

**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:

Altus Group Limited, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

F. W. Wesseling, PRESIDING OFFICER

K. Coolidge, MEMBER

R. Deschaine, 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: 054012505

LOCATION ADDRESS: 2916-5th Ave NE

HEARING NUMBER: 56316

ASSESSMENT: \$5,620,000.00

This complaint was heard on 30 day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- D. Chabot

Appeared on behalf of the Respondent:

- J. Lepine

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

N/A

Property Description: The property is located in the Franklin industrial area. The parcel contains 4.59 acres and has a multi bay warehouse comprising of 67,200 sq ft. The warehouse was constructed in 1979 and has high finish percentage of 67%. The assessment averages out at \$90.00 sq ft. The property is classified Industrial General (I-G) district in the City of Calgary Land Use Bylaw.

Issues: Pursuant to Section 460 of the *Municipal Government Act* and Schedule 1 of *Matters Relating to Assessment Complaints Regulation* 310/2009 the complainant has identified the following issues for adjudication by the Board:

1. Assessed value is not reflective of the property's market value.

Complainant's Requested Value: \$5,170,000.00

Board's Decision in Respect of Each Matter or Issue:

Complainant's position: The Board was presented with 3 equity comparables from 2010. These properties have a median sq ft assessment of \$85.00. These properties were all located in NE Calgary. A single sale comparison (2007) was presented which had an adjusted sq ft value of \$77.00. This property is also located in the North East. A small tax exempt portion of the property is not an issue. No additional information was provided.


Respondent's position: In its brief, the City provided four 2010 equity comparables as well as 8 industrial sales comparables. The sales comparables dated from 2006-2008 and were all located in the North East. The City acknowledged that the Complainant's position had some merit.

Board's Decision: Upon reviewing the verbal and written evidence provided by the parties, the Board considers that the Complainant's position had merit and reduced the assessment to \$5,300,000.00.

Reasons: The Board found that both parties brought forward for consideration good information, however, determined that the Complainant's information to be more compelling. The Board utilized a

rate of \$85.00 per sq ft to determine the assessment.

DATED AT THE CITY OF CALGARY THIS 15 DAY OF September 2010.


for **E. W. Wesseling**
Presiding Officer

The Board was presented with the following submissions:

Complainant: C1 Evidence Submission of the Complainant to the Assessment Review Board prepared by Altus Group Limited.

Respondent: R1 Assessment Brief prepared by City of Calgary Assessment Business Unit.

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.*