

**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:

Altus Group Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

L. Wood, PRESIDING OFFICER

I. Zacharopoulos, 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: 078066420

LOCATION ADDRESS: 3414 9 STREET SE

HEARING NUMBER: 59930

ASSESSMENT: \$2,710,000

This complaint was heard on 4th day of October, 2010 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- Mr. R. Worthington

Appeared on behalf of the Respondent:

- Mr. R. Luchak

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

This preliminary matter affects the following file numbers that were originally scheduled on August 11, 2010: **#59924**, **#59926** and **#59930**. During the course of the hearing for file **#59926**, an issue arose regarding the Complainant's equity comparables which he obtained from the City's website and a chart incorporating those same comparables in the Respondent's evidence (Exhibit C1 page 40; Exhibit R1 page 26). There were discrepancies in the final assessment values.

The Complainant requested a postponement to allow the assessor an opportunity to review the assessment records because to proceed would prejudice his case. The Respondent agreed to the postponement in order to clarify the discrepancies. The Board granted the postponement on the basis of fairness and set the matter down for October 4, 2010. The Board also advised the parties that there would be no further exchange of evidence except in regards to the equity comparables. The Board indicated it was seized with the matter.

On October 4, 2010, the hearing resumed with one of the Board members absent from the panel. The parties agreed to the remaining two members hearing and deciding the complaint. At the commencement of the hearing, the Complainant submitted that the difference between the parties' equity comparables was a result of the City's website not reflecting the reductions for contamination in the assessments. The Respondent agreed. As a result, the Complainant's equity comparables were discredited and he proceeded on the basis that the income approach is the best method to value the subject property.

Property Description:

The subject property is a multi tenant warehouse, comprised of 24,280 sq ft of rentable building area, located on a 1.31 acre site in Highfield Industrial. The warehouse was built in 1964. The land use designation is I-G, Industrial General. The site coverage ratio is 42.44%.

Issues: (as indicated on the complaint form)

1. The characteristics & physical condition of the subject property support the use of the income approach utilizing typical market factors for rent, vacancy, management, non-recoverables and cap rates; indicating an assessment market value of \$86 psf.

Complainant's Requested Value: \$2,080,000

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

The Board notes that there were several statements on the appendix to the complaint form; however, it will only address those issues that were raised at the hearing. The values, as indicated on the complaint form, may have changed at the time of hearing.

- 1. The characteristics & physical condition of the subject property support the use of the income approach utilizing typical market factors for rent, vacancy, management, non-recoverables and cap rates; indicating an assessment market value of \$86 psf.**

The Complainant submitted that the income approach is the preferred method of valuation for the subject property as the City failed to capture the fall of the market in the 2010 assessments. He stated the subject property would have to achieve a rental rate of \$9.40 psf with an 8% capitalization rate and 5% vacancy rate in order to be assessed at \$2,710,000 (Exhibit C1 page 23).

He indicated that the subject property is generating rental rates of \$6.50- \$9.25 psf based on the rent roll dated December 2009 (Exhibit C1 page 24). The first tenant leases 6,060 sq ft for \$9.25 psf and that lease commenced in January 2008 (expires September 2012). The second tenant leases 6,080 sq ft for \$6.00 psf and that lease commenced in April 2000 (expired in March 2010). The second tenant vacated the premises in March 2010. The third tenant leases an area of 11,846 sq ft for \$6.50 psf and that lease commenced in June 2010 (expires May 2015). It is based on these lease rates that the Complainant is requesting a reduction in assessment to \$2,240,000 (Exhibit C1 page 23).

He also submitted ten lease comparables that were achieving rents of \$6.30- \$9.50 psf to indicate a median lease rate of \$8.25 psf. These rates were in relation to rentable areas of 5,150- 6,272 sq ft in the Central district that had commenced in 2008- 2010 (Exhibit C1 page 25). The Complainant also presented ten lease comparables that were achieving rents of \$6.25- \$8.50 psf to indicate a median lease rate of \$7.20 psf. These rates were in relation to rentable areas of 10,290- 15,756 sq ft in the Central district that had commenced in 2007- 2010 (Exhibit C1 page 25). Based on his analysis of typical lease rates, the Complainant requested that the assessment be reduced to \$2,200,000 (Exhibit C1 page 26).

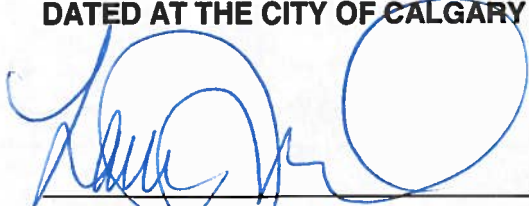
The Respondent submitted six sales comparables in support of the assessment which was based on the direct sales comparison approach. The comparables were evenly divided between single tenant and multi tenant warehouses. Four of the comparables are located in the Central quadrant, the remaining two in the NE quadrant. The buildings are 16,528- 35,213 sq ft, built in 1953- 1981, with site coverage of 31.21%- 41.76%. The time adjusted sale price ("TASP") ranged from \$114- \$130 psf, which the Respondent stated, supports the current assessment of the subject property at \$111.96 psf (Exhibit R1 page 24).

The Board is not persuaded that the income approach is the preferred method of valuation in this instance. The Board finds that the Complainant included a very post facto segment in his income approach to value for the 11,846 sq ft that was leased at \$6.50 psf in June of 2010. The market rent analysis that was presented on the smaller leased space is not supported by the current rents as reflected in the subject property which causes the Board to question the viability of the market analysis for the larger space. As such, the Board finds that there was insufficient evidence presented to bring the assessment into question.

Board's Decision:

The decision of the Board is to confirm the 2010 assessment for the subject property at \$2,710,000.

DATED AT THE CITY OF CALGARY THIS 19 DAY OF NOVEMBER 2010.



Lana J. Wood
Presiding Officer**APPENDIX A****DOCUMENTS RECEIVED AND CONSIDERED BY THE ASSESSMENT REVIEW BOARD:**

NO.	ITEM
Exhibit C1	Evidence Submission of the Complainant
Exhibit C2	Altus Binder
Exhibit C3	Assessment Review Board decisions & legislation excerpts
Exhibit R1	City of Calgary's Assessment Brief

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.*