

**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:

Standen Holdings Limited. (as represented by Altus Group), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

D. Trueman, PRESIDING OFFICER

Y Nesry, MEMBER

J. Rankin, 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: 100006600

LOCATION ADDRESS: 5905 11th St. SE.

HEARING NUMBER: 64191

ASSESSMENT: \$7,750,000

This complaint was heard on 5th day of October, 2011 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 11.

Appeared on behalf of the Complainant:

- *R. Worthington, D Mewha*

Appeared on behalf of the Respondent:

- *G. Bell*

Background

The hearing began with the Complainant advising the Board that this Complaint is part of an agenda for hearings this week which related to generally larger industrial warehouse properties. In respect of this he advised the panel that he had prepared evidentiary documents that would be common to most of the decisions that the panel would make throughout the week and which had been presented at the first hearing. He said that these documents pertained to an Income Approach to value which he said was more appropriate, for valuation purposes, than the Direct Sales Comparison Approach used by the assessor. Without a re-presentation of his argument he asked the Board to be reminded of his comments in this regard and that they should be referenced in this decision. The Respondent accepted this general argument submission and agreed that such evidentiary material had been exchanged. The panel acknowledged the documents which had been marked as Complainant exhibits GC 1, GC 2, GC 3, GC 4 and GC 5 which would be used accordingly when referenced throughout this hearing.

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

The parties agreed that there were no procedural or jurisdictional matters prior to the commencement of this hearing.

Property Description:

The subject property consists of a multi-tenanted industrial warehouse constructed in 1971 containing a building footprint of 64,000 ft.² and a rentable area of 69,124 ft.² It is located in the Burns Industrial district, in southeast Calgary, on a land base of 6.93 acres.

Issues:

A variety of issues were described on the original complaint form however at hearing the Complainant advised the panel that the main issue was that the site had severely restricted redevelopment or additional development potential.

Complainant's Requested Value: \$5,700,000

Complainant's position :

At the outset of his presentation the Complainant asserted that approximately 40% of the site is undevelopable due to its topography which is severely sloping along the property's south and east boundaries. To this end he presented photographs and topographical survey maps. He pointed out that the City have referenced an area of 2.04 acres as extra land on their 2011 Assessment Explanation Supplement. Given that there had been an assessment increase over last year the Complainant wondered how the City had made this calculation.

Respondent's position:

The Respondent advised the Board that he was unfamiliar with this particular assessment file and that he was unable to explain how the City had determined that there was "extra land" of 2.04 acres. He acknowledged that the Complainant evidence demonstrated what appeared to be undevelopable site area and offered to obtain an explanation from someone who was more familiar with this property at his office, for the purpose of this hearing.

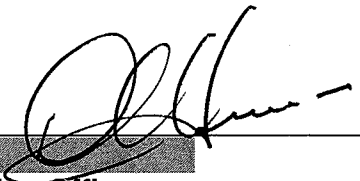
Board's Decision in Respect of Each Matter or Issue:

Given that the Complainant was interested in the Respondent's more complete explanation for "extra land" a recess in the hearing was ordered and the parties were requested to bring back enough detail that the Board could reasonably consider the Complaint. Upon their return, the parties advised the panel that they had reached an agreement with respect to a value for assessment purposes for 2011. They agreed that they would return the assessment to its 2010 assessed value of \$7,130,000. The Complainant testified to his agreement with such an assessed amount. The parties agreed that for future assessments a clear understanding of assessable land and building areas would be made available to all parties.

Board's Decision:

The assessment is reduced to \$7,130,000.

DATED AT THE CITY OF CALGARY THIS 8 DAY OF November 2011.



Presiding Officer

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

NO.	ITEM
1. GC 1	Complainant "Generic" Disclosure
2. GC 2	" " "
3. GC 3	" " Rebuttal
4. GC 4	" " "
5. GC 5	" " "
6. C1	Complainant Disclosure
7. 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	Sales Approach	Land value