

**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:

**1030572 Alberta 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:	094206901
LOCATION ADDRESS:	4770 46 Ave SE
HEARING NUMBER:	63898
ASSESSMENT:	\$7,250,000

This complaint was heard on the 22nd 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: Kelly Gardiner, Assessor for the City of Calgary

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

There were no issues of jurisdiction or procedure raised by the parties.

Property Description:

The subject property is a 2.78 Acre piece of industrial land with a 58,559 SF single tenant warehouse, 48.40% site coverage, 14% finish, constructed in 2003, and located in the community of Eastfield.

Issues:

Whether the subject property is properly assessed in light of queries regarding comparable sales and equity of similar properties?

Complainant's Requested Value:

\$5,410,852

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

The Complainant presents 2 comparable property sales with similar size (but older) buildings and larger lots than the subject. One of the sales included a vendor take back mortgage. Their brief contains no commentary on equity. The Complainant provides a land breakout showing \$12.05 / SF, or, \$524,898 / Acre. They also provide a calculation showing that City industrial land rates have decreased by 7.89% from 2010 to 2011.

The Complainant also provides a comparable valuation chart showing what he states are essential adjustments to bring his comparables into line. The chart provides headings of: location, sold date, bldg size, land size, coverage, and year of construction. In addition, the Complainant provides values under each heading which are then totalled for each comparable.

It is significant that the analysis or basis for arriving at these adjustment numbers is not stated. Without the Complainant showing some rational basis for arriving at these values, it is not possible to test or evaluate them. The complainant when queried, suggests that they were

"subjective". This is a vague, uncertain argument, notwithstanding the Complainant's verbal assertions. Later on in their brief, the Complainant provides 2 additional comparables, but one is a non-arms length sale, and so, provides little weight to the Complainant's argument.

The Respondent provides both equity and sales comparables. They argue that the Complainant is using a cost approach, but the Complainant denies this in cross-examination. The Respondent argues that the Complainant's comparables have buildings that are 20 years older than the subject.

The Board finds that the Respondent's comparables are a better comparison to the subject, including several equity comparables on the same street as the subject. The Respondent also provides a decision (ARB 0530/2010-P) which states that adjustments have to be supported by evidence. The Board does not accept the Complainant's break out of the subject land.

Based on all of the foregoing, the Complainant has not convinced the Board that the subject assessment is in error, therefore, the Board is bound to confirm the assessment in the amount of \$7,250,000.

Board Decision:

The 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

- | No. | Item |
|--------------|-----------------------------------|
| 1. C1 | <i>Complainant's Brief</i> |
| 2. R1 | <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.*