values and the comparative location and quality of the subject the property is found to be inequitably assessed. In order to determine the amount of the revision of assessment the Board considered the need to reduce the difference in per sq. ft. value between the subject property and the comparable properties. As a basis for the revised assessment the Board used a value of 126.50 per sq ft or the average of the two accepted comparables. Applying the \$126.50 to the subject property area of 37,300 sq. ft. yields a value of \$4,710,000.00

Board's Decision:

The assessment is reduced to \$4,710,000.00

DATED AT THE CITY OF CALGARY THIS 22 DAY OF July 2010.



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.*