

**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:

Safeway Holdings (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:

ROLL NUMBER:	033037508
LOCATION ADDRESS:	1437 47 AV NE
HEARING NUMBER:	66532
ASSESSMENT:	\$8,190,000

This complaint was heard on the 19th 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 comprised of two, one – storey, industrial warehouses located on a 5.0 acre site in McCall. Both warehouses were built in 1975, and were assessed as Quality C. The first is a multi tenant warehouse and it has an assessable building area of 51,042 sq. ft., and 23% finish. The second is a multi tenant warehouse, and it has an assessable building area of 40,559 sq. ft., and 63% finish. The buildings have a 38.03% site coverage ratio. The land use designation is I-G, Industrial General.

[3] The warehouses were assessed based on the Direct Sales Comparison Approach at \$87.38 psf and \$91.98 psf respectively and an overall assessed rate of \$89.42 psf.

Issues:

[4] Based on the Direct Sales Comparison Approach, the assessed rate for the subject property should be \$80.00 psf.

Complainant's Requested Value:

[5] The Complainant submitted the assessed value for the subject property should be \$7,330,000.

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

[6] The Complainant submitted four sales comparables of multi tenant and single tenant industrial warehouses located in the NE quadrant (Exhibit C1 page 31). Those four sales derived a median of \$80.00 psf, the basis for the Complainant's request. The Board has set that information out, in part, as follows:

Roll Number	Address	Registration Date	Sale Price	Sale Price PSF	2012 Assessed Value	2012 ASMT SQ. FT	2012 Assessable Building Area
033037508	1437 47 AV NE				\$8,190,000	\$89	51,042 / 40,559
048052096	2340 22 ST NE	1-May-09	\$9,450,000	\$81	\$8,600,000	\$74	116,556
054016506	700 33 ST NE	30-Oct-09	\$6,000,000	\$101	\$5,450,000	\$91	59,573
031012693	3905 29 ST NE	21-Oct-10	\$7,600,000	\$79	\$8,080,000	\$83	96,804
048040000	2835 23 ST NE	15-Jun-11	\$4,500,000	\$70	\$4,804,019	\$75	32,402 / 31,954
Median				\$80	\$6,765,000	\$79	96,804
Average				\$83	\$6,733,505	\$81	90,978
Min				\$70	\$4,804,019	\$74	59,573
Max				\$101	\$8,600,000	\$91	116,556

[7] During cross examination, the Complainant acknowledged data errors in the details that he reported for the property located at 2835 23 ST NE, specifically, the assessable building areas, sale price (PSF) and assessed value (PSF). The Complainant recalculated the Median and Average sale price at the hearing as follows:

Roll Number	Address	Registration Date	Sale Price	Sale Price PSF	2012 Assessed Value	2012 ASMT SQ. FT	2012 Assessable Building Area
033037508	1437 47 AV NE				\$8,190,000	\$89	51,042 / 40,559
048052096	2340 22 ST NE	1-May-09	\$9,450,000	\$81	\$8,600,000	\$74	116,556
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031012693	3905 29 ST NE	21-Oct-10	\$7,600,000	\$79	\$8,080,000	\$83	96,804
048040000	2835 23 ST NE	15-Jun-11	\$4,500,000	\$92	\$4,804,019	\$99	24,330 / 24,330
Median				\$86			
Average				\$88			

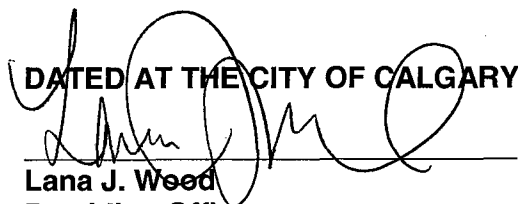
[8] Based on this correction, the Board finds the Complainant's sales comparables support the current assessment of the subject property and no further analysis is warranted.

[9] As noted at the hearing, those data errors for 2835 23 ST NE were contained in another one of the Complainant's sales charts, "Warehouse Sales from 45,000 to 86,000 SF" (Exhibit C1 page 46). There were additional data errors identified at the hearing for the property located at 3 Freeport Way NE in a chart, "Warehouse Sales from 100,000+ SF" (Exhibit C1 page 47). The Complainant reported the sale price as \$75.00 psf; it was \$129.00 psf. The Complainant reported the 2012 assessed value as \$62.00 psf; it was \$106.00 psf. These corrections did not support the Complainant's position.

Board's Decision:

[10] The decision of the Board is to confirm the 2012 assessment for the subject property at \$8,190,000.

DATED AT THE CITY OF CALGARY THIS 10th DAY OF September 2012.


Lana J. Weed
 Presiding Officer

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

NO.	ITEM
1. C1	Complainant's Evidence
2. 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