

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaint against the Property/Business assessment as provided by the *Municipal Government Act*, Chapter M-26, Section 460(4).

between:

Sherry Lynn Hagel as represented by Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

L. Wood, PRESIDING OFFICER

I. Zacharopoulos, MEMBER

D. Steele, 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: 049004203

LOCATION ADDRESS: 2612 26 Street NE

HEARING NUMBER: 58608

ASSESSMENT: \$2,150,000

This complaint was heard on 10th 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:

- *Mr. Stephen Cobb*

Appeared on behalf of the Respondent:

- *Mr. Marcus Berzins*

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

At the commencement of the hearing, the parties requested that files #58608 and #58613 be heard together. The Board agreed with their request. Cross referencing of the parties' evidence between the two files may be required.

During the course of the hearing, a discrepancy arose in regards to the square footage for the building. The Complainant stated that the building is 12,330 sq ft as indicated on the Assessment Summary Report found on the City's website (Exhibit C1 page 9). The Respondent submitted that the correct area is 15,791 sq ft and acknowledged that there are errors on the City's website. Applying the corrected area, the Complainant amended his request from \$1,528,920 to \$1,950,000.

Property Description:

The subject property is a single tenant warehouse comprised of 15,791 sq ft of rentable building area, located on a 1 acre site in Sunridge. The building was constructed in 1976 and has a "C" quality rating.

Issues: (as indicated on the complaint form)

- 1) The assessed value is not reflective of the property's market value.
 - (a) Comparable property sales demonstrate lower market value is appropriate for the subject property or \$124/sq ft.

Complainant's Requested Value: \$1,950,000

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

The Board notes that an appendix to the complaint form contained several statements to why the subject property's assessment is incorrect. However the evidence submitted to the Board at the hearing was in regards to direct sales comparison approach.

The assessed value is not reflective of the property's market value.

(a) Comparable property sales demonstrate lower market value is appropriate for the subject property or \$124/sq ft.

The Complainant presented three sales comparables in support of a lower assessment (Exhibit C1 page 20). The Board placed little weight on these sales comparables on the basis that the first sale was an outlier, the second was a non arm's length sale and the third was a post facto sale. The Board finds the sales and equity comparables presented by the Respondent support the subject property's assessment (Exhibit R1 pages 24 & 25).

The Board notes the Complainant's amended calculation based on the corrected square footage also supports the subject property's assessment.

The Board finds that there was insufficient evidence presented by the Complainant to bring the assessment into question.

Board's Decision:

The decision of the Board is to confirm the assessment for the subject property of \$2,150,000 for the 2010 assessment year.

DATED AT THE CITY OF CALGARY THIS 24 DAY OF AUGUST 2010.



Lana J. Wood
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.*