



## 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:

***Thorburn Capital Corp (as represented by MNP LLP), COMPLAINANT***

and

***The City Of Calgary, RESPONDENT***

before:

***T. Golden Board Chair, PRESIDING OFFICER***  
***A Huskinson, BOARD MEMBER***  
***T Usselman, BOARD 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 2013 Assessment Roll as follows:

ROLL NUMBER	067896001	067895987	067895961	067895946	067895920	067895904
LOCATION ADDRESS	700 630 8 AV SW	600 630 8 AV SW	500 630 8 AV SW	400 630 8 AV SW	300 630 8 AV SW	200 630 8 AV SW
FILE NUMBER	70611	70612	70613	70614	70615	70616
ASSESSMENT	\$537,500	\$2,080,000	\$2,080,000	\$2,080,000	\$2,080,000	\$2,080,000

This complaint was heard on 17 day of July, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 8.

Appeared on behalf of the Complainant:

- *J. Langelaar*

Appeared on behalf of the Respondent:

- *R. Urban*

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

[1] The parties to the Hearing agreed that files 70611 to 70616 were very similar and should be considered together.

#### **Property Description:**

[2] Each of the subject properties are office condominiums located in the same building. These properties make up 36,067 square feet (sq ft) of the building which is a C class office building constructed in 1951 and located in the downtown core. An assessment was prepared on the sales approach. The retail space on the street level is not in dispute.

#### **Issues:**

[3] Issue 1: Has the sales comparables used in the preparation of the assessment developed a fair and equitable assessment?

#### **Complainant's Requested Value:**

700 630 8AV SW	600 630 8 AV SW	500 630 8 AV SW	400 630 8 AV SW	300 630 8 AV SW	200 630 8 AV SW
\$451,800	\$1,740,000	\$1,740,000	\$1,740,000	\$1,740,000	\$1,740,000

#### **Board's Decision:**

[4] The Board adjusts the assessment to:

700 630 8AV SW	600 630 8AV SW	500 630 8AV SW	400 630 8AV SW	300 630 8AV SW	200 630 8AV SW
\$451,800	\$1,740,000	\$1,740,000	\$1,740,000	\$1,740,000	\$1,740,000

**Board's Decision on Issue 1**

[5] **Issue 1:** The sales comparables used in the preparation of the assessment did not develop a fair and equitable assessment?

[6] **Position of the Parties**

[7] **Complainant's Position:**

[8] The Complainant presented the Board with a table containing information from 3 sales of similar office condominium units. The Complainant recognized that one sale was post facto by three months, however, the sale actually indicated a downward trend in the sales. Each building was newer than the subject property and assessed in the same or better class. These sales indicated an average sale price of \$254.33 per sq ft. Two of the three comparables also appear on the list provided from the Respondent. This was understood to be a better indicator of market value than presented by the Respondent as the sales were only office condominiums.

**Respondent's Position:**

[9] The Respondent submitted to the Board the table used to support the assessment entitled "C Class Condo Sales Downtown". The sales include both retail and office sales and show an average of \$282.44 per sq ft. confirming the accuracy of the assessment. Since sales were limited the Respondent was confident in using both retail and office sales in the calculation of rental rate.

**Board's Reasons for Decision:**

[10] The Board noted that the comparables presented by Complainant met the onus requirements and the evidence of the Respondent should be further reviewed. The results of the Respondents analysis were \$282 per sq ft, yet they were assessed at \$303.25 per sq ft. The Board reviewed the two sales that both parties accepted and the average is \$275.00 per sq ft. The post facto sale at \$213.00 per sq ft also indicated a lower assessment was more correct. The Board gave more weight to the Complainant's approach and agrees the assessment should be adjusted to the requested value.

DATED AT THE CITY OF CALGARY THIS 29<sup>th</sup> DAY OF August 2013.



Tom Golden

Presiding Officer

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

<b>NO.</b>	<b>ITEM</b>
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.*

<b>Roll</b>	<b>Address</b>	<b>Subject</b>	<b>Issue</b>	<b>Detail</b>	<b>Sub Detail</b>
067896001	700 630 8 AV SW	office condo	sales	comparables	
067895987	600 630 8 AV SW	office condo	sales	comparables	
067895961	500 630 8 AV SW	office condo	sales	comparables	
067895946	400 630 8 AV SW	office condo	sales	comparables	
067895920	300 630 8 AV SW	office condo	sales	comparables	
067895904	200 630 8 AV SW	office condo	sales	comparables	