

**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

***London Life Insurance Company
(as represented by 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:	094220407
LOCATION ADDRESS:	4792 – 50 Ave. SE
HEARING NUMBER:	64166
ASSESSMENT:	\$4,910,000

This complaint was heard on August 17, 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. S. Meiklejohn, Colliers International Realty Advisor*

Appeared on behalf of the Respondent:

- *Mr. Kelly Gardiner, 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 is assessed as a 39,896 multi-tenant warehouse built in 2001, located in the non-residential zone of Valleyfield (SE). The assessed value for 2011 is \$4,910,000 (\$123.07 per square foot).

Issues:

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

Complainant's Requested Value: \$4,180,000 ((\$104.77 per square foot)

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

Mr. Meiklejohn, on behalf of the Complainant, presented a list of eleven property sales of the same size and similar type (IWS and IWM) throughout the City of Calgary. Three of the property sales were Central or SE. These three were C properties (subject: B), with years of completion ranging from 1979 to 1990 (subject: 2001). The other comparables were from the NE and were completed between 1972 and 1998. The Complainant's evidence was not adjusted for age, area, site coverage, finish or type (IWS or IWM). Mr. Meiklejohn asked the Respondent why the average of all the assessments (of similar properties) should not be the assessment. The average of the 11 property assessments presented was \$111.30 per square foot.

Mr. Gardiner, on behalf of the Respondent, stated that the \$104.77 per square foot request from the Complainant was not supported by any mathematical calculations, nor by the unadjusted comparables. For these reasons, he was unable to provide evidence against that number specifically. However, he stated that the comparables presented by the Complainant are for inferior properties which are older than the subject. He suggested that when the most comparable of these properties (to the subject) are taken from the list, their assessment values are equitable with the subject.


The Board found that the six sales of similar year of completion have assessments which

support the subject assessment. Using the six sales which are within 10 years of the age of the subject building, the average sale price is \$122.12 per square foot and the corresponding assessment average is \$125.59 per square foot. As the subject property is newer than any of the six properties averaged, a reduction to an assessment of \$104.77 per square foot is not supported.

Board's Decision:

The assessment is confirmed at \$4,910,000.

DATED AT THE CITY OF CALGARY THIS 9 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.*