

**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:

Assessment Advisory Group, *COMPLAINANT*

and

The City Of Calgary, RESPONDENT

before:

J. Noonan, *PRESIDING OFFICER*

Y. Nesry, *MEMBER*

C. McEwen, *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:	097006803
LOCATION ADDRESS:	3956 64 Ave SE
HEARING NUMBER:	58561
ASSESSMENT:	\$1,700,000.00

This complaint was heard on the 5th day of August, 2010 at the office of the Assessment Review Board located at the 3rd Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- T. Howell, Commercial property Tax Agent, Assessment Advisory Group

Appeared on behalf of the Respondent:

- I. Baigent, Senior Assessor, *The City of Calgary*

Property Description:

The subject is located at 3956 64 Ave SE, Calgary. It is a 10,700 sq.ft. warehouse built in 1977 on .7 acre in the Foothills Industrial area. The assessed value is \$1,700,000.

Issue:

Is the assessment greater than fair market value?

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

The Complainant presented 3 sales comparables adjusted for date of sale and site coverage to determine an adjusted value of \$129 per sq.ft. in support of a requested assessment of \$1,380,000.

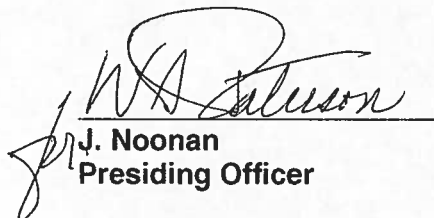
The Respondent had missed the evidence disclosure deadline and so had no evidence package to present. It was noted that 2 of the Complainant's sales were non-arm's length transactions and questioned the adjustments used by the Complainant.

The CARB examined Complainant's sales #'s 2 and 3 which averaged some \$140 per sq.ft. and estimated an additional value of \$140,000 for the subject's larger lot. This test of the assessment showed an estimated value of some \$1,638,000 or within 3.6% of the assessment. The CARB found the adjustments employed by the Complainant, particularly the time adjustment unsupported by market evidence. The Board found that no change to the assessment was warranted.

Board Decisions on the Issue:

The Board confirms the assessment of \$1,700,000.

DATED AT THE CITY OF CALGARY THIS 11 DAY OF August 2010.



J. Noonan
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.*