

**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:**

***Linnell Taylor Assessment Strategies, COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***Board Chair, T Golden  
Board Member, R Duschaine  
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:

<b>ROLL NUMBER:</b>	<b>067086090</b>
<b>LOCATION ADDRESS:</b>	<b>1313 10 Av SW</b>
<b>HEARING NUMBER:</b>	<b>56219</b>
<b>ASSESSMENT:</b>	<b>\$15,550,000.00</b>

This complaint was heard on 23 day of July, 2010 at the office of the Assessment Review Board located at Floor Number 12, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 12.

Appeared on behalf of the Complainant:

- *D Sheridan*

Appeared on behalf of the Respondent:

- *D Lidgren*

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

There were no preliminary matters

**Property Description:**

The subject site is an office structure built in 1978 with 55,192 sq ft of area on a 1.27 ac site. The building houses tenants requiring high security and therefore has few windows and a high operating cost.

**Issues:**

- 1) Is the assessment of the property correct.

**Complainant's Requested Value:**

\$15,000,000.00

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

The assessment is incorrect and should be reduced.

Although the complainant had conducted other calculations to estimate the property value the sale of the subject was introduced. A sale of the subject parcel was completed May 21 2009 for the price of \$15,000,000.00. The sale was considered to be arms length and a valid sale. It was argued that a sale of the subject property on or near the assessment date was the best indicator of value. In answer to a question the complainant, noted that the difference between the requested value and the assessed value was only 3.8% and within a usual range for assessment. But in this case since the sale represented the market value the owner was entitled to correctness.

The City presented evidence to support the assessment which is close to the sale price and explained that assessment is not necessarily a single value rather it is a range that a property falls into. In this case the sale price is well within an acceptable range of values and in spite of the sale the assessment should be maintained.

The Board accepted the complainant's position and the past decisions submitted as evidence, that state that the best indicator of value is the sale of the subject property. In this case it is agreed by

the parties the sale was valid and very near the assessment date. The board considers this to be the best indicator of value.

**Board's Decision:**

The assessment is reduced to \$15,000,000.00

DATED AT THE CITY OF CALGARY THIS 4<sup>th</sup> 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.*