

**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:

***Colsons Properties Inc.
(as represented by Altus Group Limited), COMPLAINANT***

and

The City of Calgary, RESPONDENT

before:

***J. Dawson, PRESIDING OFFICER
S. Rourke, MEMBER
A. Zindler, MEMBER***

This is a complaint to the Calgary Composite Assessment Review Board [*CARB*] in respect of a property assessment prepared by the Assessor of The City of Calgary and entered in the 2012 Assessment Roll as follows:

ROLL NUMBER:	090081407
LOCATION ADDRESS:	4028 4 Street SE
LEGAL DESCRIPTION:	Plan 2464JK; Block 2; Lot 1
HEARING NUMBER:	67770
ASSESSMENT:	\$ 3,280,000

- [1] This complaint was heard on the 3 day of October, 2012 at the office of the Assessment Review Board [ARB] located at Floor Number 4, 1212 31 Avenue NE, Calgary, Alberta, Boardroom 1.
- [2] Appeared on behalf of the Complainant:
- R. Worthington Agent, Altus Group Limited
- [3] Appeared on behalf of the Respondent:
- J. Greer Assessor, City of Calgary

SECTION A: Preliminary, Procedural or Jurisdictional Issues:

Preliminary Issue 1 - Evidence:

- [4] The Complainant and the Respondent requested to bring forward all evidence, comments, questions, and answers articulated during previous hearings, and heard before this Board to this hearing: CARB 1952/2012-P, and CARB 1953/2012-P.
- [5] **The Board determined, from the following listed decisions: CARB 1952/2012-P, and CARB 1953/2012-P that all evidence, comments, questions, and answers, is to be brought forward and incorporated just as if it were presented during this hearing.**
- [6] No additional procedural or jurisdictional matters were raised.

SECTION B: Issues of Merit

Property Description:

- [7] Constructed in 1965, the subject – 4028 4 Street SE, is a single-storey, multi-tenant warehouse building located two blocks west of Blackfoot Trail just north of 42 Avenue SE in an area known as Manchester Industrial with a non-residential sub-market zone [NRZ] of NM2.
- [8] The Respondent prepared the assessment showing 32,432 square feet of office space with 40% office finish. The site has an area of 88,432 square feet.

Matters and Issues:

- [9] The Complainant identified two matters on the complaint form:
- Matter #3 - an assessment amount*
 - Matter #4 - an assessment class*
- [10] Following the hearing, the Board met and discerned that this is the relevant question which needed to be answered within this decision:
1. *Is the subject assessed in a fair and equitable manner?*

Complainant's Requested Value:

- \$2,690,000 on complaint form
- \$3,020,000 in disclosure document confirmed at hearing as the request

Board's Decision in Respect of Each Matter or Issue:***Matter #3 - an assessment amount*****Question 1 *Is the subject assessed in a fair and equitable manner?******Complainant's position***

- [11] The Complainant raised the issue of equity and provided five comparables showing a median of \$95 per square foot for assessment purposes. (C1 p. 7)
- [12] The Complainant established through questioning and past *CARB* decisions that site area was the single greatest key factor to establish the correct value of adjustments. (C1 p. 4) The chart provided by the Assessment Business Unit of the City of Calgary demonstrated seven key factors with variations. No values are provided to establish the coefficients. (C1 p. 45)
- [13] The Complainant provided assessment notices from four similar properties to show that typically the assessments for 2012 are 7.8% lower than 2011; therefore, the subject's 2012 assessment should be 7.8% lower than its 2011 assessment of \$3,280,000 arriving at the request of \$3,020,000.

Respondent's position

- [14] The Respondent provided a sales comparison chart with six comparables and equity chart with seven comparables each arriving at \$122 per square foot and \$101 per square foot for medians. (R1 pp. 14-16)
- [15] The Respondent refused to provide the Board information on how to properly calculate the assessment in order to compare the key factors with comparables. The coefficients are not required to be provided as per Matters Relating to Assessment and Taxation [*MRAT*], section 27.3(2).

Board's findings

- [16] The Board found that there was insufficient evidence to indicate a problem with the assessment and the equity chart provided by the Respondent showed an equitable assessment.
- [17] **The Board is not convinced that there is a problem with the subject assessment.**

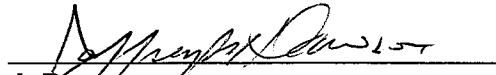
Matter #4 - an assessment class

- [18] The Board did not hear any evidence requesting a change in an assessment class from its current non-residential designation.

Board's Decision:

- [19] After considering all the evidence and argument before the Board it is determined that the subject's assessment is correct at a value of \$3,280,000 which reflects market value and is fair and equitable.

DATED AT THE CITY OF CALGARY THIS 26th DAY OF November 2012.


J. Dawson
Presiding Officer

APPENDIX "A"**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1.	C1 Complainant Disclosure – 99 pages
2.	R1 Respondent Disclosure – 41 pages
3.	C2 Rebuttal Disclosure – 15 pages

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.*

Municipal Government Board use only: Decision Identifier Codes				
Appeal Type	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Warehouse	Single Tenant	Sales Approach	Equity