

**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.P. Acker, PRESIDING OFFICER

T. Usselman, MEMBER

D. Julien, MEMBER

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:	078042603
LOCATION ADDRESS:	2807 Ogden Road S.E.
HEARING NUMBER:	58788
ASSESSMENT:	\$ 2,730,000

This complaint was heard on the 9th day of August, 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:

- *Mr. Troy Howell*

Appeared on behalf of the Respondent:

- *Mr. Don Kozak*

Property Description:

This warehouse property is sited on 1.67 acres of land zoned I-G improved with three structures of 4,000, 3,200, and 3,260 sq ft of leasable space constructed in 1959, 1980 and 1949. Building 1 (4,000 sq ft) has 25% office finish, building 2 (3,200 sq ft) has 10% office finish and building 3 (3,260 sq ft) has no office finish. The three buildings provide a total of 14.4% site coverage.

Issues:

The assessed value is in excess of market value. Two of the buildings should be classified as industrial outbuildings.

Complainant's Requested Value: \$ 748,230

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

The Complainant provided the board photographs of the exterior of the three buildings on the property. He provided three sales comparables, one of which was a portfolio sale and one of which was vacant. These sales were adjusted for time of sale, land size/coverage and year of construction to bring them into similarity with the subject. No evidence or argument was advanced in support of the quantum of these adjustments. After adjustments, the average sale price per square foot was indicated at \$162.

Additionally the complainant provided a detailed property listing at 9516 40 St S.E. with photographs and an assessment record demonstrating that a fairly new sprung structure was assessed as an outbuilding at \$10/sq ft.

Neither of the parties had performed a site inspection on the subject, nor were there any interior photographs submitted into evidence of any of the three structures. The respondent testified that the City of Calgary deems industrial outbuildings to be those that are without services and provide covered unheated storage for industrial purposes. From photographs of the building exteriors introduced by both parties, it appeared that all three buildings had power and chimneys indicating that they were at least capable of being heated and lighted. The complainant, although he had not personally visited the site, testified that he was advised that building 2 had no heat, proper doors, floor or insulation and that building 3 is no longer in use.

The respondent provided 1 sales comparable supporting a time adjusted sale price per square foot of \$251. The subject property was assessed at \$261 per square foot. In addition, the respondent

provided seven equity comparables of which six were single building properties and one had two buildings on site. The rate per square foot assessments ranged from \$253 to \$271 per square foot and the site sizes ranged from .36 ac to 4.0 ac versus the subject 1.67 ac lot. These equity comparables supported the assessment as rendered.


The board considered the testimony of the parties, but found that there was no basis to overcome the photographic evidence that buildings 2 and 3 were supplied with electrical power and had heating and ventilating equipment attached. In the absence of photographic evidence of the building interiors supporting the complainant's allegations regarding the condition and use of the two structures argued to be industrial outbuildings, the board was reluctant to disturb the assessment.

Accordingly, the board confirms the assessment at \$2,730,000.

Board's Decision:

The assessment is confirmed at \$2,730,000.

DATED AT THE CITY OF CALGARY THIS 16 DAY OF August 2010.


for J.P. Acker
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.*