



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

Sun Life Assurance Company of Canada
(as represented by MNP LLP), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before

L. Yakimchuk, PRESIDING OFFICER
R. Deschaine, BOARD MEMBER
R. Roy, 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: 116025891
LOCATION ADDRESS: 4760 72 Av SE
FILE NUMBER: 71130
ASSESSMENT: \$17,490,000

This complaint was heard August 21, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 4.

Appeared on behalf of the Complainant:

- *J. Langelaar, MNP LLP*

Appeared on behalf of the Respondent:

- *E. Wu*

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

- [1] There were no procedural or jurisdictional matters.

Property Description:

- [2] The subject property has been assessed as a single building, multi-tenant 224,723 square foot (sf) Industrial Warehouse built in 1990. The building was constructed on 8.82 Acres (A) of land with 55% site coverage. The property has been assessed, using Sales Comparisons, at \$77.85/sf.

Issues:

- [3] Is the assessment of the subject property supported by Sales?

Complainant's Requested Value: \$15,570,000.

Board's Decision:

- [4] The Board confirms the assessment at \$17,490,000.

Legislative Authority, Requirements and Considerations:

The Composite Assessment Review Board (CARB) derives its authority from the Municipal Government Act (MGA) RSA 2000 Section 460.1:

- (2) Subject to section 460(11), a composite assessment review board has jurisdiction to hear complaints about any matter referred to in section 460(5) that is shown on an assessment notice for property other than property described in subsection (1)(a).

For the purposes of this hearing, the CARB will consider MGA Section 293(1)

In preparing an assessment, the assessor must, in a fair and equitable manner,

- (a) apply the valuation and other standards set out in the regulations, and
- (b) follow the procedures set out in the regulations.

Matters Relating to Assessment and Taxation Regulation (MRAT) is the regulation referred to in MGA Section 293(1)(b). The CARB decision will be guided by MRAT Section 2, which states that

An assessment of property based on market value

- (a) must be prepared using mass appraisal,
- (b) must be an estimate of the value of the fee simple estate in the property, and
- (c) must reflect typical market conditions for properties similar to that property.

and MRAT Section 4(1), which states that

The valuation standard for a parcel of land is

- (a) market value, or
- (b) if the parcel is used for farming operations, agricultural use value.

Position of the Parties

Complainant's Position:

[5] The Complainant, J. Langelaar, MNP LLP, argued that the City of Calgary TASP (Time Adjusted Sale Price) Analysis (R1 Appendix B) indicated that in the final period (December 2011 to June 2012) there was downward movement in the SARs (Sales to Assessment Ratios) which indicated that Sales Values were moving down. The City of Calgary has been calculating that the SARs were at 0% change in this period. In the Rebuttal document (C2 p3) MNP LLP attempted to address this issue by applying a -3.83% adjustment for the period December 1, 2011 to June 30, 2012.

[6] The Complainant argued that the subject building was overassessed and presented five proposed Comparable properties ranging in Approximate Year of Construction (AYOC) from 1977 to 2004. The Complainant subsequently removed two of the proposed comparables. Median TASP using City of Calgary adjustments for the remaining properties was \$75.52/sf.

[7] The Complainant also presented documentation to support the validity of some of the Sales.

Respondent's Position:

[8] E. Wu, City of Calgary Assessor, analyzed the Complainant's Sales list and stated that only two of the sales were valid arm's length sales for the purposes of establishing an assessed value. The two sales the Respondent used were 4100 Westwinds Dr NE and 7803 – 35 St SE. The first building sale was a 50% sale of a single tenant property.

[9] The Respondent also defended the City of Calgary TASP Analysis, stating that the graph represented a wide variation in SARs.

Rebuttal:

[10] In Rebuttal, the Complainant provided previous Board decisions to support his arguments. He made a final verbal request for a reduced assessment of \$15,170,000.

Board's Reasons for Decision:

[11] The Board considered the TASP analysis proposed by the Complainant and decided that the graph is intended as a visual representation of a range, not an absolute value. For this reason the Board accepted the City of Calgary TASP analysis and used the TASP values used by the Respondent.

[12] The Board considered the various Sales comparables presented in both documents. The sale of 7803 – 35 St SE was the most comparable sale (TASP: \$75.62/sf), and it was supported somewhat by the 50% sale of 4100 Westwinds Dr NE (\$90.12/sf). The 50% sale may not be an accurate representation of Market Value.

[13] The Board decided that the sales supported the assessed value of the property and confirmed the assessment at \$77.85/sf.

DATED AT THE CITY OF CALGARY THIS 9 DAY OF September 2013.



Lana Yakimchuk

Presiding Officer

APPENDIX "A"

**DOCUMENTS PRESENTED AT THE HEARING
AND CONSIDERED BY THE BOARD:**

NO.	ITEM
1. C1	Complainant Disclosure
2. R1	Respondent Disclosure
3. C2	Complainant Rebuttal

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.*

Appeal Type	Property Type	Property Sub-type	Issue	Sub-Issue
CARB	Warehouse	Multi Tenant	Sales Approach	Single building