

**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:

Colliers International Realty Advisors, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Myron Chillibeck, Presiding Officer
Robert Kodak, Member
Richard Glen, 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: 097017008

LOCATION ADDRESS: 5404 – 36 ST SE

LEGAL DESCRIPTION: Plan 9210469, Block 1, lot 1

HEARING NUMBER: 57783

ASSESSMENT (2010): \$3,570,000

This complaint was heard by the Composite Assessment Review board on 9th day of August, 2010 at the office of the Assessment Review Board located in Boardroom 4, 4th Floor, 1212 – 31 Avenue NE, Calgary, Alberta.

Appeared on behalf of the Complainant:

- *Michael Uhryn*
- *David Porteous*

Appeared on behalf of the Respondent:

- *Aram Motadi*
- *Ian Baigent*

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

There were no objections to the composition of the Board.

The Complainant raised a preliminary matter; they did not receive the disclosure of evidence from the Respondent. The Respondent acknowledged that they did not send an evidence package to the Complainant. The Board proceeded to hear from the Complainant and allowed the Respondent to question the Complainant.

Property Description:

The subject property is an industrial warehouse located in the Foothills district in south east Calgary occupied by a single tenant. On the subject parcel, at 2.59 acres or 112,820 square feet, is located a building with a footprint and rentable building area at 36,240 square feet with 14% office finish. The building footprint is 36,240 square feet that results in parcel (site) coverage at 32%.

The property assessment is determined using the sales comparison method and is assessed at \$3,570,000. This assessment equates to a rate at \$98.72 per square foot of building area.

The Complainant requests a reduction in the assessment to \$3,110,000 that equates to \$86 per square foot of total building.

Issues:

The Assessment Review Board Complaint form identified a list of 15 reasons for complaint. However, at the outset of the hearing, the Complainant clarified there were only two reasons:

- 1) The comparable sales for the subject in the relevant time frame suggest that the assessed value is in excess of market value.
- 2) The assessment of similar or competing properties suggests that the assessment is inequitable with these and other properties.

Complainant's Requested Value:

\$3,110,000

Board's Decision:

The assessment is reduced to \$3,180,000.

Board's Decision in Respect of Each Matter or Issue:**Issue 1 & 2)**

Complainant provided three equity comparables and four sale comparables from the same market area as the subject and similar in most respects. The median and average assessed rate is at \$88 per square foot of building area and the median and average time adjusted sale price is at \$85 and \$86 per square foot of building area.

The Board is convinced the comparables show that a reduction is warranted and finds the equity comparables are more similar than the sale comparables and decided the assessed rate should be \$88 per square foot of building area.

Accordingly the assessment is reduced to \$3,180,000.

DATED AT THE CITY OF CALGARY THIS 8 DAY OF SEPTEMBER 2010.



for
Myron Chilibeck
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.*