

**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: 091000109

LOCATION ADDRESS: 3816 7th Street SE

HEARING NUMBER: 58875

ASSESSMENT: \$3,100,000.00

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 Highfield industrial area and contains a multibay warehouse building. The parcel contains 1.91 acres while the building, constructed in 1960, has 26,960 sq. ft. Site coverage for the site is 31.71%. The assessment rate per square foot is \$115.00. 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: \$2,700,000.00

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

Complainant's position: The Board was presented with sales, equity and rental data. This data indicated that a lower per square footage rate is warranted according to the Complainant. In particular, the equity comparables indicate a median square footage rate of \$100.00. Additional industrial assessment data had been submitted however not referenced in the presentation.

Respondent's position: In its brief, the City provided four 2010 equity comparables as well as 3 industrial sales comparables. The sales comparables dated from 2007-2008 and were all located in the South East. The equity comparison showed a median per sq. ft. rate of \$117.00 while the industrial sales comparables showed a median of \$119.00 per sq. ft.

Board's Decision: Upon reviewing the verbal and written evidence provided by the parties, the Board considers that the Complainant failed to demonstrate that the assessment was inequitable. The Board confirms the assessment at \$3,100,000.00.

Reasons: The Board determined that the equity and sales comparables presented by the Respondent support the 2010 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.
C2 – Altus Group 2010 Industrial Argument.

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.*