

**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:**

***OTBC Holdings Inc, COMPLAINANT***

**and**

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

**before:**

***J. Gilmour, PRESIDING OFFICER***

***K. Coolidge, MEMBER***

***E. Reuther, 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: 048530521**

**LOCATION ADDRESS: 52 2333 18 Avenue NE**

**HEARING NUMBER: 56976**

**ASSESSMENT: \$536,500**

This complaint was heard on the 6<sup>th</sup> day of August, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant: G. Worsley  
*Altus Group*

Appeared on behalf of the Respondent: B. Partridge  
*Assessor, The City of Calgary*

**A) Property Description**

The property is an industrial condominium located on 18<sup>th</sup> Avenue in the Northeast of Calgary in the community of South Airways. The building was built in 1997 and contains an office area of 1,428 S.F. and a storage area of 696 S.F. for a total square footage of 2,124 S.F.

**B) Issue**

The only issue raised by the Complainant is the value of the assessment.

**C) Complainant's Requested Value**

\$425,000

**D) Board's Decision in Respect to the Issue**

The Complainant argued that the current assessment equates to \$253 S.F., whereas the requested assessment yields a result of \$200 S.F.

The Complainant took the position before the Board that the best comparable was the sale of the subject property in March 2008 for \$425,000. He stated that since the valuation date of July 1, 2008, the market in the Calgary area has been decreasing by at least 10 percent for 2009.

The Complainant then referred to a decision of Alberta Queen's Bench 697604 *Alberta Ltd. v. The City of Calgary and the Municipal Government Board*, dated 8 June 2005, where the Honourable Madam Justice Acton referred to the case *RE Regional Assessment Commissioner, Region No. 11 v. Nesse Holdings Lt. et al (1984) O.N.T. H.C.J DIV. CT* on page 5 of her decision:

"...It is for that reason that the recent free sale of a subject property is generally accepted as the best means of establishing the market value of the property."

The City relied on two sales and a number of equity comparables in the same building as the subject. The two best equity comparables of the Respondent with similar size of the subject

produced assessments of \$581,102 and \$587,045 which equates to a S.F. rate of \$282 and \$280 respectively. The S.F. rate of the assessed value for the subject property is \$253.

**E) Findings**

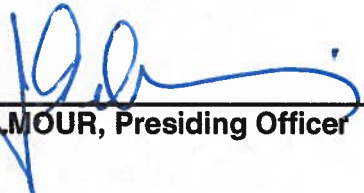
In view of the evidence provided by both parties, the Board find as follows with respect to the issue:

With consideration given to the characteristics of the subject property, the selling price of said property in March 2008 is the best indication of market value, which was reinforced by the Alberta Queen's Bench decision in 2005.

**F) Board's Decision**

The assessment of the subject property is reduced to \$425,000 and the complainant is granted.

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

  
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J. GILMOUR, 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.*