



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

CWA Holdings Ltd.
(as represented by Altus Group Ltd.), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before

L. Yakimchuk, PRESIDING OFFICER
R. Kodak, BOARD MEMBER
J. Rankin, 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: 091005801

LOCATION ADDRESS: 4005 11 St SE

FILE NUMBER: 71570

ASSESSMENT: \$5,710,000

This complaint was heard July 25, 2013 at the office of the Assessment Review Board located at Floor Number 4, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 3.

Appeared on behalf of the Complainant:

- *D. Mewha, Altus Group*

Appeared on behalf of the Respondent:

- *T. Luchak, City of Calgary Assessor*

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 1963 Central Calgary, Industrial Warehouse (single tenant) with 52,944 square feet (sf) of assessable area constructed on 4.45 Acres (A) of land with 27.23% site coverage. The property has been assessed, using Sales Comparisons, at \$108.03/sf.

Issues:

[3] Is the subject assessment representative of Market Value?

Complainant's Requested Value: \$5,020,000.

Board's Decision:

[4] The Board reduces the assessment to \$5,180,000.

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, D. Mewha, Altus Group presented a list of four Sales Comparables (C1 p15) with Time Adjusted Sales Prices (TASPs) of \$89/sf to \$125/sf to support a reduction in Assessed Value from \$108/sf to \$95/sf. The properties on the Sales Comparable list ranged in size from 40,420 sf to 65,084 sf, similar to the area of the subject.

[6] One of the properties on the list, 5905 11 St SE, is a multi-tenant building, while the remainder are single-tenant buildings like the subject.

[7] The Complainant presented a Sales Comparison table with only the three single tenant buildings as a supplement to the first one. Both tables indicated that the TASP median value was \$98/sf.

Respondent's Position:

[8] T. Luchak, City of Calgary Assessor, used the same three single tenant buildings on his list of Sales Comparables (R1 p15), and added a fourth one with a TASP of \$125.21/sf. The resulting median value was \$98/sf.

[9] The Respondent agreed that the Land Area for the subject was greater than the Land Area for three of the proposed comparables on each list, and that a small adjustment might be required for Land Value.

Rebuttal:

[10] In Rebuttal, D. Mewha documented the City of Calgary proposed comparables, showing that the proposed comparable that differed from the Complainant's list (3809 – 7St SE) had partial C-COR zoning.

Board's Reasons for Decision:

[11] The Board considered the various Sales comparables presented in both documents. Both parties had three comparables in common on their lists. The median TASP of these three Sales was \$98.

[12] The most comparable property to the subject was a multi-tenant building, 5905 11 St SE, which had the most similar land area and site coverage to the subject and was sold for \$98/sf. It was sold in April, 2012 so there was no change in its value at the assessment date.

[13] The Board reduced the subject assessment to \$98/sf.

DATED AT THE CITY OF CALGARY THIS 19 DAY OF August 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	IWM	Sales Approach	Comparables