

**CALGARY
ASSESSMENT REVIEW BOARD
DECISION WITH REASONS**

In the matter of the complaints against the property assessments as provided by the *Municipal Government Act*, Chapter M-26, Section 460, Revised Statutes of Alberta 2000 (the Act).

between:

Express Painting and Decorating 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 the property assessments prepared by the Assessor of The City of Calgary and entered in the 2011 Assessment Roll as per SCHEDULE A:

SCHEDULE A

ROLL NUMBER	LOCATION ADDRESS	HEARING NUMBER	ASSESSMENT
201514502	117 427 51 AVE SE	62235	\$188,500
201514510	117R 427 51 AVE SE	62242	\$203,500
201514528	129 427 51 AVE SE	62245	\$199,500

This complaint was heard on the 9th 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:

- J. Edwardson
- H. Chlebus

Appeared on behalf of the Respondent:

- P. Sembrat
- D. Desjardins

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

The Complainant stated that he was representing twenty-three industrial condominium properties. The properties had been separated, for the purposes of simplicity and clarity, into three groups, by address, and would be argued as such. The Complainant asked that the evidence (C1) and argument from the current hearings be applied to all hearings.

The Respondent accepted the Complainant's hearing methodology and stated that a separate evidence package (R1) supporting the subject assessments had been submitted for each group of hearings.

The Board accepted the parties' recommendation for hearing the twenty three properties and the merit hearings continued.

Property Description:

The subject properties are three industrial condominiums located in the Manchester district of SE Calgary. The condominiums are contiguous, without dividing walls, and range in size from 958 to 1,077 square feet. The total area of the three condominiums is 3,080 square feet. The properties, constructed in 1979, are assessed, on average, at \$192 per square foot.

Issues:

Are the subjects assessed higher than market value and are the subject assessments, therefore, inequitable to comparable properties?

Complainant's Requested Values:

SCHEDULE B

ROLL NUMBER	LOCATION ADDRESS	HEARING NUMBER	REQUESTED VALUE
201514502	117 427 51 AVE SE	62235	\$138,910
201514510	117R 427 51 AVE SE	62242	\$156,165
201514528	129 427 51 AVE SE	62245	\$151,380

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

The Board finds the subject assessments fair and equitable for the following reasons:

- The sale of the subject properties on January 22, 2010 is the very best indicator of market value. The properties sold as a single transaction for a time-adjusted price of \$585,200 (\$189.50 per square foot), close to the subjects' average assessment of \$191 per square foot.
- The Respondent's five SE sales comparables (page 47, R1), which indicate an average selling price of \$185.68 per square foot, support the subject's assessment. The average Assessment to Sales Ratio (ASR) of the sales comparables is 1.00, indicating a perfect correlation of assessments to the time-adjusted selling prices.
- The Board does not accept the Complainant's argument that the subject properties should be treated (and assessed) as one large 3,000 square foot unit rather than three 1,000 square foot units. Legally, the subject properties carry three separate titles and must be assessed accordingly. Practically, although the subject properties were sold as a portfolio, the price paid recognized them as separate, smaller units.
- The Board does not accept the Complainant's equity argument as the Complainant's equity comparables, due to differences in size, location, age and quality are not similar enough to the subject properties to mitigate the sales evidence provided. Equity within the subject development is demonstrated by the Respondent's Equity Comparable Chart (page 46, R1) showing assessment rates of ~ \$190 per square foot for space <1200 square feet.

In summary, the Board finds the sale of the subject properties on January 22, 2010 for \$585,200 (\$189.50 per square foot) to be the best indicator of value of the subject properties.

Board's Decision:

The subject assessments are confirmed as per SCHEDULE C.

SCHEDULE C

ROLL NUMBER	LOCATION ADDRESS	HEARING NUMBER	DECISION
201514502	117 427 51 AVE SE	62235	\$188,500
201514510	117R 427 51 AVE SE	62242	\$203,500
201514528	129 427 51 AVE SE	62245	\$199,500

DATED AT THE CITY OF CALGARY THIS 23rd 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. 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 Multi- Tenant Unit Ownership	Cost/Sales Approach	Equity Comparables