

**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:

Evergreen Property Management Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, T. Golden
Board Member, P. Charuk
Board Member, K. Coolidge***

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: 093500007
LOCATION ADDRESS: 4806 32 St SE
HEARING NUMBER: 56800
ASSESSMENT: \$551,500.00

This complaint was heard on 10 day of September, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- G Barnes

Appeared on behalf of the Respondent:

- D Desjardins

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

There were no preliminary issues.

Property Description:

The Subject property is a 3089 sq ft bay in an industrial condominium structure constructed in 1981. The structure has a number of occupants and is a single story building

Issues:

- 1) Does the assessment on the property reflect the market value?

Complainant's Requested Value:

\$502,400.00

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

The assessment reflects market value for the property.

In the opinion of the Complainant the market value of industrial condominiums had fallen during the assessment year and that the City assessment did not recognize this drop in value. Exhibit C-2 is a table and calculations based on City data submitted in support of the requested reduction. The table used sales of similar properties in order to demonstrate that in mid 2008 the comparable sales were \$191.00 per sq ft and that by early 2009 sales were reduced to \$179.00 per sq ft. In the opinion of the Complainant this represented a 1.48% reduction per month or 17% between June 2008 and July 2009. The Complainant assumed that if the subject was valued at \$191.00 per sq ft then reduced by the 1.48% per month or 17% the value would be \$157.00 per sq ft. When applied to the subject property it results in the requested \$502,400. Other sales were submitted to the Board to support the reduction in Exhibits C-3 and C-4.

The Respondent presented a table of sales to support the assessment which was the same table used by the Complainant. Sales in the table were chosen because they were from a market area in close proximity to the subject, were of similar size, and the sales occurred in 2008 and 2009. These sales showed values from \$179.00 to \$184.00 per sq ft. In the opinion of the Respondent this


supported the subject assessment of \$178.00 per sq ft.

The Board notes that the Complainant's evidence in C-3 and C-4 are *post facto* sales and not in the same market area or had limited detail to establish similarity of market area. The method of calculating the negative time adjustment is also questionable and supported by few sales. Market evidence presented by the City was more persuasive and the assessment is confirmed.

Board's Decision:

The assessment is confirmed at \$551,500.00

DATED AT THE CITY OF CALGARY THIS 24 DAY OF September 2010.


T. Golden
Presiding Officer

APPENDIX "A"**DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:**

NO.	ITEM
1.	Exhibit C-1 Complainant's Complaint Form
2.	Exhibit C-2 Complainant's Time Adjustment Table
3.	Exhibit C-3 Colliers Sales Transaction Sheet
4.	Exhibit C-4 Sales Transaction Sheet
5.	Exhibit R-1 Assessment Brief

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.*