

**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:

Toromont Industries Ltd. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, M. Vercillo
Board Member 1, J. Pratt
Board Member 2, J. Massey***

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 2011 Assessment Roll as follows:

ROLL NUMBER: 200482321

LOCATION ADDRESS: 10121 BARLOW TR NE

HEARING NUMBER: 63459

ASSESSMENT: \$53,460,000

This complaint was heard on 21 day of June, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom #2.

Appeared on behalf of the Complainant:

- *R. Worthington*

Appeared on behalf of the Respondent:

- *K. Buckry*

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

The Calgary Composite Assessment Review Board (CARB) derives its authority to make this decision under Part 11 of the Act. No specific jurisdictional or procedural issues were raised during the course of the hearing, and the CARB proceeded to hear the merits of the complaint, as outlined below.

Property Description and Background:

The subject property is a single tenanted industrial property located in the "Stoney 2" industrial area of NE Calgary. According to a summary provided by the Respondent, the subject contains a single building, built in 2002. The building is situated on an assessable land area of approximately 36.87 acres and has a building to site coverage ratio of approximately 8.01%. The property has a land use designation of "Direct Control" (DC).

The subject is assessed on a Cost Approach to value, with a land value of \$18,250,650 and a building cost value of \$35,216,497.

Issues:

The CARB considered the complaint form together with the representations and materials presented by the parties. There were a number of matters or issues raised on the complaint form; however, as of the date of this hearing, the Complainant addressed the following issues as restated below:

1. The land valuation has not considered negative influence adjustments for size and land use restrictions.

Complainant's Requested Value:

\$46,250,000 on the complaint form revised to \$46,600,000 at this hearing.

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

ISSUE 1: The land valuation has not considered negative influence adjustments for size and land use restrictions.
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The Complainant provided a document entitled "Evidence Submission of Complainant" that was entered as "Exhibit C1" during the hearing. However, after a brief discussion with the Respondent prior to the hearing, the Complainant now agrees with the Respondent's land

valuation method and does not wish to proceed further on this issue.

The Respondent provided an "Assessment Brief" document that was entered as "Exhibit R1" during the hearing. The Respondent did not submit any evidence having heard that the Complainant is now in agreement with the land valuation.

Board's Decision:

The complaint is confirmed by mutual consent at \$53,460,000.

DATED AT THE CITY OF CALGARY THIS 22 DAY OF July 2011.



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.*