

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaints against the Property assessments as provided by the *Municipal Government Act*, Chapter M-26, Section 460(4).

between:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

L. Wood, PRESIDING OFFICER

E. Reuther, MEMBER

B. Jerchel, MEMBER

These are complaints to the Calgary Assessment Review Board in respect of Property assessments prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

ROLL NUMBERS:	200916716 094220506 094220605
LOCATION ADDRESSES:	5500 22 STREET SE 4447 46 AVENUE SE 4750 43 STREET SE
HEARING NUMBERS:	59117 59428 59429
ASSESSMENTS:	\$40,570,000 \$ 9,590,000 \$ 9,540,000

These complaints were heard on 21st day of September, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- Mr. J. Weber

Appeared on behalf of the Respondent:

- Mr. M. Berzins

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

The parties had requested a recess to discuss several complaints that were scheduled on September 21- 23, 2010, including these complaints. The Board granted their request and the hearing commenced at 1:00 pm.

At the commencement of the hearing, the parties had requested that file numbers #59117, #59428 and #59429 should be heard together as the evidence and argument was similar for the three complaints. The Board agreed with the parties' request.

Property Description:

The subject properties are comprised of large industrial warehouses over 100,000 sq ft. The first property, located at 5500 22 Street SE, is comprised of two single tenant warehouses that have a rentable building area of 267,355 sq ft. and 136,736 sq ft. The two buildings were built in 2005 and 2007, respectively, and are located on a 26.69 acre site in Valleyfield. The site coverage ratio is 34.36% and the land is zoned I-G, Industrial General.

The second property, located at 4447 46 Avenue SE, consists of one single tenant warehouse that has a rentable building area of 100,212 sq ft. It was built in 2000. It is located on a 4.39 acre site in Valleyfield and has a site coverage ratio of 52.37%. The land is zoned I-G, Industrial General.

The third property, located at 4750 43 Street SE, consists of one single tenant warehouse that has a rentable building area of 100,215 sq ft. It was built in 2000. It is located on a 4.24 acre site in Valleyfield and has a site coverage ratio of 54.25%. The land is zoned I-G, Industrial General.

Issue: (as indicated on the complaint form)

1. The aggregate assessment per square foot applied is inequitable with other assessments and should be lower.

Complainant's Requested Values: \$29,430,000 (5500 22 Street SE)
\$ 7,290,000 (4447 46 Avenue SE)
\$ 7,290,000 (4750 43 Street SE)

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

The Board notes that there were several statements on the appendix to the complaint form; however, it will only address those issues that were raised at the hearing.

1. **The aggregate assessment per square foot applied is inequitable with other assessments and should be lower.**

The Complainant submitted three equity comparables that averaged \$81.36 psf (Exhibit C1 page 74). The Respondent conceded that the Complainant presented better equity comparables in this instance.

At the hearing, the Complainant requested that the assessments for the subject properties, one of which is assessed at \$100 psf and two are each assessed at \$95 psf, be reduced by \$10 psf.

Based on the equity comparables, the Complainant requested an adjustment of \$1 psf per year to account for the difference in age between the subject properties and the comparables. This resulted in an assessed rate of \$85 psf for each of the properties. The Complainant further requested a \$5 psf adjustment to account for the difference in site coverage between the property located at 5500 22 Street SE and the comparables, resulting in an assessed rate of \$90 psf.

The parties were in agreement regarding these calculations.

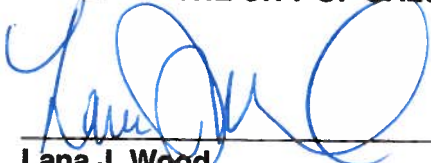
The Board grants the Complainant's request to reduce the assessments for the three properties.

Board's Decision:

The decision of the Board is to reduce the 2010 assessments for the following properties:

- The property located at 5500 22 Street SE is reduced from \$40,570,000 to \$36,360,000;
- The property located at 4447 46 Avenue SE is reduced from \$9,590,000 to \$8,510,000; and
- The property located at 4750 43 Street SE is reduced from \$9,540,000 to \$8,510,000.

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



Lana J. Wood
Presiding Officer

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

NO.	ITEM
Exhibit C1	Evidence Submission of the Complainant
Exhibit C2	Altus Binder
Exhibit R1	City of Calgary's 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.*