

**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:

***Telsec Property Corporation and Dallas Development Corporation
(as represented by AltusGroup), COMPLAINANT
and***

The City Of Calgary, RESPONDENT

before:

***Board Chair, J. Zezulka
Board Member 1, S. Rourke
Board Member 2, A. Wong***

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: 124187501

LOCATION ADDRESS: 9815 Horton Road SW

HEARING NUMBER: 63937

ASSESSMENT: 2,330,000.00

This complaint was heard on 14 day of July, 2011 at the office of the Assessment Review Board located at Floor Number Four, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom One

Appeared on behalf of the Complainant:

- *D. Mewha*
- *J. Weber*

Appeared on behalf of the Respondent:

- *I. Baigent*
- *C. Lee*

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

At the outset of the hearing, it was mutually agreed by the parties that portions of the disclosure would be excluded from the hearing. Specifically, pages 35 to 103 of the Respondent's Assessment Brief, as it relates to the "Industrial Capitalization Rate Analysis 2011 Assessment Year" was excluded. Similarly, the Complainant's Rebuttal document is excluded in its entirety.

Property Description:

The subject is a single tenant industrial warehouse located in the Haysboro district of SW Calgary. The building is 17,125 s.f. . The land area is 1.74 acres, of which 0.43 acres is classified as extra land. Site coverage is 22.55 per cent. The property is assessed using the direct sales comparison approach, which produces an assessment of \$136.29 per s.f.

Issues:

1. ...the Income Approach to Value supports a reduction to the current 2011 property assessment. This portion of the complaint was withdrawn at the commencement of the hearing.
2. The subject is inequitably assessed in relation to similar properties.

Complainant's Requested Value: \$1,880,000.00

Evidence

The Complainant submitted four equity comparables, all of which are located on Horton Road. The assessments per s.f. ranged from \$102 to 117 per s.f. The median is \$110. All of the comparables are approximately the same vintage as the subject. Three of the four comparables are larger than the subject, and three have a larger finished interior component than the subject.

In response, the Respondent presented six equity comparables, two of which are located on Horton Road. These two reflected the lowest assessments per s.f. At the same time, these two also had interior finish components of 21 and 59 per cent, compared to 14 per cent for the subject.

The Respondent also presented four sales comparables. Sale dates were from November, 2007 to October, 2009. All are situated in the Central region. These were not considered to be very helpful to the Board.

Board's Decision

The Board finds that the Equity Comparables submitted by the Complainant are in closer proximity to the subject than the data submitted of the Respondent. These are also of more or less similar size, and vintage. These tend to show that \$110.00 per s.f is more fair and equitable than the existing assessment. The assessment is reduced to \$110 per s.f. or \$1,883,750.

The reduced assessment is truncated to \$1,880,000.

DATED AT THE CITY OF CALGARY THIS 29 DAY OF July, 2011.



Jerry Zezulka
Presiding Officer

APPENDIX "A"

DOCUMENTS PRESENTED AT THE HEARING AND CONSIDERED BY THE BOARD:

NO.	ITEM
1.	C1 Complainant Disclosure; Industrial Capitalization Rate Analysis, 2011 Assessment Year
2.	C2 Evidence Submission of the Complainant
3.	C3 Rebuttal Submission of the Complainant
2.	R1 Respondent Disclosure; Assessment Brief

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.*