

**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

***833759 Alberta Inc., c/o Dayhu Investments Ltd.
As represented by BCS Property Tax. Co. Ltd.
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before

***Lana Yakimchuk, PRESIDING OFFICER
Allan Zindler, MEMBER
John Mathias, 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:	200152999
LOCATION ADDRESS:	6040 11 St. NE
HEARING NUMBER:	63028
ASSESSMENT:	\$21,780,000

This complaint was heard on July 25, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 1.

Appeared on behalf of the Complainant:

- *Complainant did not appear*

Appeared on behalf of the Respondent:

- *Kimberly Cody, City of Calgary Assessment Business Unit*

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

In the absence of the representative, the Board heard the presentation without oral evidence from the complainant. Disclosure of evidence had been submitted on time.

Property Description:

This property is situated on 11.44 Acres of land and has 42.13% site coverage. The Industrial Warehouse, Single Tenant building has a footprint of 209,993 square feet and an assessable building area of 220,090 square feet.

Issues:

The complaint form shows the matter to be (3) an assessment amount. The complainant's issue is the assessment is too high, based on market value measured by comparable sales.

Complainant's Requested Value: \$18,700,000

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

Because the complainant was absent from the hearing, the Board was unable to seek clarification of any written disclosure.

The initial disclosure (C-1) attached to the complaint form included seven comparables (4 from Calgary and 3 from Edmonton). The comparison was done on an income approach, using a regression analysis. The assessment was done on the Direct Comparison Approach. This evidence was found to have limited relevance.

In C-2, the complainant provided six additional sales, all from Calgary.

The Respondent, Kimberly Cody, showed that the additional six sales comparables presented by the complainant were dissimilar or not arm's-length sales, except for one which did not exist according to the address given, and one (#6) which was arm's length and comparable and had a value of \$97/square foot. The latter value supported the assessed value of the subject property at \$99/square foot.

Further, a table of six comparables was presented by the Respondent to confirm the City assessment. These ranged in value from \$81 to \$128/square foot, again supportive of the

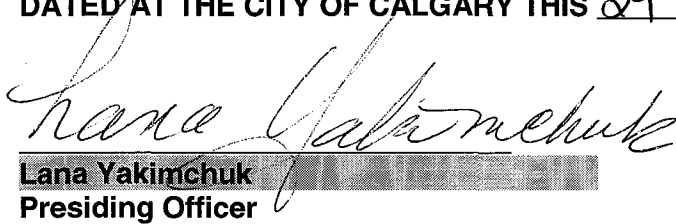
\$99/square foot assessment on the subject property.

The Board agreed that the Complainant did not prove the property was over-assessed.

Board's Decision:

The Board confirms the assessment of \$21,780,000.

DATED AT THE CITY OF CALGARY THIS 24 DAY OF AUGUST 2011.


Lana Yakimchuk
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Disclosure
2. R1	Respondent Disclosure

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.*