

**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:**

***Telus Communications Inc. (as represented by Colliers International Realty Advisors),  
COMPLAINANT***

**and**

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

**before:**

***J. Acker, PRESIDING OFFICER  
R. Kodak, MEMBER  
P. McKenna, 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>033024217</b>
<b>LOCATION ADDRESS:</b>	<b>715 41 Avenue NE</b>
<b>HEARING NUMBER:</b>	<b>66057</b>
<b>ASSESSMENT:</b>	<b>\$ 4,950,000</b>

This complaint was heard on 12<sup>th</sup> day of July, 2012 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *Troy Howell, Colliers International Retail Advisors Inc.*

Appeared on behalf of the Respondent:

- *M. Hartmann*
- *George Bell*

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

1. No procedural or jurisdictional matters were raised by the parties.

**Property Description:**

2. The subject property is a 5.21 acre parcel improved with a 31,958 square foot single tenant industrial warehouse constructed in 1960 and a 4,964 square foot industrial outbuilding. The site coverage of the two improvements is 14.08% which results in an additional assessment on the excess 2.384 acres. The subject parcel is zoned I- G (General Industrial).

3. The 31,958 sq. ft. building exhibits a 68% office/retail finish

**Issues:**

4. In comparison with other similar properties, the subject assessment is inequitable.

**Complainant's Requested Value:** \$ 3,190,000 (\$100/sq. ft.)

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

5. The Complainant indicated that the assessment on the subject property has increased 25.6% over the 2011 assessed value of \$3,940,000 to the current assessment of \$4,950,000.

6. In support of the Complainant's request for an assessed value of \$100/sq. ft., the Complainant submitted four time adjusted sales in the NE quadrant of the City of Calgary which indicated values of \$77 - \$128/sq. ft. as indicative of market values in this area. In addition, the Complainant provided another four comparable properties in the Greenview subdivision (the subject property's location) indicating a range of values of \$82 - \$114/sq. ft.

7. The Respondent provided eight sales of comparable properties from locations throughout the City of Calgary to support the assessed rate of \$152.34/sq. ft. applied to the subject property.

8. The Board examined all sales of similar properties submitted by both parties and found the property at 2820 3 Avenue NE to be the most comparable to the subject. The Respondent had, in rebuttal, dismissed this property as not similar to the subject due to a 16,000 sq. ft.

unheated space component comprising a portion of the Complainant's reported 34,800 sq. ft. improvement. Upon careful examination of the RealNet physical details summary for this property, the Board found that the 16,000 sq. ft. component was, in fact, a separate outbuilding. In other words, the Complainant's evidence was correct.

9. Further investigation of the similarities between the subject and the 2830 – 3 Avenue NE property suggested that these properties offered a good pairing for direct sale comparison. For example, both properties have improvements of similar size with an excess land component and separate outbuildings. The improvements are of similar age and condition and both properties are in the same area of the City of Calgary.

10. Examination of the comparables submitted by the Respondent were less compelling insofar as their locations were scattered across many regions and zones in the City and the parcel sizes were, with one exception, not at all similar to the subject.

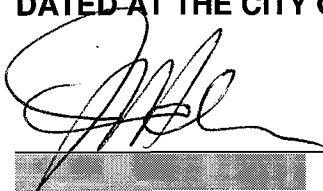
11. The Board addressed the impact on the subject assessment relative to that applied to the property at 2820 – 3<sup>rd</sup> Avenue NE. The time adjusted value of the 3<sup>rd</sup> avenue property was \$3,375,600 (97.00/sq. ft.) inclusive of all property attributes including the excess land component of the 4.17 acre property, the 34,800 sq. ft. improvements and the 16,000 sq. ft. outbuilding.

12. The subject is 31,958 sq. ft. and has a 4,964 sq. ft outbuilding located on 5.21 acres. The value of excess land is \$525,000 per acre. (Respondent's testimony) and the subject has an excess of 2.384 acres times the \$525,000/acre = \$1,251,600. Applying the indicated \$97/sq. ft. value of the 3<sup>rd</sup> avenue property to the subject's 31,958 sq. ft. would produce a value of \$3,099,926 to which the value of excess land must be added to produce an indicated assessment value of \$4,351,526.

**Board's Decision:**

The complaint is allowed and the assessment is adjusted to a rounded value of \$4,350,000 (\$136.12/sq. ft.).

**DATED AT THE CITY OF CALGARY THIS 17<sup>th</sup> DAY OF July 2012.**



**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

*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.*