

**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:	093162907 093163004
LOCATION ADDRESSES:	2634 45 AVENUE SE 2760 45 AVENUE SE
HEARING NUMBERS:	59700 59703
ASSESSMENTS:	\$14,670,000 \$18,070,000

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 **#59700** and **#59703** should be heard together as the evidence and argument was similar for the two complaints. The Board agreed with the parties' request.

Property Description:

The subject properties are two multi building sites located in Valleyfield. The first property, located at 2634 45 Avenue SE, is comprised of two multi tenant warehouses that have a rentable building area of 67,354 sq ft and 84,194 sq ft., respectively. The two buildings, built in 1998, are located on a 6.93 acre site and have a site coverage ratio of 50.19%. The land is zoned I-G, Industrial General.

The second property, located at 2760 45 Avenue SE, is comprised of two large multi tenant warehouses that have the same rentable building area of 98,847 sq ft. The two buildings, built in 1999, are located on an 8.37 acre parcel and have a site coverage ratio of 54.19%. 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 the assessments of other similar and competing properties and should be \$60 psf.

Complainant's Requested Values: \$12,880,000 (2634 45 Avenue SE)
\$15,810,000 (2760 45 Avenue 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 the assessments of other similar and competing properties and should be \$60 psf.

The Complainant advised the Board that the equity comparables that he submitted are not comparable to the subject properties based on building areas and locations (Exhibit C1 page 13). He conceded that the Respondent's sales and equity comparables are more similar to the subject properties and therefore the assessments should be confirmed (Exhibit R1 pages 18, 31 & 32).

The Respondent was in agreement with the Complainant's request.

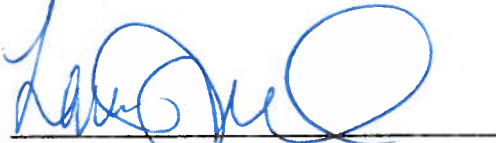
The Board grants the Complainant's request to confirm the current assessments for the two properties.

Board's Decision:

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

- The property located at 2634 45 Avenue SE is confirmed at \$14,670,000; and
- The property located at 2760 45 Avenue SE is confirmed at \$18,070,000.

DATED AT THE CITY OF CALGARY THIS 19 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.*