

**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

**GMW Properties Ltd.
(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:	200479525
LOCATION ADDRESS:	5025 – 51 St. SE
HEARING NUMBER:	64579
ASSESSMENT:	\$3,340,000

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. David Porteous, Colliers International Realty Advisors*

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 under appeal is assessed as a 20,400 square foot warehouse built in 2006, located in the non-residential zone of Valleyfield. Site coverage is shown as 28.20% on 1.66 acres. The property is assessed at \$3,344,391 or \$163.00 per square foot.

Issues:

The Matter for Complaint was the assessment is too high. The issue is the assessment does not represent market value.

Complainant's Requested Value: \$2,240,000 (\$110 per square foot)

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

Mr. Porteous, on behalf of the Complainant, presented a list of eight industrial sales comparable by size. The warehouses being compared to the subject property were all significantly older than the subject (completed 2006) as they ranged in completion years from 1961 to 1983. The comparables had site coverages of 36.34% to 51.95%, contrasted to the subject site coverage of 28.20%, and finishes ranging from 8% to 38%, again contrasted to the subject building's finish of 48%.

Mr. Gardiner, on behalf of the respondent, said that the subject property is superior to the comparables presented by the complainant in terms of age, site coverage and finish. He also suggested the range of property sizes was larger than the subject property size.

The Board found that the comparable properties with which the Complainant chose to support his argument were not comparable in age, site coverage, or finish. The comparables were chosen by size and no adjustment was made for the other variations. Further, no similar or superior comparables were chosen to balance the list and adjust for variations. For these reasons, the Board agrees that the Complainant has not proven that the assessment should be reduced.

Board's Decision:

The assessment is confirmed at \$3,340,000.

DATED AT THE CITY OF CALGARY THIS 7 DAY OF September 2011.

A handwritten signature in cursive script, appearing to read "Lana Yakimchuk", is written over a rectangular stamp.

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.*