

**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: 032044604

LOCATION ADDRESS: 3651 – 19 Street NE

HEARING NUMBER: 59358

ASSESSMENT: \$4,350,000

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 presented.

Property Description:

The subject property, located at 3651 – 19 Street NE, is a multi-tenant single storey industrial warehouse. Constructed in 1977, the warehouse sits on 2.94 acres of land, has a site coverage of 39.93%, a rentable area of 51,200 square feet, and is assessed at a value of \$85 per square foot for a total assessment of \$4,350,000.

Issues:

1. Sales comparables do not support the assessment, and
2. Equity comparables do not support the assessment.

Complainant's Requested Value: \$4,040,000

Complainant's Position as Regards Sales Comparables:

In support of their request for a reduced assessment the Complainant presented one sales comparable (C-1, pages 11 - 12). This sale occurred at 1411 – 33 Street NE at a value of \$82 per square foot (time-adjusted to \$77.24 per square foot) while the subject property is assessed at \$85 per square foot.

Respondent's Position as Regards Sales Comparables:

The Respondent presented three sales comparables to support the assessment (R-1, page 20). The site coverage of these sales range from 26.49% to 45.17% while the subject has a site coverage of 39.93%. As for the finish, the comparable sales range from 11% to 43% while the subject has a finish of 15%. The time-adjusted median sales price is \$101 per square foot while the assessment is \$85 per square foot.

Findings and Board Decision as Regards Sales Comparables:

Insofar as sales comparables are concerned, the Board finds in favour of the Respondent. In particular, the Board finds that the Respondent's sale #2 (R-1, page 20) is reflective of the characteristics of the subject property and does support the assessment.

The Board places less weight upon the one sales comparable presented by the Complainant in that this sale occurred in 2007 as opposed to the three sales comparables presented by the Respondent which occurred in 2008.

Complainant's Position as Regards Equity Comparables:

The Complainant presented five equity comparables (C-1, page 10) from the same quadrant of the City as the subject property. The median of these equity comparables is \$79.54 per square foot while the subject is assessed at \$85 per square foot.

In further support of their request for a reduction in the assessment amount, the Complainant presented four recent CARB decisions (C-1, pages 15 – 35).

Respondent's Position as Regards Equity Comparables:

In support of the current assessment, the Respondent presented six equity comparables (R-1, page 18) which, in their view, exhibit similar characteristics to that of the subject property in terms of lot size, year of construction, building type, rentable area, and finish.

Findings and Board Decision as Regards Equity Comparables:

The Board finds in favour of the Respondent in that the equity comparables, taken from the same quadrant of the City as the subject property, support the rate per square foot used by the City in arriving at the assessment.

Board's Decision:

It is the decision of the Board to confirm the assessment of the subject property for 2010 at \$4,350,000.

Reasons:

The Board finds that the Respondent, through their presentation of three sales comparables, one of which exhibits characteristics similar to that of the subject property, has supported the current assessment. In contrast, the Board places little weight upon one sales comparable presented by the Complainant which occurred in 2007. Further to this, the Board is persuaded by the equity comparables presented by the Respondent while at the same time noting that the equity comparables presented by the Complainant, when considered in terms of assessment per square foot, are reasonably close to the assessment value per square foot of the subject property. As a result, the Board concludes that the current assessment is fair and correct and should not be disturbed.

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.*