

**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. Wesseling, PRESIDING OFFICER

J. Rankin, MEMBER

K. Farn, 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: 090088105

LOCATION ADDRESS: 4515 Manhattan Road SE

HEARING NUMBER: 58872

ASSESSMENT: \$3,550,000.00

This complaint was heard on 21 st day of September, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, and Boardroom 8.

Appeared on behalf of the Complainant:

- *D. Mewha*

Appeared on behalf of the Respondent:

- *J. Young*

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

N/A

Property Description: Property is located in the Manchester industrial area and contains a multibay warehouse building. The parcel contains 2.15 acres while the building, constructed in 1966, has 25,700 sq. ft. Site coverage for the site is 27.5 %. The assessment rate per square foot is \$138.00. In the City of Calgary Land Use Bylaw, the property is designated Industrial General (I-G) district.

Issues: The Complainant raised the following matters in Section 4 of the Assessment Complaint form: Assessment amount and Assessment class.

A large number of issues were outlined in Section 5 of the complaint form. Presentations of the Complainant and Respondent were limited to the following issues raised by the Complainant:

- Assessment overstated in relation to comparable properties.
- Income approach indicates assessment is overstated.
- Sales approach indicates assessment is overstated.

Complainant's Requested Value: \$2,750,000.00

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

Complainant's position: The Board was presented with 9 equity comparables from 2010. These properties have a median square foot assessment of \$122.00. These properties were all located in SE Calgary. In addition, sales comparison data was provided which provide a square foot value of \$119.00. Supporting lease comparables were presented to the Board for consideration.

Respondent's position: In its brief, the City provided seven 2010 equity comparables as well as 6 industrial sales comparables. The sales comparables dated from 2007-2008 and were all located in the South East. The equity comparison showed an average per square foot rate of \$145.00 while the industrial sales comparables showed a range of \$117.00-\$130.00 per square foot. 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 \$3,210,000.00.

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 \$125.00 per square foot to determine the assessment.

DATED AT THE CITY OF CALGARY THIS 28 DAY OF September 2010.



F. 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.*