

**CALGARY  
COMPOSITE 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:**

***Trillium 54<sup>th</sup> St. Inc. (C/O Redcliff Realty Management Inc.), as represented by Altus Group Ltd., COMPLAINANT***

**and**

***The City Of Calgary, RESPONDENT***

**before:**

***S. Barry, PRESIDING OFFICER  
R. Kodak, MEMBER  
A. Zindler, MEMBER***

This is a complaint to the Composite Assessment Review Board (CARB) in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2011 Assessment Roll as follows:

<b>ROLL NUMBER:</b>	<b>200660652</b>
<b>LOCATION ADDRESS:</b>	<b>7007 54 St. S.E. Calgary, AB</b>
<b>HEARING NUMBER:</b>	<b>61217</b>
<b>ASSESSMENT:</b>	<b>\$21,010,000</b>

This complaint was heard on the 25th day of August, 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:

- *D. Mewha, Altus Group Ltd.*

Appeared on behalf of the Respondent:

- *J. Young, City of Calgary*

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

There were no Procedural or Jurisdictional matters raised at the hearing.

**Property Description:**

The subject property consists of two multi-tenanted warehouses of 85,871 and 91,876 sq.ft., constructed in 2009. They are situated on a 9.6 acre parcel, designated Industrial General (IG), located in the Great Plains Industrial Park and have been assessed using the Sales Comparison Approach.

**Issues:**

Does the assessment correctly reflect market value and is it equitable having regard to a recent sale of the subject property?

**Complainant's Requested Value:** The requested assessment on the Complaint Form was \$19,600,000. At the hearing, this was revised to \$20,100,000

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

The Complainant argued that a sale of the subject property, on July 22, 2009 within one year of the valuation date of July 1, 2010, is the best indicator of market value and should form the assessment for the current year. The sale price at that time was \$20,100,000 and Land Titles, Alberta Data Search and RealNet documents provided by the Complainant support the transaction as both arms-length and fee simple. The Complainant referenced a number of decisions of CARB and a Court decision *2005 ABQB 512*, in his Complainant's submission to support his position.

The Respondent, however, noted that the sale price of the subject property lies within 5 per cent of the assessment; it is an acceptable margin and therefore the assessment should not be set aside. The Respondent pointed to *Matters Relating to Assessment and Taxation Regulation AR 220/2004* (MRAT), s.10(3) that addresses the quality standard for the preparation of assessments but agreed this is not a legislated standard that fetters the discretion of the Board in rendering a decision on a complaint. The Respondent also produced a number of CARB and MGB decisions that speak to a guideline or practice of not adjusting assessments where the

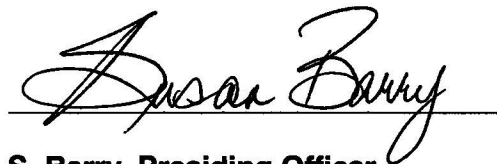
requested amount does not deviate by more than 5 per cent. He stated that for the Board to adjust this assessment would create a double standard where properties that sold within the current year would be treated differently from those that didn't.

There has been no evidence of change in the market or change in the property since the sale date. The Board also notes that there is no legislated restriction relative to the 5 per cent guideline. As well, since the assessment is deemed to be "new" each year and the Respondent values this class of property on the Sales Comparison approach, these current sales should be reflected in the model. The Board holds that each complaint must be judged on its own merits and in this instance, the recent sale is the best indicator of market value: that being, \$20,100,000.

**Board's Decision:**

The 2011 Assessment is reduced to \$20,100,000.

DATED AT THE CITY OF CALGARY THIS 9 DAY OF September 2011.



S. Barry, 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.*