

**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:

Assessment Advisory Group, COMPLAINANT

And

The City Of Calgary, RESPONDENT

Before:

D. Sanduga, PRESIDING OFFICER

Y. Nesry, 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:	091000406
LOCATION ADDRESS:	3815 – 9 ST SE
HEARING NUMBER:	58529
ASSESSMENT:	\$2,350,000

This complaint was heard on 8th day of November, 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:

- *T. Howell*

Appeared on behalf of the Respondent:

- *R. Luchak*

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

Upon questioning by the Presiding Officer, the parties present indicated no objection to the composition of the Board. In addition, the Board members indicated no bias with respect to this file.

Property Description:

The subject is a single tenant warehouse complex consisting of 16,417 square feet of rentable building area constructed in 1962 on a 43,674 sq. ft. land area.

Issues:

The assessed value is not reflective of the property's market value.

Complainant's Requested Value: \$2,130,000

Board's Decision in Respect of Each Matter or Issue:

The Board finds the comparables as supplied by the Complainant after adjustment would indicate that the subject property is over assessed.

The Board accepted the adjustment as indicated by the Complainant (C1, page 9) which reflected a price of \$130 per sq. ft. for the comparables.

The Respondent presented sales comparables that on the surface support the assessment, (R1 page 18) but the Respondent failed to apply adjustments or to provide support. The adjustments applied were not supported by evidence, therefore, the Board places less weight on the Respondent's sales comparables.

The Board considered the following two sales comparables provided by the Complainant, they are best reflecting the attributes of the subject; sale number 1, located at 5678 Burleigh Crescent SE and sale number 2 located at 4301- 9 ST SE. The Board decided to apply \$130 per sq. ft. to the gross area of the subject property, which equates to:
 $16,417 \text{ sq. ft.} \times \$130 \text{ per sq. ft.} = \$2,134,210.$

Board's Decision:

The decision of the Board is to reduce the 2010 assessment from \$2,356,040 to \$2,130,000.

DATED AT THE CITY OF CALGARY THIS 24 DAY OF NOVEMBER 2010.



Dean Sanduga
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.*