

**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:

Assessment Advisory Group, COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Helgeson, PRESIDING OFFICER

J. O'Hearn, MEMBER

J. Joseph, 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: 034186809

LOCATION ADDRESS: 3916 3A Street N.E.

HEARING NUMBER: 58406

ASSESSMENT: \$1,290,000

This complaint was heard on the 29th day of October, 2010 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *T. Howell*

Appeared on behalf of the Respondent:

- *M. Berzins*

Property Description:

The subject property consists of a multi-bay warehouse on 0.35 acres of land in the Greenview Industrial Park of northeast Calgary. The warehouse was constructed in 1976, has a net rentable area of 8,240 square feet, 16% office finish, and site coverage of 54%. The subject property has been assessed at \$1,290,000, or \$157 per square foot of net rentable building area.

Issues:

Is the assessment of the subject property correct, and fair and equitable.

Complainant's Requested Value:

The adjusted sales comparables put in evidence before the panel suggest a per square foot building value of \$125, indicating that the value of the subject property as assessed, is too high. Based on \$125 per square foot, the assessment should be \$1,030,000. Two sales comparables in the Greenview industrial area, 236 40th Avenue N.E. and 344 40th Avenue N.E., show adjusted sale values of \$151 and \$58 per square foot, respectively. 1936 27th Avenue N.E., a comparable in the South Airways area, shows an adjusted sale value of \$134, and another comparable, at 135 Skyline Crescent N.E., has an adjusted sale value of \$160. The subject property is over-assessed. the assessment should be reduced to \$1,030,000, based on a per square foot value of \$125.

Assessor's Response:

The building on the subject property does have a second floor, but it's not developed, hence was not assessed. There is no substantive evidence to support the four adjustments made to the Complainant's comparables, i.e., for date of sale, building size, site coverage, and year of construction. They are arbitrary adjustments. In its decision in ARB 0530/2010-P, a Composite Assessment Review Board panel found that similar adjustments relied on by the Complainant in that case were not supported by the evidence. In any event, two of the Complainant's sales comparables, i.e., 135 Skyline Crescent N.E. and 236 40th Avenue N.E. are the same properties I submitted as comparables in support of the assessment, and both, even with the Complainant's arbitrary adjustments, support the assessment of the subject property.

The Panel's Decision:

In the opinion of the panel, no adjustment to the assessment is warranted. Both the sales and equity comparables of the Respondent support the assessment, as do two of the Complainant's adjusted sales comparables. Of the Complainant's other two sales comparables, one, at 344 40th Avenue N.E., with an unadjusted sale value of \$53 per square foot, can only be regarded as an anomaly, or

"outlier". That leaves the Complainant's remaining comparable, at 1936 27th Avenue N.E. With a parcel size nearly twice that of the subject; it can hardly be called comparable. In the result, the panel finds that the Complainant's evidence fails to support an adjustment to the assessed value of the subject property, and accordingly, the assessment is confirmed at \$1,290,000.

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



for 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.*