

**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:

Airstate Ltd. (as represented by AltusGroup Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***Board Chair, J.Zezulka
Board Member, A. Huskinson
Board Member, 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 2012 Assessment Roll as follows:

ROLL NUMBER: 100009901

LOCATION ADDRESS: 6324 - 10 Street SE

HEARING NUMBER: 68283

ASSESSMENT: 10,810,000

This complaint was heard on the 2nd day of August, 2012, at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom Four.

Appeared on behalf of the Complainant:

- *R. Worthington*

Appeared on behalf of the Respondent:

- *G. Bell*

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

- (1) There were no procedural or jurisdictional matters raised by either party.

Property Description:

- (2) The subject is a single tenant industrial warehouse, located in the Burns industrial district, in the central region of SE Calgary. The assessable building area is 157,792 square feet (s.f.). The date of construction is 1977. The site area is 7.11 acres. Site coverage is 50.94 per cent.

Issues / Appeal Objectives

- (3) The property is currently being assessed using the sales comparison approach. The assessment calculates to \$68.53 per s.f. of building. The Complainant does not dispute the valuation method. However, the Complainant maintains that the assessment amount is inequitable with similar properties.

- (4) It was the Complainant's assertion that the City has a "default" value of \$60 per s.f. for large industrial building. The requested assessment is based on that "default" value. The concept of a minimum or "default" value was not disputed by the Respondent.

Complainant's Requested Value: \$9,460,000

Evidence / Argument

- (5) The Complainant submitted two comparables, which the Complainant stated provided no meaningful comparison to the subject. However, both buildings are over 120,000 s.f. Time adjusted selling prices were at \$72 and \$62 per s.f.

- (6) The Complainant submitted six equity comparables that reflected a median assessment of \$60.00. All of the buildings are larger than 138,000 s.f. Assessments ranged from \$60 to \$64 per s.f.. All of the comparables are in either Foothills, or Highfield, neither of which is in the central region.

- (7) The Respondent presented four sales comparables, of which one was withdrawn at the hearing. The remaining three reflected time adjusted selling prices ranging from \$62.95 to \$82.52 per s.f.. The highest relative indicator is reflected by a building of 80,170 s.f.

(8) The Respondent also submitted six equity comparables that reflected rates between \$60.00 and \$82.43 per s.f.. All of these are in the same central region as the subject. Generally, and with a few exceptions, land and building sizes, and site coverage are similar to the subject. All of the comparables are older than the subject.

Board's Findings

(9) In some respects, the Complainant's position is contradicted by his own evidence. Both sales submitted by the Complainant reflect values higher than the Complainant's request. The equity comparables submitted by the Complainant reflect assessments at least as high, or higher than the requested assessment.

(10) The evidence provided by the Respondent provides adequate support for the existing assessment.

Board's Decision

(10) The onus of proving that an assessment is incorrect lies with the individual alleging it. The onus rests with the Complainant to provide convincing evidence to justify a reduction in the assessment.

(11) In this Board's opinion, the Complainant failed to provide convincing evidence to justify a change in the assessment.

(12) The assessment is confirmed at 10,810,000.

DATED AT THE CITY OF CALGARY THIS 12 DAY OF September, 2012.



Jerry Zezulka
Presiding Officer

APPENDIX "A"

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

NO.	ITEM
1. C1	Evidence Submission of the Complainant
2. C2	Rebuttal Submission of the Complainant
3. 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.*

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Decision No. 1239/2012 - P			Roll No. 100009901	
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Retail	Equity	Equity comparables	N/A