

**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-26.1, Section 460(4).

between:

768950 Ab. Ltd. COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, Tom Golden
Board Member R Deschaine
Board Member R Glenn***

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:	200956910
LOCATION ADDRESS:	4607 Pacific Rd. NE
HEARING NUMBER:	57131
ASSESSMENT:	\$1,530,000.00

This complaint was heard on 19 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, in Boardroom. 12

Appeared on behalf of the Complainant:

- Brian And Leanne Laycock

Appeared on behalf of the Respondent:

- M Berzins

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

No preliminary matters.

Property Description:

The subject property is an industrial structure with three industrial tenants and three separate titles. The 1982 building has a 10,342 sq ft foot print on a .4 acre parcel yielding a site coverage of 60%. The subject is located in the Greenview industrial area which is an older industrial area for Calgary. Assessments are conducted using the sales approach.

Issues:

1. The assessment conducted by the City does not reflect market value.
2. The subject property is not equitably assessed considering a nearby property.

Complainant's Requested Value:

\$1,300,000.00

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

The ARB finds that in terms of market value, a reduction is not warranted.

Findings

1) Market Value

The complainant's argument regarding value centred upon the deficiencies of the property including the fact that, the roads were unpaved, no gutters, some flooding adjacent uses, general street appeal. Paving the road would cost some \$200,000.00. As well the assessment had risen significantly over the past years. Because of these features the assessment should be reduced \$230,000.00.

The City pointed out that the particular industrial park is an older area with less infrastructure in place than industrial areas. Gravel roads are common in the area. Market sales indicate that in this industrial area the property deficiencies mentioned by the complainant seem to have little influence on sale price. Seven sales of similar properties were presented in support of the assessed value.

The ARB was unable to determine the basis for the requested value in order to assess its validity. The amount of reduction appears to be an estimate not using market evidence. In addition two of the sales presented by the City were in the Greenvue area and supported the assessment with an average of \$182.00 per sq ft of sale price, compared to the subject at \$148.00 per sq ft of assessment. It is noted that the requested value would equate to \$134.00 sq ft.

2) Equity

The ARB finds the property is equitably assessed.

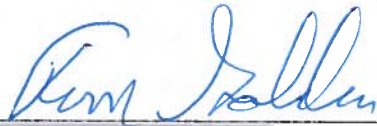
The complainant pointed to a specific sale as an example of inequity. 4531 6a St NE was sold for \$1,600,000.00 after the assessment date and is assessed at \$1,040,000.00. The building was said to be superior to subject and larger than reported by the city. There was no agreement on the actual size of this comparable building resulting in no understanding of the assessment per sq ft and its relation to the subject. The panel placed little weight on this evidence and were not convinced to vary the assessment on this basis.

The City comparables though questioned were found to support the equity of the assessment.

Board's Decision:

The assessment is confirmed at \$1,530,000.00

DATED AT THE CITY OF CALGARY THIS 4th DAY OF August 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.*