

**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: 093148302

LOCATION ADDRESS: 3083 49 Ave SE

HEARING NUMBER: 58429

ASSESSMENT: \$1,530,000

This complaint was heard on 25th 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:

- *Denis Desjardins, Assessor*

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

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

The Respondent's evidence submission had been due on August 10, 2010. The evidence was not received until August 17, 2010. The CARB ruled that the Respondent's evidence was not admissible. The hearing proceeded on the basis that the Complainant could present his evidence, the Respondent could question the Complainant's evidence but not present any of the Respondent's evidence, and both parties would provide closing summaries.

Property Description:

The subject property is a warehouse located at 3083 49 Ave SE. The building was constructed in 1970 and has a rentable area of 7,200 sq. ft. on a site which is .81 acres, resulting in site coverage of 20.33%. The building has a finished area of approximately 12%.

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 \$1,290,000. During the hearing, this request was revised to \$1,440,000. There was a bit of difficulty with the Complainant's calculations on page 8 of exhibit C1. The CARB recessed for fifteen minutes to allow the Complainant to check his calculations. When the hearing resumed, the Complainant again revised his requested assessment to \$1,339,200.

Position of the Parties:

The Complainant provided three sales comparables on page 8 of exhibit C1. He had made adjustments to two of the comparables, both for time of sale and age of building, resulting in a 20% reduction of the value per sq. ft. of these two properties. This resulted in a value range of \$158 - \$202/sq. ft., with an average of \$186/sq. ft. Multiplying 186 x 7,200 sq. ft. resulted in the asking assessment of \$1,339,200.

During questioning by the Respondent, the Complainant acknowledged that they use their own methodology for adjustments, and that methodology is different than that used by the City.

The Respondent, in his summary, stated that the Complainant's adjustments had not been substantiated.

Board's Decision:

The CARB finds that the rationale for the Complainant's adjustments was not explained. However, the Complainant's third comparable, at 3522 80 Ave SE, had no adjustments applied and was a very close match to the subject property. This property had sold on April 3, 2009 for an un-adjusted sale price of \$1,500,000 or \$199/sq. ft. In the absence of evidence from the Respondent, the CARB finds that this is a good indication of market value of the subject property. The assessment is reduced to \$200/sq. ft., for a total assessment of \$1,440,000.

DATED AT THE CITY OF CALGARY THIS 27 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.*