

**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:**

***1262271 Alberta Ltd., (as represented by MNP LLP), COMPLAINANT***

**and**

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

**before:**

***L. Wood, PRESIDING OFFICER***

***A. Huskinson, MEMBER***

***R. Kodak, 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>054010905</b>
<b>LOCATION ADDRESS:</b>	<b>3220 5 AV NE</b>
<b>HEARING NUMBER:</b>	<b>66562</b>
<b>ASSESSMENT:</b>	<b>\$5,490,000</b>

This complaint was heard on the 18<sup>th</sup> day of July, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 9.

Appeared on behalf of the Complainant:

- Mr. M. Uhryn Agent, MNP LLP

Appeared on behalf of the Respondent:

- Mr. I. McDermott Assessor, City of Calgary

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

[1] There were no procedural or jurisdictional matters raised by the parties during the hearing.

**Property Description:**

[2] The subject property is a multi tenant warehouse located in Franklin. The assessable building area is 67,962 sq. ft. and it is situated on 4.42 acres. The building was constructed in 1976; has 62% finish and a site coverage ratio of 35.31%. The land use designation is I-C, Industrial Commercial. The subject property was assessed on the direct comparison approach at \$96.78 psf.

[3] There is an exempt portion with an assessment of \$1,084,500 which is on a separate sub account and is not under complaint.

**Issue:**

[4] Comparable sales support an assessment less than the subject property's assessment of \$97.00 psf.

**Complainant's Requested Value:**

[5] The Complainant requested an assessment of \$4,690,000 or \$82.96 psf for the subject property.

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

[6] The Complainant submitted five sales comparables of single and multi tenant warehouses in support of a reduction to \$82.96 psf for the subject property (Exhibit C1 pages 28, 31 - 33). These sales occurred between September 2008 – June 2011. The buildings were constructed in 1970 – 1998; have assessable building areas of 49,703 – 82,982 sq. ft.; a site coverage ratio of 33.66% – 54.81%; and finish percentage of 3% – 73%. The sale price was \$83 - \$101 psf, a median of \$84 psf.

[7] The Respondent indicated the sales comparables in his presentation were submitted in error (in response to a different assessment complaint) and asked the Board to disregard that sales data. As a result, he did not have any sales comparables to support the subject property's assessment (Exhibit R1 page 10). The Respondent argued that the three sales located in the

NE quadrant as submitted by the Complainant supported the assessment.

[8] The Board finds the Complainant failed to provide sufficient evidence to bring the assessment into question. In reviewing the Complainant's five sales comparables, the Board discarded the fourth and fifth sales comparables as dissimilar to the subject property based on location (SE quadrant). The Board reviewed the Complainant's three remaining sales comparables of multi tenant warehouses located in the NE quadrant. The Board has set out the particulars of the subject property's assessment and the three sales comparables, in part, as follows:

Subject		2012 Assessment	Assess (PSF)	Assessable Building Area (SF)	YOC	Site Coverage %	Finish %	Additional or Excess Land	Land Size (Acres)
3220 5 AV NE		\$5,490,000	\$96.78	67,962	1976	35.31%	62%	N	4.42

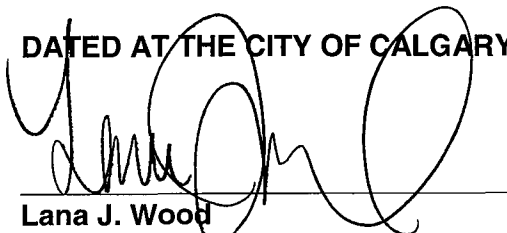
Location	Sale Date	Sale Price (\$)	Sale Price (PSF)	Assessable Building Area (SF)	YOC	Site Coverage %	Finish %	Additional or Excess Land	Land Size (Acres)
2305 22 ST NE	30-Sep-08	\$8,205,260	\$99	82,982	1998	51.22%	12%	N	3.72
700 33 ST NE	30-Oct-09	\$6,000,000	\$101	59,573	1976	38.41%	3%	N	3.56
2115 27 AV NE	4- Nov-09	\$4,150,000	\$83	49,703	1980	33.66%	73%	N	2.14

[9] Although minor adjustments would have to be made, the Board finds the three sales comparables support the current assessment for the subject property. As such, no reduction is warranted.

#### **Board's Decision:**

[10] The decision of the Board is to confirm the 2012 assessment for the subject property at \$5,490,000.

DATED AT THE CITY OF CALGARY THIS 7 DAY OF SEPTEMBER 2012.



Lana J. Wood  
Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
1. C1	Complainant's Evidence
2. C2	Complainant's Rebuttal
3. R1	Respondent's Evidence

*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	Warehouse Multi Tenant	Sales Approach	Land & Improvement Comparables