

**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:

***UNIVERSAL INDUSTRIES (FOREMOST) CORP., COMPLAINANT
(Represented by Assessment Advisory Group)***

and

The City Of Calgary, RESPONDENT

before:

***Board Chair P. COLGATE
Board Member B. JERCHEL
Board Member E. REUTHER***

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: 120019302

LOCATION ADDRESS: 8825 SHEPARD ROAD SE

HEARING NUMBER: 64754

ASSESSMENT: \$11,780,000

This complaint was heard on 7 day of September, 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:

- *Troy Howell, Assessment Advisory Group – Representing Universal Industries (Foremost) Corp.*

Appeared on behalf of the Respondent:

- *Ian McDermott – Representing the City of Calgary*

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

The Board derives its authority to make this decision under Part 11 of the Municipal Government Act. The parties had no objections to the panel representing the Board as constituted to hear the matter. No jurisdictional or procedural matters were raised at the outset of the hearing, and the Board proceeded to hear the merits of the complaint.

Property Description:

The Subject property is comprised of two warehouses situated on a 14.95 acre site. Warehouse #1, constructed in 1971, has an area of 111,148 square feet, rated a 'C' quality. Warehouse #2, constructed in 1997, has an area of 4,300 square feet, rated as a "C" quality. The site, located at 8825 Shepard Road SE, is situated in the Shepard Industrial area. The site carried a land use designation of Industrial –Heavy.

Issue:

1. Is the square footage for the subject buildings correct?

Complainant's Requested Value: \$11,290,000.00

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

Complainant's Evidence:

The Complainant submitted copies of the 2011 Property Assessment Notice and the Assessment Summary Report. (C1, Pg. 2-3) From the Summary Report, the Complainant derived a rate of \$102.00 per square foot to be applied to the requested building square footage of 10,700 square feet. Additionally, a location map, a site map, an aerial photograph and a ground level photograph were submitted. (C1, Pg. 4-7)

The Complainant submitted two pages from a Foremost Universal LP document prepared for

the Health, Safety and Environment Program. (C1, Pg. 8-9). The Complainant use a single line from the documents to support the request to reduce the area of the buildings under complaint –

- Total Building Area – 110,700 Ft.2

Respondent's Evidence:

The Respondent submitted three ground level photographs of the subject property and the 2011 Assessment Summary Report. (R1, Pg 8-11).

The Respondent relied upon two Assessment Request for Information (ARFI) for the years 2009 and 2010 to support the areas assessed to the subject property. (R1, Pg 13-18) For both years, the surveys sent to Universal Industries (Foremost) Corp. were signed and returned by Mike McCarthy. The Respondent pointed out Mr. McCarthy had hand written in the Total Area as 115,448 square feet for both of the two years. The Respondent held the position the representative for the owner could have corrected the assessable areas if they believed them to be incorrect.

Findings of the Board

Complainant's Submission:

The sole issue placed before the Board was one of the correct areas of the subject buildings. The Board finds the evidence submitted by the Complainant, from the Foremost report, is lacking in convincing documentation. The report was prepared with respect to the health and safety of the employees and the relationship between Foremost and the Workers Compensation Board and not as a detailed report of the buildings on the site. There is an 'overview' of the buildings and cranes, but there are no detailed diagrams and measurements to show the source of the areas. The shop details do not assist the Board in reconciling the actual areas of the building components to the requested total area or the composition of the areas with respect to use – warehouse or office space. The pages from the report do not show any date as to their publication.

The Board would have been more persuaded if time had been taken to carry out an inspection of the site, with measurements on a diagram, to support the claim with respect to the areas for the property.

Respondent's Submission:

The Board finds that while the Respondent did not present site diagram with dimensions either, the evidence shows the owners have accepted the sizes as factual, through their validation of the ARFI's. The owners had been presented, at least twice, with the areas of the buildings and did not correct them, but went so far as to hand write the areas on the forms. The Board places more weight on the signed documents than the undated documents of the Complainant.

Board's Decision:

The Board finds the lack of compelling evidence, in the form of site plans and dimensions, does not substantiate adjusting the assessment.

The Board requests the Respondent confirm the sizes of the buildings on site, through an inspection, in order to clarify the size confusion raised by the Complainant and those findings be conveyed to the Complainant.

The Board confirms the assessment at \$11,780,000.00.

DATED AT THE CITY OF CALGARY THIS 24 DAY OF October 2011.


Philip Colgate
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.*

FOR ADMINISTRATIVE USE

Subject	Property Type	Property Sub-Type	Issue	Sub-Issue
CARB	Warehouse	Warehouse- Single Tenant	Cost/Sales Approach	Improvement Calculation