

**CALGARY  
COMPOSITE 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:**

***Stuart Myron, COMPLAINANT***

**and**

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

**before:**

***C. Griffin, PRESIDING OFFICER***

***K. Kelly, MEMBER***

***A. Zindler, 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:

<b>ROLL NUMBER:</b>	<b>201197639</b>
<b>LOCATION ADDRESS:</b>	<b>141 10555 – 48<sup>th</sup> Street SE</b>
<b>HEARING NUMBER:</b>	<b>57157</b>
<b>ASSESSMENT:</b>	<b>\$595,000.</b>

This complaint was heard on 11th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- Mr. Stuart Myron

Appeared on behalf of the Respondent:

- Mr. Ian McDermott

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

There were no procedural or jurisdictional matters

**Property Description:**

The subject property is an industrial warehouse condominium unit that contains a total area of 3,353 Sq. Ft. The property was constructed in 2007 and it is located in the East Lake Industrial Park which in turn is located within that larger industrial area of the City of Calgary referred to as Dufferin Industrial.

**Issues:**

1. The single issue relates to the assessed value of the property which the Complainant contends is over stated and incorrect.

**Complainant's Requested Value:** \$500,000.

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

The Complainant, who was the developer of the subject property, submitted sales evidence to refute the assessed value as determined by the Respondent and these sales included a number of similar condominium units that were sold in an adjacent, but identical, industrial condominium building which was also developed by the Complainant, the most recent of which was scheduled to close the same week as this Hearing date. Additionally, the Complainant introduced sales evidence relating to two units from within the same industrial condominium building as the subject is located. These units were said to be identical to the subject unit and both were sold in the assessment year, specifically on April 29/09 and June 5/09, and they were sold for \$500,000 each. The Complainant noted that the Respondent had utilized sales that were recorded in 2008 but prior to the onset of the economic downturn experienced both locally and beyond and that the market conditions at the time were significantly better than those at the Date of Valuation.


The Assessor noted that most of the Complainant's sales were post-facto, as they occurred well beyond the Valuation Date. The Respondent introduced eight (8) sales of units deemed similar and those sales included the two '09 sales introduced by the Complainant. The Median value of the Respondent's sales was \$597,971 and the Median Assessment to Sales Ratio (ASR) was 1.00 The Respondent argued that the value differentials caused by the economic downturn were accounted for by the time adjustments applied by the Assessor.

Upon review of the evidence the CARB noted that the only two (2) sales that occurred in 2009 were the same two sales introduced by the Complainant, those having sold in April and June of that year. The CARB also noted that these same two sales were the only ones in the Respondents evidence that had an ASR which exceeded 1.00 In one case the ASR was 1.19 and the other was 1.20, both well beyond the acceptable range and both providing an indication as to the inaccuracy of the assessed value of the subject unit.

**Board's Decision:**

The Assessment of the subject property is reduced to \$500,000. The CARB was convinced by the Complainant's argument that the best evidence as to the value of the subject unit is the sale of the two similar units, both of which were recorded very near the Valuation Date requiring little in the way of adjustments.

DATED AT THE CITY OF CALGARY THIS 20<sup>th</sup> DAY OF August, 2010.

  
C. Griffin  
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.*