

**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:**

***Pockar Management Inc. (as represented by Altus Group Limited), COMPLAINANT***

**and**

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

**before:**

***Board Chair, J. Zezulka  
Board Member, J. Rankin  
Board Member, S. Rourke***

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: 034189522**

**LOCATION ADDRESS: 4300 - 5 Street NE**

**HEARING NUMBER: 66826**

**ASSESSMENT: 2,590,000.00**

This complaint was heard on the 19 day of July, 2012, at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom Two.

Appeared on behalf of the Complainant:

- *C. Van Staden*

Appeared on behalf of the Respondent:

- *J. Young*
- *M. Hartmann*

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

(1) The subject property contains an exempt component. By agreement from both parties, the exemption issue will be dealt with by the City, directly with the parties involved, outside of the complaint process.

### **Property Description:**

(2) The subject is a single tenant industrial warehouse, located in the Greenview Industrial district, of NE Calgary. The assessable building area is 16,589 s.f. The date of construction is 1994. The site area is 1.29 acres. Site coverage is 29.58 per cent. According to the City, there are .020563208 acres of extra land.

### **Issues / Appeal Objectives**

(3) The property is currently being assessed using the sales comparison approach. The assessment calculates to \$156 per s.f. of building. The Complainant does not dispute the valuation method. However, the Complainant maintains that the assessment amount is in excess of its market value for assessment purposes. The Complainant also maintains that the assessment is not equitable with similar properties.

**Complainant's Requested Value:** \$2,100,000

### **Evidence / Argument**

(4) The Complainant submitted seven sales comparables in the NE quadrant of the City. Building sizes ranged from 13,347 to 19,984 s.f. bracketing the size of the subject. Site areas ranged from 0.78 to 2.62 acres, compared to 1.29 acres for the subject. However, all of the comparable buildings are substantially older than the subject. Time adjusted selling prices ranged from \$110 to \$154 per s.f.

(5) The Complainant submitted a cost summation test that resulted in a value indication of \$2,140,000, or \$129 per s.f.

(6) Summarized income calculations submitted by the Complainant produced a range from \$123 to \$131 per s.f. of building.

(7) The Respondent submitted five comparable properties, including three used by the Complainant. According to the Respondent, the best comparable is a single tenant warehouse at 150 Country Hills Landing NW. On the other hand, the comparable is seven years newer, has substantially more finish than the subject, and has lower site coverage. Typically, all of these aspects translate into higher per s.f. prices. The time adjusted selling price of the comparable is \$180.53 per s.f.

### **Board's Decision**

(8) The Complainant's cost and income tests were used by the Complainant to illustrate a point, that being that both produced results lower than the current assessment. However, neither test contained sufficient supporting documentation to convince the board of their veracity. And, by the Complainant's own admission, all of the comparables used would require some adjustment to account for the age differences between the comparables and the subject.

(11) The Respondent's comparable sales evidence is considered equal to or superior to the evidence submitted by the Complainant. The onus is on the Complainant to show that an error exists in the existing assessment. The Complainant failed to do that to the satisfaction of the Board.

(12) The assessment is confirmed at 2,590,000.00.

DATED AT THE CITY OF CALGARY THIS 29 DAY OF August, 2012.



Jerry Zezulka  
Presiding Officer

### **APPENDIX "A"**

### **DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD:**

<b>NO.</b>	<b>ITEM</b>
1.	C1 General Rebuttal Submission of the Complainant
2.	C2 Follow Up Rebuttal Submission of the Complainant
3.	C3 Evidence Submission of the Complainant
4.	Site Specific Rebuttal Submission of the Complainant
2.	R1 Evidence Submission of the Respondent

*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. 0679/2012 - P			Roll No. 201386745	
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Retail	Income / Equity	Rent	Assessed rent