

**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

**1204040 Alberta Ltd.
(as represented by P. Hager), COMPLAINANT**

and

The City Of Calgary, RESPONDENT

before

**L. Yakimchuk, PRESIDING OFFICER
R. Cochrane, MEMBER
E. Reuther, 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: 200598597

LOCATION ADDRESS: 16 12110 40 St SE

HEARING NUMBER: 65182

ASSESSMENT: \$452,000

This complaint was heard on July 6, 2012 at the office of the Assessment Review Board located at Floor Number 3, 1212 - 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *P. Hager*

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Appeared on behalf of the Respondent:

- *H. Yau, City of Calgary Assessor*

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Property Description:

[1] 16 12110 40 St SE is assessed as a 2,106 sq ft industrial warehouse condominium with 600 finished sq ft in SE Calgary. Approximate year of completion was 2004. The 2012 assessment is \$452,000.

Issues:

[2] Is the assessment accurate based on the sale of the subject property?

Complainant's Requested Value:

[3] \$370,000

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

Evidence and Arguments

[4] Mr. P. Hager, the Complainant, presented a Certified Copy of Certificate of Title for the subject property dated April 10, 2011. He had purchased the property for \$370,000. He said the sale was a brokered arms length transaction and the sale price was fair market. He argued that his assessment should be at the sale price.

[5] The Respondent, Mr. H. Yau, City of Calgary assessor, stated that assessments are done as mass appraisals and should be based on a large sample of values. He presented three sales of similar properties including the subject, which resulted in rates yielding a \$452,000 assessment for the subject property.

Board Findings

[6] The Board found that the sale of the property occurred within the assessment period. The best indicator of a property's true value is the result of an arm's length, market value sale within the assessment period, as was the sale of the subject.

Board's Decision:

[8] The board supports the Complainant's requested assessment value of \$370,000.

DATED AT THE CITY OF CALGARY THIS 12th DAY OF July 2012.



Lana Yakimchuk
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Rebuttal
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 MGB Administrative Use Only:

Decision No. 0804-2012-P

Roll No. 092028703

Subject	Type	Issue	Detail	Issue
CARB	Industrial Condo	Multi-Bay	Sales Approach	Recent Sale