

**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:

Foothills Equities Inc. (as represented by Altus Group Limited), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

B. Horrocks, PRESIDING OFFICER

M. Grace, MEMBER

B. Jerchel, 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:	097017404
LOCATION ADDRESS:	6025 51 ST SE
HEARING NUMBER:	64471
ASSESSMENT:	\$13,610,000

This complaint was heard on the 18th day of Aug., 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:

- Mr. J. Smiley (Altus Group Limited)

Appeared on behalf of the Respondent:

- Mr. I. Baigent

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

There were no concerns with the composition of the Board.

There were no preliminary matters. The merit hearing proceeded.

Property Description:

The subject property is a 7.44 acre site located in the Foothills Industrial Park in SE Calgary. The site is improved with a 191,551 sq. ft. multitenant industrial warehouse that was constructed in 1995. The site coverage is 59.08% and the finish is 6%. The property is assessed at a rate of \$71.00 per SF using the Direct Sales Approach to Value.

Issues:

The Assessment Review Board Complaint Form contained 11 Grounds for Appeal. At the outset of the hearing the Complainant advised the only outstanding issue was equity.

Complainant's Requested Value: \$11,380,000 (Complaint Form)
\$12,250,000 (Hearing)

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

Issue Equity

The Complainant's Disclosure is labelled C-1.

The Complainant, at page 10, provided a list of 8 purported equity comparables all located in the Foothills Industrial Park with: land areas ranging from 8.82 acres to 25.96 acres (the subject is 7.44 acres), site coverage ranging from 52.58% to 65.01% (the subject is 59.08%), year of construction from 1990 to 2002 (the subject was constructed in 1995) and finish ranging from 2.00% to 23.00% (the subject has 6% finish). The assessments of the comparables ranged from \$60 to \$66 per SF, with a median of \$64 per SF. The Complainant submitted that the comparable at 4760 72 AV SE (the most comparable in its opinion) was slightly larger, with smaller site coverage, and higher percent finish than the subject and yet was assessed \$9 per SF lower. He requested an assessment of \$64 per SF.

The Respondent's Disclosure is labelled R-1.

The Respondent, at page 25, provided a list of Sales Comparables (Industrial Warehouse 100k+ sf), noting the range of time adjusted sales price (TASP) for single building properties sold between Dec. 2007 and April 2010 was \$81 to \$135 per SF, noting the subject is assessed at a rate of \$71 per SF.

The Respondent, at page 24, provided a list of 5 equity comparables (single and multi-building sites) with assessment rates ranging from \$73 to \$84 per SF.

The Complainant, at page 6 of C-2 Rebuttal, noted that only 4 of the Respondent's 12 sales comparables were within an Assessment to Sales Ratio (ASR) range of 0.95 to 1.05.

The Board finds, the assessed value (\$71 per SF) is within the range of the combined equity values submitted by both parties (\$60 to \$84 per SF), and below the range of actual market sales, and concludes that no adjustment is required to the assessment.

Board's Decision:

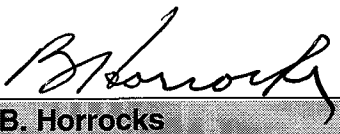
The 2011 assessment is confirmed at \$13,610,000.

Reasons

The assessment falls within the range of equity comparables submitted by both parties .

No market evidence was submitted by the Complainant.

DATED AT THE CITY OF CALGARY THIS 26 DAY OF August 2011.


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
3. C2	Complainant's Rebuttal (page 1 through 6 only)

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.*