

**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-26.1, Section 460(4).

between:

Colliers International Realty Advisors, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

R. Reimer, PRESIDING OFFICER

J. Kerrison, MEMBER

D. Pollard, MEMBER

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: 200372043

LOCATION ADDRESS: 117 10836 24 St SE

HEARING NUMBER: 57439

ASSESSMENT: \$919,500

This complaint was heard on 28th day of July, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *David Porteous, Colliers International Realty Advisors, Agent*

Appeared on behalf of the Respondent:

- *Dale Grandbois and Irene Pau, Assessors*

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

There was no objection to the composition of the Assessment Review Board (ARB).

There were no other procedural or jurisdictional matters raised.

Property Description:

The subject property is a 3,284 sq. ft., non-residential condominium unit contained within a multi-tenant condominium building, which was constructed in 2003 and is located in south east Calgary.

Issues:

The Complainant had checked boxes 1 through 7 of section 4 on the Assessment Review Board Complaint Form. It had previously been determined that the Complainant had only provided sufficient information under section 5 of the Assessment Review Board Complaint Form for complaint number 3, an assessment amount. Accordingly, the ARB will only address that issue.

Complainant's Requested Value:

On the Assessment Review Complaint Form, the Complainant requested a value of \$230,000. In documentation submitted during the hearing, the Complainant requested a value of \$643,660.

Position of the Parties:

The Complainant's position was that the subject property is primarily a warehouse, with no more than 20% of the space occupied by a lobby or office.

The Complainant submitted 3 sales comparables, 2 in an industrial condominium building located approximately 20 blocks from the subject property at \$179/sq. ft, and 1 in the same building as the subject property at \$228/sq. ft. The Complainant requested a value of \$196/sq. ft., which is the average of the 3 sales.

The Respondent characterized the subject property as flex office space, and stated that he would use retail office sales as an appropriate comparable.

The Respondent provided 5 equity comparables, all within the same building as the subject property and all assessed at \$280/sq. ft.

The Respondent also provided 3 sales comparables, 1 being the sale within the same building that

the Complainant provided. The other comparables consisted of what appeared to be a 2 story office building with a time adjusted sale price of \$259.42/sq. ft. and a building occupied largely by a restaurant and lounge, with a time adjusted sale price of \$370.62/sq. ft.

Board's Decision:

The ARB finds that the only comparable provided which closely resembles the subject property is the sale within the same building as the subject property. The Complainant's 2 other sales are more typical warehouses, with access which is inferior to that of the subject property. The Respondent's 2 other sales are different types of buildings than the subject property.

The ARB finds that the best evidence before it is the sale of the unit within the same building as the subject property. That sale was at \$228.38/sq. ft. The ARB therefore orders that the assessed value of the subject property be set at \$228.38/sq. ft. for a total of \$750,000.

DATED AT THE CITY OF CALGARY THIS 5th DAY OF August 2010.


R. Reimer
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.*