

**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

The Baron Holdings (as represented by Dave Hiley), 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:	034503706
LOCATION ADDRESS:	110 3907 – 3A St. NE
HEARING NUMBER:	61449
ASSESSMENT:	\$284,500 or \$285.64 per square foot

This complaint was heard on July 26, 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:

- *Dave Hiley, Realtor*

Appeared on behalf of the Respondent:

- *Kevin Buckry, City of Calgary Assessment Business Unit*

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

The Respondent, Mr. Kevin Buckry, asked that all seven hearings scheduled for Boardroom 1 on July 26, 2011 for 3907 - 3A St. NE be considered together. The complainants who were present agreed. Evidence from Complainants and the Respondent for files 60950, 61312, 61313, 61444, 61447, and 61449 was considered together.

Property Description:

110 3907 - 37A Street NE is a condominium Industrial-Retail property. It has 996 square feet of Ground Warehouse space. The building is woodframe construction and backs into a hill so all doors are on the front face.

Issues:

3. An assessment amount. The issue is that the property is assessed over market value.

Complainant's Requested Value: \$194,500

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

The complainant, Mr. Hiley, presented a randomly selected list of comparable sales from 2008 to 2010. The range of selling prices was \$114 to \$236 per square foot. He also presented the December 3, 2008 Land Titles Act Transfer of Land document for 210 and 212, 3907 – 3A Street NE for the reported consideration of \$450,500.

Mr. Hiley stated that the assessments of 110, 112 and 214 3907 - 3A Street NE were higher than any of the 20 randomly chosen examples from the City's assessment review site. He stated that the error in listing the sale price of 210 and 212 as the price for one unit (210) caused an error in assessment for the entire building. The entire building is assessed at an average of \$285 per square foot as opposed to \$182 per square foot for the random list.

The Respondent listed nine comparable sales which ranged between \$124 and \$224 per square foot. He agreed that the December, 2008 sales comparable within the same building was in error and should be listed at \$450,500 for 2189 square feet or \$205.80/square foot.

Units within the subject building have been assessed between a low of \$242 to a high of \$374 per square foot.

It is the decision of the Board that these assessments are above and outside the demonstrated sales range, especially as demonstrated by the most recent sale of two units within the same building. This indicates over-assessment.

The Board found a value based on the best evidence of sale: the sale of units 210 and 212 within the same building at \$205 per square foot in 2008. Applying the city time adjustment of 97.7% for December, 2008 as shown in the sales evidence for #2, 4505 -12 Street NE (also listed in the Respondent's comparables), the time adjusted sale value is rounded to \$200/square foot.

Board's Decision:

Assessment is reduced to \$200/square foot or (\$199,200 truncated) \$199,000.

DATED AT THE CITY OF CALGARY THIS 29 DAY OF August 2011.



Lana Yakimchuk
Presiding Officer

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

NO.	ITEM
1. C3	Complainant Disclosure
2. R5	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.*