

**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:**

***88 Real Estate Holdings 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:

---

<b>ROLL NUMBER:</b>	<b>201112042</b>
<b>LOCATION ADDRESS:</b>	<b>3613 63 Ave NE</b>
<b>HEARING NUMBER:</b>	<b>63329</b>
<b>ASSESSMENT:</b>	<b>\$6,650,000</b>

This complaint was heard on the 20th 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: Wanda Wong, 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 45,533 SF single-tenanted, newly constructed ( 2007 ) warehouse, with 14% finish, on a total site area of 2.71 acres of industrial land and site coverage of 33.21%, located in the community of Westwinds.

**Issues:**

Whether the assessment is correct in comparison to sales of comparable properties?

**Complainant's Requested Value:**

\$4,998,719

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

The Complainant puts forward 3 comparable property sales. They also note the subject property was sold in 2007 ( its year of construction ) in a non-arms length transaction for \$8,500,000. In addition, one of the Complainant's comparable sales is a non-arms length transaction. One of the comparable sales has a clear wall height of only 14 ft., which is unusual for a warehouse. Two of the comparables year of construction dates are: 1972 and 1980. All of these factors call into question the real comparability of these properties.

In addition, the Complainant provides a "Comparable Valuation" chart. The chart lists all of the "adjustments" which the Complainant considered regarding their comparables. These include: location, sold date, building size, land size, coverage, and year of construction. From these headings, the Complainant derives a total adjustment figure. The actual calculation or analysis is not provided, nor is it commented on, except to say that proper principles of assessment were followed to arrive at the adjustment numbers. The Complainant says that their technique is "subjective"

When queried by the Board, the Complainant advised that a particular minus 5% adjustment

could actually be a plus 5% adjustment. In his summary, the Complainant re-stated and confirmed his original position that the particular adjustment is a minus 5%.

The Complainant argues two recent ARB decisions, stating that they should be followed in the instant case, because one of the panel members was a certified appraiser. The Complainant was reminded that any ARB decision rendered is a group effort from the whole panel and cannot be attributed to any individual panel member.

The Respondent argues that one of the Complainant's comparable sales is a non-arms length transaction. He says that the remaining two comparables are much older ( the oldest one is 35 years older, the other is only 27 years older ) so they are not really closely comparable. He goes on to say that this factor alone results in a much lower sale price per square foot than the assessment of the subject.

The Respondent provides 4 sales comparables which have a similar year of construction. He says that in a comparison of new warehouse sales to old warehouse sales, age is a substantial factor, and cannot be overlooked.

After completing a comprehensive review of all of the evidence, it is apparent to the Board that the Respondents comparables are much more similar to the subject and they support the assessment.

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 \$6,650,000.

**Board Decision:**

The subject assessment is confirmed.

**DATED AT THE CITY OF CALGARY THIS <sup>24<sup>th</sup></sup> DAY OF August, 2011.**



---

**Richard Glenn  
Presiding Officer**

**APPENDIX "A"**

***Documents presented at the Hearing and Considered by the Board***

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

*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.*