

**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:

Abacus Property Management Ltd., COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

C. McEwen, PRESIDING OFFICER

S. Rourke, MEMBER

J. Pratt, 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: 124187857

LOCATION ADDRESS: 9625 HORTON RD SW

HEARING NUMBER: 61666

ASSESSMENT: \$1,850,000

This complaint was heard on the 8th day of September, 2011 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, AB, Boardroom 3.

Appeared on behalf of the Complainant:

- A. Donhuysen
- L. Zuczek

Appeared on behalf of the Respondent:

- C. Lee

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

There were no jurisdictional or procedural matters raised by either party.

Property Description:

The subject property is a .91 acre parcel located in the Haysboro district of SW Calgary. The site is improved with a 5,610 square foot multi-tenant warehouse constructed in 1969. The subject is zoned Commercial-Corridor 3 (C-COR3) and is assessed as vacant land at a rate of \$65 per square foot on the first 20,000 square feet and \$28 per square foot on land > 20,000 square feet.

Issues:

Is the subject property assessed higher than market value and is the assessment, therefore, inequitable to comparable properties?

Complainant's Requested Value:

\$1,350,000

Board's Findings and Reasons in Respect of Each Matter or Issue:

The Board finds the Complainant's evidence insufficient to reduce the subject assessment for the following reasons:

- The Complainant's comparable properties (C1, page 2) are too dissimilar to the subject property to support an equity argument. While the subject property is zoned as C-COR3 for assessment purposes, the comparables are zoned as Industrial. The Respondent explained that industrial properties are assessed at a lower rate than commercial properties due to the restrictions placed on industrial property use. As these restrictions do not apply to commercial properties, a commercial zoning is typically considered more valuable to investors. In addition, the Complainant's comparables included several multi-building properties whereas the subject is improved by a single structure. The Respondent explained that multi-building sites typically sell for less than single building sites and are assessed accordingly.
- The best comparable is found to be the property located at 9311 Macleod Trail SW. It is

zoned Commercial and is in close proximity to the subject. Like the subject, it is assessed as vacant land at a blended rate of \$47.86 per square foot, fully supportive of the blended rate of \$46.63 per square foot attributed to the subject.

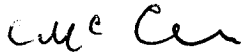
- The Complainant's third-party report (C2) analyzes Industrial properties, again, too dissimilar to Commercial properties for valid comparison purposes.
- The Board finds the Proposed Acquisition document (C4) of little value as it does not represent a final offer but is simply an early stage recommendation.

In summary, in the absence of comparable equity and sales evidence to support the Complainant's request, the Board confirms the subject assessment.

Board's Decision:

The subject assessment is confirmed at \$1,850,000.

DATED AT THE CITY OF CALGARY THIS 22nd DAY OF September 2011.



C. McEwen
Presiding Officer

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

NO.	ITEM
1. C1	Complainant Disclosure
2. C2	Complainant Disclosure
3. C3	Complainant Rebuttal
4. C4	Complainant Rebuttal
5. 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.*