

REVISED
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: 054006200
LOCATION ADDRESS: 2820 Centre Ave NE
HEARING NUMBER: 59619
ASSESSMENT: \$7,610,000

This complaint was heard on 30th day of August, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

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 Meridian industrial area. The parcel contains 4.29 acres and has 3 multi bay warehouses comprising of 34,891, 16,474 and 14,800 square feet respectively. The warehouses were constructed in 1990. The assessment averages at \$124.00 per square foot. The property is classified Industrial General (I-G) district in the City of Calgary Land Use Bylaw.

Issues: Pursuant to Section 460 of the MGA and Schedule 1 of Alberta Regulation 310/2009 the complainant has identified the following issues for adjudication by the Board:

1. Is the assessed value reflective of the property's market value?

Complainant's Requested Value: \$6,710,000.00

Complainant's position: The Board was presented with 4 equity comparables from 2010. These properties have a median square foot assessment of \$115.00. These properties are all located in NE Calgary. 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 4 2010 equity comparables as well as 9 industrial sales comparables. The sales comparables dated from 2006-2008 and are 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 \$7,110,000.

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 \$115.00 per square foot to determine the assessment.

DATED AT THE CITY OF CALGARY THIS 20 DAY OF September 2010.


for **F.W. Wesseling**
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.*