

**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

***Colliers International Realty Advisor
GMW Properties Ltd.(as represented Colliers International Realty Advisor),
COMPLAINANT***

and

The City Of Calgary, RESPONDENT

before

***Lana Yakimchuk, PRESIDING OFFICER
Ian Fraser, MEMBER
Peter 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:	200479517
LOCATION ADDRESS:	5155 – 48 Ave. SE
HEARING NUMBER:	64576
ASSESSMENT:	7,620,000

This complaint was heard on August 16, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 - 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *Mr. David Porteous, Colliers International Realty Advisors*

Appeared on behalf of the Respondent:

- *Mr. George Bell, City of Calgary Assessment Business Unit*

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

There were no procedural or jurisdictional matters.

Property Description:

The property at 5155 – 48 Ave. SE is a 4.71 acre parcel of land in the Eastfield Industrial Subdivision, with a 51,153 square foot Industrial Single Tenant Warehouse (IWS) and outbuilding with site coverage of 25.26%. The warehouse was completed in 2001 and a 7,852 square foot outbuilding was completed in 2004. The property is assessed at \$130.00 per square foot.

Issues:

The Matter for Complaint was that the assessment is too high. The issue is equity with other assessments of similar properties.

Complainant's Requested Value: \$6,190,000 (\$105.00 per square foot)

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

Mr. Porteous, on behalf of the Complainant, explained that this matter was being supported by an equity argument because there were too few sales comparables to support a market value discussion. He presented a list of comparable properties from the City of Calgary assessment roles (C-1, p.22) which included properties ranging in completion dates from 1980 to 2000 and building sizes from 55,000 square feet to 96,076 square feet. The two newest comparables were in the Eastfield area, and had high site coverage at 39.95% and 40.72% respectively (subject: 25.26%) These two properties had an assessed value of \$119.20 and \$113.56. The complainant did not adjust the values for coverage and age to make them comparable to the subject.

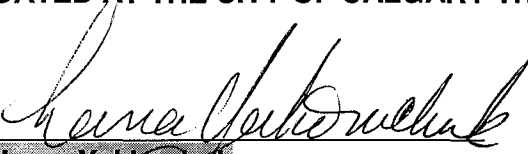
Mr. Gardiner, on behalf of the Respondent, said that the subject property is superior to the short list of comparables presented by the Complainant. As well, no adjustment was made for the large difference in site coverage. He presented a list of equity comparables (R-1, p. 16) from the SE area which demonstrated that the subject property assessment was within the same range as comparable properties. The properties were selected to have similar characteristics, and he showed where the characteristics varied and would affect the property value.

Colliers International did not attempt to establish a property value for the subject through any evaluation method, but suggested that the subject property assessment was not in line with assessments of similar properties. However, the Complainant did not support the argument with truly comparable properties. The City of Calgary was able to select a list of comparable properties which demonstrated equity with similar properties. For these reasons, the Board decided the Complainant did not support the claim that the assessment was not equitable.

Board's Decision:

The assessment is confirmed at \$7,620,000.

DATED AT THE CITY OF CALGARY THIS 8 DAY OF September 2011.



Lana Yakimchuk
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.*