

**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:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

R. Reimer, PRESIDING OFFICER

J. O'Hearn, MEMBER

D. Morice, 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: 119006658

LOCATION ADDRESS: 8615 48 St SE

HEARING NUMBER: 59289

ASSESSMENT: \$5,890,000

This complaint was heard on 24th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *Troy Howell, Assessment Advisory Group, Agent*

Appeared on behalf of the Respondent:

- Ian McDermott & Kelly Gardiner, Assessors

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

There was no objection to the composition of the Composite Assessment Review Board (CARB).

There were no other procedural or jurisdictional matters raised.

Property Description:

The subject property is an office/warehouse located at 8615 48 St SE. The building was constructed in 1981 and has a rentable area of 44,524 sq. ft. on a site which is 4.76 acres, resulting in site coverage of 21.41%. The building has a finished area of approximately 4%.

Issues:

The single issue identified on the Assessment Review Board Complaint Form was the assessment amount.

Complainant's Requested Value:

On the Assessment Review Board Complaint Form, the Complainant requested a value of \$4,350,000. During the hearing, this request was revised to \$4,580,000.

Position of the Parties:

The Complainant's position was that the subject property is assessed too high in comparison to the comparables. The Complainant presented three sale comparables on page 8 of exhibit C1. These three comparables purported to show an average assessed value of \$95/sq. ft., compared to the subject property's assessed value of \$122/sq. ft. One comparable was dated July 13, 2009 and, therefore, was thirteen days post facto.

The Respondent submitted five equity comparables on page 16 of exhibit R2 and four sales comparables on page 15 of the same exhibit. The Respondent's equity comparables were in a value range of \$133 - \$143/sq. ft. The Respondent's sales comparisons showed a time adjusted sale price range of \$117 - \$171/sq. ft.

Board's Decision:

The CARB finds that the Respondent's equity comparables support the assessment. The CARB finds that neither party provided compelling evidence; however, the onus is on the Complainant to prove that the assessment is incorrect. The Complainant has failed to prove this. The assessment is confirmed at \$5,890,000.

DATED AT THE CITY OF CALGARY THIS 31st DAY OF AUGUST 2010.



R. Reimer
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.*