

**CITY OF CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of a complaint filed with the City of Calgary Assessment Review Board pursuant to Part 11 of the *Municipal Government Act*, Chapter M-26, Revised Statutes of Alberta 2000 (the Act).

Between:

COLLIERS INTERNATIONAL REALTY ADVISORS INC., Complainant

and

THE CITY OF CALGARY, Respondent

Before:

J. KRYSA, Presiding Officer

R. ROY, Member

I. FRASER, Member

A hearing was convened on October 6, 2010 in Boardroom 5 at the office of the Assessment Review Board, located at 1212 - 31 Avenue NE, Calgary, Alberta in respect of the property assessment prepared by the assessor of the City of Calgary, and entered in the 2010 Assessment Roll as follows:

ROLL NUMBER:	201464849
LOCATION ADDRESS:	1825 30th Avenue NE
HEARING NUMBER:	58688
ASSESSMENT:	\$8,050,000

PART A: BACKGROUND AND DESCRIPTION OF PROPERTY UNDER COMPLAINT

The subject property is a 170,506 square foot (3.91 acre) parcel of land, improved with two single-tenant industrial warehouses as set out below, containing a total of 82,656 sq.ft. with an effective building to land ratio of 43.8%. The total assessment equates to \$97.39 per square foot of building area.

Bldg No.	Year Built	Footprint Sq.Ft.	Rentable Area Sq.Ft.	Finish %	Assessed Rate
1	1981	45,085	53,580	11%	\$ 88.00
2	1995	26,496	29,076	18%	\$114.50

PART B: PROCEDURAL or JURISDICTIONAL MATTERS

There were no procedural or jurisdictional matters raised by the parties during the course of the hearing.

PART C: MATTERS / ISSUES

In section 4 of the complaint form, the Complainant identified matters 1 through 7 apply to this complaint. At the hearing, matters 1, 2, 4, 5, 6, and 7 were withdrawn, and only matter 3, an assessment amount was addressed.

The Complainant set out 16 grounds for complaint in section 5 of the complaint form, with a requested total assessment of \$2,010,000, however at the hearing only the following issue(s) were stated to be in dispute:

Issue 1: Market value

Issue 2: Equity

The Complainant requests an assessment of \$7,290,000, which equates to \$88.20 per square foot of building area [C1, p.11].

Issue 1: Market value

The Complainant submitted a summary of six, time adjusted NE industrial sales that represented a size range of 28,670 to 62,660 sq.ft., exhibiting a range of time adjusted sale prices from \$77.39 to \$119.00 per sq.ft., and average and median time adjusted sale prices of \$101.60 and \$101.69, respectively. The summary also set out the assessments of the properties, ranging from \$78.88 to \$100.45 per sq.ft., with average and median assessments of \$90.56 and \$91.13 per sq.ft., respectively [C1, p.9].

The Respondent stated that the direct sales comparison approach was used in the preparation of the assessments, and submitted that the Complainant's six comparable sales support of the assessment of the subject at \$97.39 per sq.ft. [R1, pp.13-14].

Decision – Issue 1

The Board finds that there was insufficient evidence to convince the Board that there is merit to the complaint.

The Complainant's six comparable sales, exhibiting a median time adjusted sale price of \$101.69 per sq.ft. support the assessment of the subject property at \$97.39 per sq.ft., notwithstanding that the comparables exhibit a median age of 1977 in contrast to the subject's years of construction of 1981 and 1995.

Issue 2: Equity

The Complainant argued that the subject is inequitably assessed in relation to similar properties; however, there was little evidence or argument with respect to assessment equity presented by the Complainant.

Decision – Issue 2

The Board finds that there is insufficient evidence to demonstrate that the assessment of the subject property is inequitable in relation to the assessments of similar properties.

The Complainant's comparable sales evidence also set out the range of property assessments from \$78.88 to \$100.45 per sq.ft., with average and median assessments of \$90.56 and \$91.13 per sq.ft. respectively, however as the properties are dissimilar to the subject property, due to the year of construction as previously set out, the Board finds that the subject's higher assessment is appropriate.

FINAL DECISION

The property assessment is confirmed at \$8,050,000.

Dated at the City of Calgary in the Province of Alberta, this 8 day of November, 2010.



J. Krysa
Presiding Officer

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

NO.	ITEM
1.	Exhibit C1 Evidence Submission - Complainant
2.	Exhibit R1 Evidence Submission - Respondent

APPENDIX "B"**ORAL REPRESENTATIONS**

PERSON APPEARING	CAPACITY
1. M. Uhryn	Representative of the Complainant
2. K. Buckry	Representative of the Respondent

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.*