

**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:	097006308
LOCATION ADDRESS:	6920 36 St SE
HEARING NUMBER:	58636
ASSESSMENT:	\$4,490,000.

This complaint was heard on the 3rd 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. McDermott, I. Powell, Assessors, *The City of Calgary*

Property Description:

The subject is located at 6920 36 St SE, Calgary. It is a 33,480 sq.ft. warehouse with 37% office finish built in 1979 situated on a parcel of 3.38 acres. The assessed value is \$4,490,000.

Issue:

Is the assessed value in excess of market value?

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

The Complainant requested a reduced assessment of \$3,860,000 on the basis of 3 sales comparables that were variously adjusted for sales date, size, site coverage, and year of construction. The average adjusted value of \$99 per sq.ft. was then applied to the subject's total area of 38,980 sq.ft.

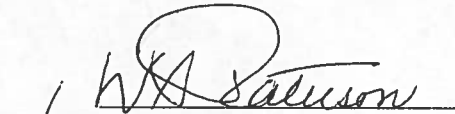
The Respondent's representatives were at a loss to explain why there was no evidence package submitted by the Respondent in this case. In questioning, it was established that the various adjustments employed by the Complainant were not supported by studies or other evidence, but were the Complainant's estimates. It was further noted that two of the sales were post facto, one occurring August 18 and another October 20, 2009.

The CARB found the Complainant's adjustments unsupported by documented evidence. The most substantial adjustment was that for time, which the Complainant appears to have set at a minus 15% rate for all sales in 2008. The City uses .52% per month which is about 6% per year. The CARB would need substantial proof before accepting some other figure than what the City uses. The third sales comparable at 6215A 86 Ave was questioned by the Respondent, not being in the same zone but rather in South Foothills, an area where municipal services are not to the same standard as the subject's zone. Whatever the level of services, the CARB found the October sale well too post facto to accord it significant weight. The other post facto sale, however, occurring August 18, was a good indicator as it was of similar age and building size on a parcel 1 acre smaller. It sold for \$110 per sq. ft., very supportive of the subject's valuation with the benefit of an additional acre.

Board Decisions on the Issues:

The Board confirms the assessment \$4,490,000.

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.*