

**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:

***International Exotic Cars Import and Export Ltd.,
(as represented by Assessment Advisory Group), COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before:

***R. Glenn, PRESIDING OFFICER
J. Mathias, MEMBER
P. Charuk, 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 2011 Assessment Roll as follows:

ROLL NUMBER:	049013105
LOCATION ADDRESS:	2552 27 St NE
HEARING NUMBER:	63716
ASSESSMENT:	\$2,170,000

This complaint was heard on the 19th day of July 2011, at the offices of the Assessment Review Board which are located on Floor Number 4, at 1212 – 31 Avenue NE, in Calgary, Alberta, in Boardroom 2.

Appeared on behalf of the Complainant: Troy Howell, Agent for Assessment Advisory Group

Appeared on behalf of the Respondent: Marcus Berzins, Assessor for the City of Calgary

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

No issues of procedure or jurisdiction were raised.

Property Description:

The subject property is a 10,363 SF single-tenanted warehouse with office, constructed in 1996 with 16% finish, on a site area of .99 acres and a building footprint of 8,693 SF, deriving a site coverage of 20.19% and .32 acres of excess land located in the community of Sunridge.

Issues:

Whether the assessment is correct in light of queries regarding sales of comparable properties?

Complainant's Requested Value:

\$1,606,438

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

The Complainant submitted 3 comparable properties. Two of the comparables are much larger than the subject. One of the comparables is multi-tenanted, and the remaining two are single-tenanted.

The Complainant relies on a series of adjustments to bring their comparables into line. The adjustments include: location, sold date, bldg size, coverage, and year of construction. The adjustments are stated, but there is no elaboration nor explanation of how the various adjustment factors are actually arrived at. The Complainant argues that proper assessment principles were followed in arriving at the adjustment factors, and that their technique is "subjective". The reasoning or analysis behind the resulting adjustments is not apparent.

The Respondent says the Complainant used the subject property's total square footage (as opposed to the footprint size) to arrive at the site coverage figure. The Respondent goes on to say that the Complainant should have been able find better comparables, and more specifically, comparables that require no adjustment.

The Respondent says that his 6 comparable warehouse transactions with low site coverage better match the subject property. The Respondent also stated that excess land, which amounts to .32 of an acre was not considered.

The Respondent says the best sales comparable is located at 2420-39 Ave NE, which shows a time adjusted sale price of \$230/SF. The subject is assessed at \$210/SF.

The Board finds that the Complainant's request for a reduction is based on unsupported adjustments. Further, the sales comparable at 2420-39 Ave NE supported the subject assessment. In addition, the Complainant's calculation of site coverage of the subject was flawed, because it relied on the total area of the lot, not the actual building footprint area.

Based on a thorough deliberation of all of the foregoing, the Board finds that the Complainant has not met the required onus to demonstrate that the subject assessment is incorrect, and accordingly, the assessment is herewith confirmed in the amount of \$2,170,000.

Board Decision:

The subject assessment is confirmed.

DATED AT THE CITY OF CALGARY THIS ^{24th} DAY OF August, 2011.



Richard Glenn
Presiding Officer

APPENDIX "A"

Documents presented at the Hearing and Considered by the Board

<i>.No.</i>	<i>Item</i>
<i>1. C1</i>	<i>Complainant's Brief</i>
<i>2. R1</i>	<i>Respondent's Brief</i>

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.*