

**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 Limited, 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>115057408</b>
<b>LOCATION ADDRESS:</b>	<b>7504 30 ST SE</b>
<b>HEARING NUMBER:</b>	<b>67882</b>
<b>ASSESSMENT:</b>	<b>\$8,900,000</b>

This complaint was heard on the 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 6.80 acre parcel located in the Foothills Industrial Park in SE Calgary. The site is improved with a 135,745 square foot (SF) multi-bay warehouse that was constructed in 1976. The Finish is 6%, the Site Coverage is 45.86% and the Assessable Building Area is 138,729 SF. The subject is assessed at \$64.21/SF utilizing the Sales Comparison approach to value.

**Issues:**

The Assessment Review Board Complaint form contained 13 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:** \$7,900,000 (Complaint Form)  
\$8,320,000 (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 submitted that the improvement on site is situated so as to make maximum utility of the abnormally shaped parcel. As such, the property has a lower site coverage than other comparable properties that enjoy a standard rectangular or near rectangular shape. The property has been penalized under the City's model because of this atypical alignment of the land.

The Complainant, at page 11 produced a chart entitled Comparables – Multitenanted. The chart contained 3 purported comparables from the Foothills Industrial Park with IWM building type. Two of the comparables were larger and one was smaller than the subject. Site Coverages of the comparables (all greater than the subject) ranged from 48% to 60%.

The comparables were all assessed at \$60/SF.

The Complainant, at page 19, provided a chart entitled Comparables – Single-tenanted Buildings. The chart contained 13 purported comparables with IWS building type. The Complainant noted that 10 of the comparables were assessed at \$60/SF while the remainder were at assessed at \$62, \$63 and \$64/SF respectively. The Complainant noted the properties located at 3916 72 AV SE and 4810 76 AV SE enjoyed almost identical characteristics as the subject and they were both assessed at \$60/SF.

The Complainant, at page 26, provided the Landlord's Rent Roll, noting there were only two tenants and suggesting by the City's own definition the property should be described as single-tenant (IWS), which would warrant a lower and more equitable assessment rate.

The Respondent's Disclosure is labelled R-1.

The Respondent argues recent property sales provided would support the assessed value of \$64/SF and further that no sales comparables were provided by the Complainant and its complaint is based on equity only.

The Respondent, at page 14, provided a 2012 Industrial Sales Chart which contains 4 sales of warehouses (2 classified as IWS and 2 classified as IWM), all with irregular shaped lots and buildings. The time adjusted sale prices per square foot (TASP/SF) ranged from \$62.95 to \$100.02.

The Respondent, at page 20, provided a 2012 Industrial Equity Chart which contained 7 comparables with assessment rates per square foot ranging from \$61.91 to \$84.95, noting the subject is assessed at \$64.21. The Complainant noted the property at 7803 35 ST SE is almost the exact mirror image of the subject and it is assessed at \$65.70/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 its argument that equity alone is insufficient to alter an assessment.

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 to show that the assessment is outside a reasonable range of market value. In addition, the Board finds there is insufficient evidence from the Complainant to prove the assessment for the subject does not fall within an equitable range of market value as of the valuation date.

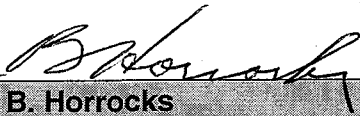
**Board's Decision:**

The 2012 assessment is confirmed at \$8,900,000.

**Reasons:**

There is no market evidence from the Complainant to establish a range of market values.

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>Property Sub-type</b>	<b>Issue</b>	<b>Sub-issue</b>
CARB	Warehouse	Multi-bay	Sales Approach	Equity Only

