

**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

J. Massey, MEMBER

J. Mathias, 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: 200377281

LOCATION ADDRESS: 3440 56th Avenue S.E.

HEARING NUMBER: 56354

ASSESSMENT: \$16,320,000

This complaint was heard on the 3rd day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 5.

Appeared on behalf of the Complainant:

- *Josh Weber*

Appeared on behalf of the Respondent:

- *Don Kozak and Aram Mohtadi*

Property Description:

The subject property is a warehouse with internal office space. Constructed in 1979, the subject has a rentable area of 178,868 square feet, and is situated on a 13.76 acre site in the Foothills Industrial area of southeast Calgary. The subject property has been assessed at \$91 per square foot.

Issues:

Is the assessment of the subject property fair and equitable when compared to assessments of similar properties?

Complainant's Requested Value:

Based on an equity analysis and the subject having 27% site coverage, the Complainant submitted that \$71 to \$78 per square foot would be a reasonable range of values for the subject property and suggested that an assessment at \$76 per square foot would be equitable. At that rate, the assessment for the subject property would be \$13,590,000.

Board's Decision:

In the absence of evidence from the Respondent that \$91 per square foot was a fair and equitable assessment, and in view of the assessments of comparable properties put in evidence by the Complainant, the Board found that an assessment at \$91 per square foot for the subject property was not fair and equitable. The evidence indicated that \$78 per square foot would meet a reasonable standard of fairness and equity, and on that basis, the Board reduced the assessment to \$13,590,000.

DATED AT THE CITY OF CALGARY THIS 2 DAY OF SEPTEMBER 2010.



 **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.*