

**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:

***MAYEL DEVELOPMENT INC.,
(as represented by Altus Group),
COMPLAINANT***

and

***THE CITY OF CALGARY,
RESPONDENT***

before:

***R. Glenn, PRESIDING OFFICER
A. Zindler, MEMBER
J. Joseph, 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: 048071997

LOCATION ADDRESS: 2520 – 23 ST NE

FILE NUMBER: 66868

ASSESSMENT: \$7,250,000 (\$172/SF)

This complaint was heard on Wednesday, the 29th day of August, 2012 at the offices of the Assessment Review Board located on Floor Number 4, at 1212 – 31 Avenue NE, in Calgary, Alberta, Boardroom 4.

Appeared on behalf of the Complainant:

- C. Van Staden, Agent for Altus Group

Appeared on behalf of the Respondent:

- G. Bell, Assessor for the City of Calgary

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

[1] There were no objections raised as to either jurisdiction or procedure when the parties were asked.

Property Description:

[2] The subject property consists of an industrial warehouse type structure which is used as a multi-tenant retail and warehouse facility, comprising a total net rentable area of 42,176 SF located in the north east area of the South Airways district on a 5.45 acre parcel of land. The site coverage has been normalized to 30% which results in assessed excess land of 2.02 acres

Issues:

- [3] [a] Whether the assessment on the subject property is too high based on:
- [i] sales comparisons,
 - [ii] equity and,
 - [iii] Cost Approach

Complainant's Requested Value:

[4] \$6,530,000 (\$155/SF)

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

The Complainant's Position:

[5] The Complainant starts by asking that their argument and evidence from a previous file (CARB # 1603-2012-P) be applied to this and subsequent files in this series of matters because of the similarity of the properties. The Respondent did not object and so the Board confirmed that would be done and that evidence would be carried forward.

[6] The Complainant presents their argument. After a full presentation, the Respondent indicates that there may have been a mistake in their calculations. They seek a brief adjournment. The Respondent returns to confirm a mutual agreement for a reduction, based on the assumption that the excess land rate be taken as \$600,000/acre rather than the figure of \$925,000/acre which had been previously applied.

The Respondent's Position:

[7] The Respondent, after both sides have argued, simply confirms that a mistake was made in calculating the value of excess land. After a brief adjournment by mutual request, they return and confirm their agreement to a reduced assessment after reviewing their calculations and a brief consultation with the Complainants.

Board's Decision:

[8] The Board simply notes the parties' agreement for a reduced assessment based on an extra land rate of \$600,000/acre and confirms same.

[9] Based on all of the foregoing, the Board herewith confirms a reduction by mutual consent of the parties in the subject assessment to the amount of: \$6,530,000.

DATED AT THE CITY OF CALGARY THIS 23rd DAY OF OCTOBER, 2012.



R. Glenn
Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Rebuttal Disclosure
3. 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 MGB Administrative Use Only

Decision No.1609-2012-P Roll No.048071997				
<u>Subject</u>	<u>Type</u>	<u>Issue</u>	<u>Detail</u>	<u>Issue</u>
CARB	Industrial Warehouse	Equity	Sales Approach	Excess Land Value