

**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:

Old Dutch Foods Ltd. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

***B. Horrocks, PRESIDING OFFICER
A. Huskinson, MEMBER
D. Morice, 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 2012 Assessment Roll as follows:

ROLL NUMBER:	200938942
LOCATION ADDRESS:	3225 54 AV SE
HEARING NUMBER:	68473
ASSESSMENT:	\$8,950,000

This complaint was heard on the 15th day of August, 2012 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4

Appeared on behalf of the Complainant:

- Mr. J. Smiley (Altus Group Limited)

Appeared on behalf of the Respondent:

- Mr. J. Young (City of Calgary)

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

- [1] There were no concerns with the Board as constituted.
- [2] There were no preliminary matters. The merit hearing proceeded.

Property Description:

[3] The subject property is an 8.44121 acre parcel located in the Foothills Industrial Park in SE Calgary. The site is improved with two single bay warehouses (IWS) that were constructed in 1973 and 1972 and have the following characteristics:

Building No.	Footprint (SF)	Assessable Building Area (SF)	AYOC	Finish	Site Coverage	Rate per SF
1	103,191	106,991	1973	8%	30.67%	\$70.53
2	9,600	9,600	1972	17%	30.67%	\$146.98

The subject is assessed at a combined rate of \$76.82/SF utilizing the sales comparison approach to value.

Issues:

[4] The Assessment Review Board Complaint Form contained 15 Grounds for the Complaint. At the outset of the hearing the Complainant advised there was one outstanding issue, namely: "The aggregate assessment per square foot applied to the subject property is inequitable with the assessments of other similar and competing properties and should be \$63 psf."

Complainant's Requested Value: \$6,990,000 (Complaint Form)
 \$7,460,000 (Disclosure)
 \$8,220,000 (Alternate at Hearing)

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

Issue: Is the aggregate assessment applied to the subject property inequitable?

[5] The Complainant's Disclosure is labelled C-1.

[6] The Complainant submitted the subject property has two separate improvements and will trade in a market that is similar in aggregate size. As a result, this property will trade as a property consisting of about 115,000 square feet (SF).

[7] The Complainant, at page 15, provided a table titled Equity Comparables, Foothills, 100,000 to 200,000 sq.ft., 1980 or older, noting the Asmt/SF ranges from \$60 to \$64 while the subject is assessed at the rate of \$77/SF. The Complainant identified the property located at 3220 56 AV SE as the most comparable to the larger building on the subject site and requested the same assessment rate per SF of \$64. Alternatively, the Complainant submitted the Asmt/SF for the subject could be reduced to the rate applied to the larger building (\$70.53/SF).

[8] The Respondent's Disclosure is labelled R-1.

[9] The Respondent, at page 14, provided a table titled 2012 Industrial Sales Chart 100,000+ Warehouses. For explanation purposes, the Respondent noted the first two properties (6732 8 ST NE, and 2340 22 ST NE), have similar variables with the exception of site coverage, which was 26.52% and 57.22% respectively, and submitted the market placed an approximate \$50/SF premium on the property with the lower site coverage.

[10] The Respondent, at page 16, provided a table titled 2012 Industrial Sales Chart which contained 4 sales of buildings with areas comparable to building #2 of the subject with time adjusted sales prices per SF (TASP/SF) ranging from \$133.69 to \$172.06/SF, noting the smaller building on the subject property is assessed at the rate of \$147/SF, in the range.

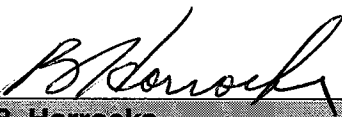
[11] The Respondent, at page 18, provided a table titled Both Parties Equity Comparables noting the City Equity Comparables were all multi improved parcels from throughout the City. The Complainant noted more specifically that the 3 comparables in Foothills had assessment rate per SF ranging from \$67 to \$76/SF and the 5 comparables from the Central area had assessment rate per SF ranging from \$67 to \$88/SF, noting the larger building on the subject property is assessed at the rate of \$70.53/SF, in the range.

[12] The Board finds the Respondent's sales and equity comparables support the assessment and there was no market evidence from the Complainant to establish a range of market values.

Board's Decision:

[13] The 2012 assessment is confirmed at \$8,950,000.

DATED AT THE CITY OF CALGARY THIS 7th DAY OF September 2012.


B. Horrocks
Presiding Officer

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

NO.	ITEM
1. C1	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.*

For Administrative Use

Subject	Property type	Property Sub-type	Issue	Sub-issue
CARB	Warehouse	Single bay	Sales Approach	Equity