

**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:

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: 137041109

LOCATION ADDRESS: 12126 44 St SE

HEARING NUMBER: 58445

ASSESSMENT: \$5,550,000

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:

- Kelly Gardiner & Ian McDermott, 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 12126 44 St SE. The building was constructed in 2003 and has a rentable area of 32,118 sq. ft on a site which is 3.78 acres, resulting in site coverage of 16.65%. The building has a finished area of approximately 15%.

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 \$4,490,000. During the hearing, this request was revised to \$4,930,000.

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 \$153/sq. ft., compared to the subject property's assessed value of \$172/sq. ft. One of these comparables was post facto in that it was a sale dated August 18, 2009.

The Respondent submitted seven equity comparables on page 22 of exhibit R2 and five sales comparables on page 24 of the same exhibit. The Respondent also submitted an assessment of the Complainant's sales comparables on page 18 & 19 of exhibit R2. The Respondent's equity comparables were in a value range of \$166 - \$182/sq. ft. with the first on the list being very similar to the subject property and having a valuation of \$173/sq. ft., the same as the subject property. The Respondent had highlighted one property in the sales comparisons as being the most similar to the subject property. This property had similar site coverage and rentable area, however it had been constructed in 1983, compared to the subject's 2003 construction date. This building had a time adjusted sale value of \$171/sq. ft.

The Respondent also established that the Complainant's second sales comparable had a second building on the site. The amended notice of assessment, submitted on page 20 of exhibit R2, shows an assessed value of \$10/sq. ft. for this second building; re-calculating the assessment of the primary building results in a valuation of \$175/sq. ft.

Board's Decision:

The CARB finds that the Respondent's comparables support the assessment. The CARB also finds that, by placing little weight on the post facto sale, and re-calculating the second comparable of the Complainant's comparables, the Complainant's evidence indicates an average valuation of \$174/sq. ft., which supports the assessment.

The assessment is confirmed at \$5,550,000.

DATED AT THE CITY OF CALGARY THIS 26th 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.*