

**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, Section 460(4).

**between:**

***Colliers International Realty Advisors, COMPLAINANT***

**and**

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

**before:**

***T. Helgeson, PRESIDING OFFICER***

***J. Joseph, MEMBER***

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

This is a complaint to the Calgary Assessment Review Board in respect of the Property assessment prepared by the Assessor of The City of Calgary and entered in the 2010 Assessment Roll as follows:

**ROLL NUMBER: 091098608**

**LOCATION ADDRESS: 4015 8<sup>th</sup> Street S.E.**

**HEARING NUMBER: 58683**

**ASSESSMENT: \$5,520,000**

This complaint was heard on the 27<sup>th</sup> day of October, 2010 at the office of the Assessment Review Board located at 4<sup>th</sup> Floor, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *M. Uhryn*

Appeared on behalf of the Respondent:

- *T. Luchak*

**Property Description:**

The subject property consists of a "C" quality single-tenant industrial warehouse, constructed in 1958, situated on a 3.21 acre site in the Central area of southeast Calgary. Building finish is 28%. The land use designation is I-G ("Industrial General"). Site coverage is 25.12%, rentable building area 41,149 square feet, and the assessment is \$5,520,000, or \$134 per square foot of building area.

**Admissibility Issue:**

Is the rebuttal evidence of the Complainant admissible?

**The panel's decision on the admissibility issue:**

After the submission of the Respondent was heard, the Complainant attempted to introduce a document in rebuttal. The Respondent objected on the ground that the document had not been disclosed. The Respondent produced a record that indicated the rebuttal had not been received at the City assessor's office, and in the absence of substantive evidence to the contrary, the panel concluded that the rebuttal had indeed not been disclosed, and was therefore inadmissible. In the panel's view, the non-disclosure of the rebuttal was due to nothing more than administrative error on the part of the Complainant.

**Assessment Issue:**

Is the assessment of the subject property fair and equitable compared to similar properties?

**Complainant's Requested Value:**

The Complainant submitted seven time-adjusted sales comparables, all with "C" class buildings, and all in the same general area as the subject property. Based on these comparables, which showed a range of values from \$87.78 to 119.63 per square foot, the Complainant's requested assessment was \$4,320,000, or \$105 per square foot of building area.

**The Assessor's Response:**

In support of the assessment, the Assessor submitted three sales comparables, all with single-tenant industrial warehouses with time-adjusted sale prices from \$117 to \$129 per square foot, for a median value of \$120. Also put in evidence were six equity comparables, all in the Central area, all designated "I-G", with parcel sizes from 2.88 acres to 6.95 acres, all with IW S buildings, and site

coverage of 17% to 28%, and rentable building areas from 30,725 to 52,040 square feet. Building construction dates for these properties were from 1952 to 1967, and the assessments ranged from \$126 to \$155 per square foot of building area.

**The Panel's Decision:**

Upon reviewing the Respondent's equity comparables, the panel found that parcel size, site coverage, years buildings were constructed, and, with two exceptions, percent of finish, were all within a reasonable range of those of the subject property. The Assessments of the Respondent's comparables averaged \$138 per square foot.

The Complainant offered no equity comparables, but did provide sales comparables. Of the Complainant's sales comparables, two, at 1603 24<sup>th</sup> Avenue S.E. and 5855 9<sup>th</sup> Avenue S.E., were discounted due to contamination and topographic concerns respectively, as identified in recent decisions of the Composite Assessment Review Board. That left five sales comparables, all with a substantially higher range of site coverage than the subject, i.e., from 38% to 58%, compared with 25% for the subject. Furthermore, with one exception, parcel sizes of the Complainant's remaining sales comparables were all considerably smaller than the size of the subject property.

The Respondent also provided sales comparables, three in number, but the panel found them no more persuasive than the Complainant's. In the result, the Respondent's strong equity comparables persuaded the panel that the assessment of the subject property was fair and equitable, and accordingly, the assessment was confirmed at \$5,520,000.

DATED AT THE CITY OF CALGARY THIS 9<sup>th</sup> DAY OF NOVEMBER 2010.



**T. Helgeson**  
**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.*