

**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:

***Nufarm Agriculture Inc (as represented by Assessment Advisory Group Inc),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***B. Horrocks, PRESIDING OFFICER
S. Rourke, MEMBER
J. Rankin, 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:

ROLL NUMBER:	101005205
LOCATION ADDRESS:	5525 1 ST SE
HEARING NUMBER:	67821
ASSESSMENT:	\$2,710,000

This complaint was heard on the 5th day of July, 2012 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. S. Cobb (Assessment Group Inc)
- Mr. T. Youn (Assessment Group Inc)

Appeared on behalf of the Respondent:

- Mr. J. Greer (City of Calgary)

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

- [1] There were no concerns with the Board as constituted.
- [2] There were no preliminary matters. The merit hearing proceeded.

Property Description:

[3] The subject property is a 2.07 acre parcel located in the Manchester Industrial community in SE Calgary. The site is improved with a 15,000 square foot (SF) single bay warehouse (IWS) that was constructed in 1974 and has 0% finish, 16.62% site coverage and an assessable building area of 15,000 SF. The site also contains a 2,050 SF outbuilding. The subject warehouse is assessed at the rate of \$179.42/SF utilizing the sales comparison approach to value, while the outbuilding is assessed at the nominal rate of \$10.00/SF.

Issues:

[4] The Assessment Review Board Complaint Form contained the statement "The assessed value is incorrect, and fails to meet the legislated standard of market value and also fails to meet the requirements for equity in assessment", amongst other things.

Complainant's Requested Value: \$2,300,000 (Complaint Form)
\$2,330,000 (Hearing)

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

Issue: What is the market value for assessment purposes?

[5] The Complainant's Disclosure is labelled C-1.

[6] The Complainant, at page 12, provided a table titled 2012 Property Assessment Comparable Report, which contained 4 sales, for the period July 2008 to August 2010, with sale prices per SF ranging from \$125.19 to \$179.80, and a median sale price of \$148.15/SF, in support of his request for an assessed rate of \$154.21/SF. The Complainant noted there was only one sale from the South Manchester community while the remaining three sales were in other areas of "Central".

[7] The Respondent submitted the sale at 1560 Hastings CR SE should be disregarded as the site is contaminated, and there is no evidence which defines accurately what the remediation of the contamination would cost. In addition, the sale from the Burns industrial community at 5855 9 ST SE is a concern because the Burns community is exhibiting lower values in the market place relative to the rest of the Central Region. The remaining two sales are valid, with the best comparable sale located at 4444 Builders RD SE which sold in August 2010 with a TASP/SF of \$173.07 compared to the subject assessed rate of \$179.42/SF. The Board notes the purchaser intends to utilize the property for a non industrial use.

[8] The Respondent's Disclosure is labelled R-1.

[9] The Respondent, at page 11, provided a chart titled 2012 Industrial Sales Chart (All valid South Manchester sales in assessment period) noting that of the 8 sales there are 3 in very close proximity to the subject, with time adjusted sale prices per square foot (TASP/SF) ranging from \$131.17 to \$191.73, noting the subject is assessed at the rate of \$179.42. The Respondent submitted the subject has superior site coverage and is newer than all of the sales, with one exception.

[10] The Respondent, at page 12, provided a chart titled 2012 Industrial Sales Chart (North and South Manchester sales around 15,000 sf), which contained 5 sales with time adjusted sale prices per square foot (TASP/SF) ranging from \$126.25 to \$191.73 and a median of \$141.21, noting the subject is assessed at the rate of \$179.42/SF.

[11] The Board finds the subject assessment is within the range of the sales comparables provided by the Respondent and further the Complainant's best comparable supports the assessment.

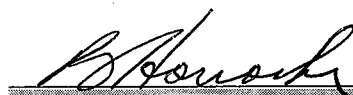
Board's Decision:

[12] The 2012 assessment is confirmed at \$2,710,000.

Reasons:

[13] There is insufficient market evidence from the Complainant to support the requested change to the assessment.

DATED AT THE CITY OF CALGARY THIS 9 DAY OF AUGUST 2012.


B. Horrocks
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure

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

Subject	Property type	Property Sub-type	Issue	Sub-issue
CARB	warehouse	Single bay	Sales Approach	Market value