

**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-26.1, Section 460(4).

between:

*Altus Group Ltd., COMPLAINANT*

and

*The City Of Calgary, RESPONDENT*

before:

*T. Helgeson, PRESIDING OFFICER*

*M. Grace, MEMBER*

*I. Fraser, MEMBER*

This is a complaint to the Calgary Assessment Review Board in respect of the Property Assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER: 054013107

LOCATION ADDRESS: 3202 12<sup>th</sup> Avenue N.E.

HEARING NUMBER: 59951

ASSESSMENT: \$6,350,000

This complaint was heard on the 24<sup>th</sup> day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- D. Chabot

Appeared on behalf of the Respondent:

- J. Lepine

**Property Description:**

The subject property consists of a single-tenant industrial warehouse with internal office space on a 4.73 acre site in the Franklin Park area of northeast Calgary. The warehouse was constructed in 1979. The subject property has been assessed at \$6,350,000, or \$114 per square foot

**Issues:**

Does sale price trump mass appraisal in determining the assessed value of real property?

**Complainant's Requested Value:**

The Complainant asked the Board to note that the Respondent uses sales, some of which occurred as far back as 2006, for its industrial sales comparables. These sale prices are then time-adjusted to reflect current market values. The subject property sold in February of 2008 for \$5,540,000, and, based on the same time adjustment used by the Respondent, the current sale price would be \$5,216,590. Based on that, the Complainant requested that the assessed value of the subject property be reduced to \$5,210,000.

**Board's Decision:**

The Board heard the Respondent's vigorous argument in defence of mass appraisal, in sum, that one sale, even if it is that of the subject property, does not reflect typical market value, therefore does not an assessment make. In deciding the matter, the Board found no fault on the part of the Complainant in using the same time adjustment as the Respondent in updating the sale price of the subject property. Furthermore, the Board noted the decision of the Court of Queen's Bench in 697604 Alberta Ltd. v. Calgary (City of), 2005 ABQB 512, where the Court found that where there is sufficient evidence of the actual market value of a property, there is no need to look further. The Board noted that no evidence was brought forward that would suggest that the sale of the subject property was not at arm's length, and in the result, it was the decision of the Board that the assessed value of the subject property be reduced to \$5,210,000.

DATED AT THE CITY OF CALGARY THIS 30 DAY OF September 2010.



*for* T. Helgeson  
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.*