



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:

WEZU Property Management Ltd. (as represented by Colliers International Realty Advisors), COMPLAINANT

and

The City Of Calgary, RESPONDENT

before:

T. Golden, PRESIDING OFFICER
D. Julien, BOARD MEMBER
D. Morice, 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: 200956977

LOCATION ADDRESS: 1 1404 44 AV NE

FILE NUMBER: 71575

ASSESSMENT: \$393,000

This complaint was heard on 29 day of August, 2013 at the office of the Assessment Review Board located at Floor Number 3, 1212 – 31 Avenue NE, Calgary, Alberta, Boardroom 10.

Appeared on behalf of the Complainant:

- *T. Howell*

Appeared on behalf of the Respondent:

- *G. Foty*

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

- [1] There were no preliminary issues in this case.

Property Description:

- [2] The subject is a condominium warehouse bay unit 2136 square feet (sq. ft.) in size. The building was constructed in 1973 and is a C quality. The assessment was conducted using a Direct Sales Approach.

Issues:

- [3] Issue 1: Does the sale comparisons used by the City result in a correct assessment for the subject?

Complainant's Requested Value: \$303,000

Board's Decision:

- [4] The assessment is confirmed at \$393,000

Board's Decision on Issue 1:

- [5] The sale comparisons used by the City resulted in a correct assessment for the subject.

Position of the Parties

Complainant's Position:

[6] The Complainant explained to the Board that they will present two sales comparables and although that may seem to be a small number of comparables to base an assessment on, the City also uses low numbers of sales to create assessments when sales are unavailable. The Complainant provide examples of various property types where assessments were created with few sales. The two sales comparables at 3515 32 ST NE and at 169 Pegasus Way NE were presented to the Board. These sales had a median and mean of \$142.00 sq. ft. and this value is the basis of the requested assessment.

Respondent's Position:

[7] The Respondent firstly questioned the two sales comparables presented by the Complainant. Both sales were shown to be for multiple units and not representative of a value for a single unit. 2169 Pegasus ST NE was also purchased by a tenant and not exposed to the market. 3515 32 ST NE according to a Realnet report was not brokered and had vendor financed.

[8] In support of the assessment the Respondent produced 15 sales which indicated a median of \$211.00 per sq. ft. The four most recent sales produced a range between \$185.00 per sq. ft. and \$237 per square ft. supporting the subject assessment of \$185.00 per sq. ft.

Board's Reasons for Decision:

[9] The Board notes that the Comparables presented by the Complainant have significant weaknesses as pointed out by the Respondent. These comparables are given little weight by the Board and do not convince the Board that the assessment is in error.

[10] The Respondent's sales comparables were strong and supported the assessment. In particular the Board notes one of the Respondent's comparable sales is in the same building as the subject and sold for \$191.00 per sq. ft. in 2010 adding strength to the assessed value.

DATED AT THE CITY OF CALGARY THIS 8th DAY OF October 2013.



Tom Golden

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.*

Roll	Address	Subject	Issue	Detail	Sub Detail
200956977	1 1404 44 AV NE	Warehouse		Cost/sales	Comparables Improvement value