

**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, Revised Statutes of Alberta 2000 (the Act).

between:

***SREIT (Quest Foothills) Ltd (as represented by Altus Group Ltd), COMPLAINANT***

and

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

before:

***B. Horrocks, PRESIDING OFFICER***

***D. Pollard, MEMBER***

***B. Bickford, MEMBER***

This is a complaint to the Calgary Assessment Review Board in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2012 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>098002306</b>
<b>LOCATION ADDRESS:</b>	<b>2624 54 AV SE</b>
<b>HEARING NUMBER:</b>	<b>67787</b>
<b>ASSESSMENT:</b>	<b>\$8,400,000</b>

This complaint was heard on 19th day of June, 2012 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:

- Mr. J. Smiley (Altus Group Limited)

Appeared on behalf of the Respondent:

- Mr. I. Baigent (City of Calgary)

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

There were no concerns with the Board as constituted.

There were no preliminary matters, the merit hearing proceeded.

At the outset, the parties agreed that all evidence and argument with respect to "Equity Only" from Hearing #67134 would be carried forward and cross referenced.

**Property Description:**

The subject property is a 6.37 acre parcel located in the Foothills Industrial Park in SE Calgary. The site is improved with a 124,616 square foot (SF) multi-bay warehouse that was constructed in 1975. The Finish is 7%, the Site Coverage is 44.91% and the Assessable Building Area is 126,836 SF. The subject is assessed at \$66.27/SF utilizing the Sales Comparison approach to value.

**Issues:**

The Assessment Review Board Complaint form contained 14 grounds for Complaint. The Complainant advised there was only one outstanding issue, namely: "The aggregate assessment per square foot applied to the subject property is inequitable with assessments of other similar and competing properties and should be \$60 psf."

**Complainant's Requested Value:** \$7,320,000 (Complaint Form)  
\$7,610,000 (Hearing)

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

**Issue** Is the aggregate assessment of the subject property inequitable with assessments of similar and competing properties?

The Complainant's Disclosure is labelled C-1.

The Complainant submits that the comparatively low site coverage, a big driver of assessment value, is not indicative for the subject of potential for additional development or subdivision. Because of the atypical shape and access to the subject, much of the land is, in fact, unusable or at least undevelopable.

The Complainant, at page 13, provided a table with no Title. The table contained 4 purported equity comparables. The first two comparables were single improved and larger than the subject while the third comparable was smaller. They were all assessed at \$60/SF. The fourth comparable, located at 7120 BARLOW TR SE, was multi-improved, larger than the subject and was assessed at \$63/SF. The Complainant, at page 22, provided the 2012 Industrial Assessment Explanation Supplement for the fourth comparable noting the Rate per SF for the larger building was \$60 and for the two smaller buildings was \$135.40 and \$133.60.

The Complainant submitted the subject is most comparable to sites which have site coverage in the 50 to 60% range, and the subject is best valued with those equity comparables at \$60/SF.

The Respondent's Disclosure is labelled R-1.

The Respondent, at page 15, provided a 2012 Industrial Sales Chart which contained 4 comparables with time adjusted sales prices per square foot (TASP/SF) ranging from \$62.95 to \$100.02. The Respondent submitted that after adjustments for year of construction (AYOC), Finish and Site Coverage, all would be supportive of the assessment at \$66.27/SF for the subject. The Respondent asserted that Site coverage is the biggest driver of value.

The Respondent, at page 21, provided a 2012 Industrial Equity Chart which contained 7 equity comparables with Rates per SF ranging from \$61.91 to \$84.95. The Respondent submitted that the property located at 7504 30 ST SE was the most comparable, although slighter larger than the subject, and it was assessed at \$64.21/SF.

The Respondent argued that the Complainant has not provided any market evidence to establish a range of market values. The respondent cited Bramalea Ltd. v. British Columbia (Assessor for Area 9 (Vancouver) (B.C.C.A.), [1990] B.C.J. No.2730 and Bentall Retail Services et al v Assessor of Area #09-Vancouver, 2006 BCSC 424 in support of his argument that equity alone is insufficient to alter an assessment.

The Complainant, thru rebuttal (C-2), submits the City's Comparables bear little or no resemblance to the subject. The Respondent noted the rebuttal contains a Chart entitled City's Industrial Sales Comparables which contains new evidence and should not be admitted. The Board agreed.

The Complainant cited the following case law in support of its argument:

Jonas v Gilbert [1881] S.C.J. No.5

Assessor for Area 09 (Vancouver) v Bramalea Ltd [1990] C.A.V. 00992

Bentall Retail Services et al v Assessor of Area 09 – Vancouver

Dutchcad Bil Investments Ltd et al v Assessor of Area 19- Kelowna

The Board finds no market evidence from the Complainant in support of the request to change the assessment.

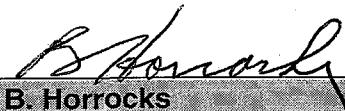
**Board's Decision:**

The 2012 assessment is confirmed at \$8,400,000.

**Reasons:**

There is no market evidence from the Complainant to show that the assessment is not within a reasonable range of market value.

DATED AT THE CITY OF CALGARY THIS 10<sup>th</sup> DAY OF July 2012.



**B. Horrocks**  
**Presiding Officer**

**APPENDIX "A"****DOCUMENTS PRESENTED AT THE HEARING  
AND CONSIDERED BY THE BOARD:**

<b>NO.</b>	<b>ITEM</b>
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure
3. C2	Complainant Rebuttal

*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.*

For Administrative Use

<b>Subject</b>	<b>Property type</b>	<b>Issue</b>	<b>Detail</b>	<b>Sub-detail</b>
CARB	warehouse	Multi-bay	Sales Approach	Equity Only

