

**CALGARY
COMPOSITE 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 Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

Steven C. Kashuba, PRESIDING OFFICER

P. Grace, MEMBER

J. Massey, 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: 032030603

LOCATION ADDRESS: 3700 – 19 Street NE

HEARING NUMBER: 59348

ASSESSMENT: \$2,640,000

This complaint was heard on 25th day of October, 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:

- *D. Chabot*

Appeared on behalf of the Respondent:

- *M. Berzins*

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

There were no procedural or jurisdictional matters raised.

Property Description:

The subject property, located at 3700 – 19 Street NE, is an industrial warehouse situated in the North Airways Subdivision. The single-storey building was constructed in 1977 on 1.65 acres of land, has a site coverage of 25.73%, is multi-tenant, and has a finish of 44%. The current assessment is set at \$2,640,000.

Issues:

1. The sales price of the subject property does not support the assessment amount.

Complainant's Requested Value: \$2,250,000

Complainant's Position as Regards Sales Comparables:

In support of their request for a reduction in the assessment amount, the Complainant submitted the particulars of the sale of the subject property which occurred on July 30, 2007 (C-1, page 13). The selling price was \$2,400,000 and, when adjusted to a value as at the valuation date of July 1, 2009 translates to a time-adjusted selling price of \$2,259,895. In further support of this request, the Complainant presented a list of sales of Improved Industrial Properties which were used by the City in determining assessments of industrial warehouses (C-1, page 16). Of note was the inclusion of the sale of the subject property at a value of \$2,400,000 and then adjusted by the City to a value of \$2,259,895. In the view of the Complainant, it is upon this basis that the assessment value should be set at \$2,250,000.

Respondent's Position as Regards Sales Comparables:

The Respondent presented five sales comparables in support of the assessment (R-1, page 19). The median of these sales is \$127 per square foot while the subject property is assessed at \$129.35 per square foot. However, one of the five sales is the sale of the subject property which is listed as having been sold for a value of \$95 per square foot.

Findings and Decision of Board as Regards Sales Comparables:

The Board finds in favour of the Complainant and accepts their argument that the best indication of market value is a recent sale of the subject property. In this particular case the Respondent did use the sale of the subject property in their mass appraisal formula as well as in their listing of sales comparables. Since the time-adjusted sales price of the subject is \$2,259,895, the Board accepts that this is the best indicator of the market value of the subject property.

Board's Decision:

It is the decision of the Board to reduce the assessment of the subject property for 2010 from \$2,640,000 to \$2,250,000.

Reasons:

In determining the market value of the subject property, the Board places considerable weight upon the sales value of the subject property. For this reason, the Board concludes that a fair and correct assessment of the subject property is the recent sale of the subject property.

DATED AT THE CITY OF CALGARY THIS 3 DAY OF November 2010.


Steven C. Kashuba
Presiding Officer

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.*