

**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: 094206901

LOCATION ADDRESS: 4770 46 Ave SE

HEARING NUMBER: 58824

ASSESSMENT: \$6,520,000

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 an office/warehouse located at 4770 46 Ave SE. The building was constructed in 2003 and has a rentable area of 58,559 sq. ft. on a site which is 2.78 acres, resulting in site coverage of 48.40%. The building has a finished area of approximately 14%.

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 \$5,500,000. During the hearing, this request was revised to \$5,970,000.

Position of the Parties:

The Complainant provided three sales comparables on page 11 of exhibit C1. These properties had sold between August, 2008 and June, 2009. The Complainant had applied time of sale adjustments to the sale price of between 0% and -5%. He had also applied a building size adjustment of -10% to one property, as well as coverage adjustments of between -15% and -20%. This had resulted in total adjustments of between -20% and -30%. The result was an average value per sq. ft. of \$102/sq. ft. This had been multiplied by 58,559 sq. ft. for a requested assessment of \$5,973,018, rounded to \$5,970,000.

The Complainant acknowledged that adjustments are subjective and that, while some adjustments are inevitable, fewer adjustments are always desirable.

The Respondent, in his summary, stated that the Complainant had not supplied any supporting evidence for his adjustments.

Board's Decision:

The CARB finds that the Complainant's requested value is only supported after adjustments have been made. The CARB finds that the Complainant provided no evidence to support the adjustments. The Complainant has failed to prove that the assessment is incorrect. The assessment is confirmed at \$6,520,000.

DATED AT THE CITY OF CALGARY THIS 30 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.*