

**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-26.1, Section 460(4).

**between:**

**Altus Group Ltd., *COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

J. Noonan, ***PRESIDING OFFICER***

J. O'Hearn, ***MEMBER***

K. Coolidge, ***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:

<b>ROLL NUMBER:</b>	<b>047044003</b>
<b>LOCATION ADDRESS:</b>	<b>3110 12 St NE</b>
<b>HEARING NUMBER:</b>	<b>59767</b>
<b>ASSESSMENT:</b>	<b>\$4,220,000</b>

This complaint was heard on the 18<sup>th</sup> day of October, 2010 at the office of the Assessment Review Board located at the 4<sup>th</sup> Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 2.

Appeared on behalf of the Complainant:

- D. Chabot, Sr. Tax Advisor - Altus Group Ltd.

Appeared on behalf of the Respondent:

- S. Powell, A. Doborski, Assessors - *The City of Calgary*

**Property Description:**

The subject is located at 3110 12 St NE, Calgary. It is an improved 2.2 acre industrial property in the South Airways area. The assessed value is \$4,220,000.

**Issue:**

From a lengthy list of grounds for complaint identified on the complaint form, evidence and argument at the hearing addressed the following:

Should the assessment be reduced to the sale price of the subject?

**Board's Findings in Respect of Each Matter or Issue:**

The subject property and 4 others sold as a portfolio September 30, 2008. A sworn affidavit filed with the title transfer valued the subject at \$3,843,942 and the entire portfolio at \$31,240,680. The Complainant notes that the time-adjusted sales prices (TASP) of all 5 of these properties are employed in the City's industrial sales model, and showed the subject had been advanced elsewhere by the Respondent as a sales comparable in defence of another assessment. The Complainant requested the assessment be reduced to the subject's TASP of \$3,674,000.

The Respondent submitted 3 similar NE industrial sales showing a median price of \$119 per sq.ft. as compared to the subject's assessed value of \$118.77 and argued that a single market indicator, the sale of the subject, was not to be used in assessment. However, if the sale were to be used, a time-adjustment should not be applied as it was a product of the mass appraisal analysis, and thus inappropriate for application to a single sale.

The Composite Assessment Review Board (CARB) had some misgivings about the breakdown of attributed values to the component parts of the portfolio sale. In particular, one property was valued at a very round \$3,700,000 and the others at highly precise-to-the-last-dollar amounts. Nevertheless, the Respondent did not challenge these amounts, and had in fact utilized these precise amounts in the mass appraisal process and in at least one defence of another assessment. The CARB places great weight on the recent sale of the subject in checking its assessed value, and finds it appropriate to apply a time adjustment to account for increasing or decreasing market factors since that sale, similar to the treatment of other sales.

**Board Decisions on the Issues:**

The Board reduces the assessment to \$3,670,000.

DATED AT THE CITY OF CALGARY THIS 28 DAY OF October 2010.



J. Noonan  
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.*